
Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

ESTONIA

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If an error is identified, please bring it to the attention of the CCBE which will correct it, where appropriate.

Structure	Information received
1. Establishment	
1.1. Registration with Host Bar	<p>The right to act as an associated member of the Bar Association is granted, on the basis of an application, to a person who wishes to practice permanently in Estonia, who is a citizen of a member state of the European Union and who has the right to practice as an advocate on a permanent basis in a member state of the European Union.</p> <p>In applying for the right to act as an associated member, a person shall submit a certificate issued by a competent authority of a member state of the European Union certifying that the person the right to practise as an advocate on a permanent basis in that member state of the European Union. The certificate shall be valid if it is issued not more than three months prior to the submission thereof to the Board of the Bar Association.</p> <p>An associated member shall be a member of the general assembly. He or she has the right to vote in the elections of the Chairman and members of the Board. An associated member as a member of the Bar Association and provider of legal services has the rights and obligations provided in this Chapter.</p> <p>(Paragraph 66 of Estonian Bar Association Act (EBAA)).</p> <p>English version of EBAA is available here: https://www.riigiteataja.ee/en/eli/ee/519122017002/consolide/current</p> <p>Person who wants to apply for the associated membership must submit following documents:</p> <ul style="list-style-type: none">- An application (including personal identification code).- Copy of the passport.- Certification of being member of the home Bar Association (any document proving that).

	<ul style="list-style-type: none"> - Data of the law firm (both in home member state and in Estonia). - Documents certifying that the associated member is a member of the management of a law office or a shareholder of a company of attorneys in a member state of the European Union. - Professional liability insurance (EBAA § 48). <p>There is no registration fee.</p> <p>Membership fee is 60.72 eur monthly.</p>
1.2. Title	<p>In provision of legal services in Estonia, an associated member shall use the professional title which grants him of her the right to practise as an advocate in a member state of the European Union. The name of the body who granted such right or the name of the court where the associated member practises in a member state of the European Union shall be added to the professional title.</p> <p>The professional title of an associated member shall be expressed in at least one official language in a manner which enables it to be clearly differentiated from the professional titles of Estonian advocates.</p> <p>An associated member shall add the title "Associated member of the Estonian Bar Association" to his or her professional title.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 68 of EBAA
1.3. Salaried practice	<p>Employment as advocate is only permitted to another advocate or law firm.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 49 of EBAA
1.4. Legal Form and Shareholding	<p>An associated member may be member of the management of a law office and shareholder of a company of advocates and may inherit a share of a company of advocates on the same grounds as a sworn advocate. An associated member operating as a sole proprietor may conclude an association agreement to operate a law office on the same grounds as a sworn advocate.</p> <p>Associated members may be members of the management of a law office on the basis of an association agreement concluded in a foreign state if the parties to the agreement are persons practising as advocates on a permanent basis in a member state of the European Union only.</p> <p>A foreign company operating as a company of advocates or a branch thereof, whose shareholder an associated member is, may also act as a company of advocates.</p> <p>A foreign company among whose shareholders there are persons who do not have the right to practise as advocates on a permanent basis in a member state of the European Union shall not operate a law office.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 69 of EBAA
1.5. Joint Practice	<p>Permitted.</p> <p>Relevant provision:</p>

	- Paragraph 69 of EBAA
1.6. Areas of Activity	<p>The provisions of § 41 of EBAA (competence of sworn advocate) apply to an associated member providing legal services, taking into account the specifications provided for associated members.</p> <p>An associated member has the right to represent or defend a client in court only together with a sworn advocate.</p> <p>An associated member has the right to represent or defend a client in the Supreme Court only together with a sworn advocate.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 67 of EBAA
1.7. Practice Rules	<p>An associated member shall comply with the same requirements for and obligations related to professional activity and professional ethics as other members of the Bar Association.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 67 of EBAA
1.8. Principle of Double Deontology	<p>You are subject to the regulations not only by your home bar but also by your host bar.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 67 of EBAA
1.9. Disciplinary proceedings	<p>The professional activities of an associated member shall be supervised over and he or she shall bear disciplinary liability on the same grounds and according to the same procedures as the members of the Bar Association.</p> <p>An associated member shall be excluded from the Bar Association if he or she loses the right to practise as an advocate on a permanent basis in a member state of the European Union.</p> <p>The Board of the Bar Association shall notify a competent authority of the relevant member state of the European of commencement of proceedings of the court of honour against an associated member, of disciplinary penalty imposed on an associated member or of suspension of the activities of an associated member, and communicate the relevant information to the competent authority.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 70 and 71 of EBAA
1.10. Insurance (professional indemnity insurance, social security, etc.)	<p>Professional Indemnity Insurance: must comply with the rules for Estonian advocates.</p> <p>In order to ensure compensation for damage caused by the management of a law office or an advocate, the management of a law office is required to enter into a professional liability insurance contract on the following conditions:</p> <ol style="list-style-type: none"> 1) the insurer shall be a company which has permission to engage in insurance activities in Estonia; 2) the insured event involves direct patrimonial damage caused in connection with the provision of legal services by the management of a law office or an advocate, regardless of the place of provision of legal services. Liability for intentional breach of official duties need not be insured;

	<p>3) the minimum amount of insurance coverage for one insured event shall be not less than 63 910 euros;</p> <p>4) in case the insurance contract has been concluded with a deductible, the insurer shall compensate for the full amount of the damage and claim the deductible from the policyholder.</p> <p>Copy of the professional liability insurance contract shall be promptly submitted to the Board of the Bar Association.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 48 of EBAA <p>An associated member shall not be required to hold professional liability insurance provided for in EBAA if he or she has a professional liability insurance in a member state of the European Union which allows compensation for damages in Estonia in the extent as provided for in § 48 of EBAA. A different guarantee which is provided for by law to ensure compensation for damages shall also be deemed to be professional liability insurance. If the professional liability insurance does not cover damages in the extent as provided for in § 48 of EBAA, the associated member is required to enter into a professional liability insurance contract in the necessary amount.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 67 of EBAA <p>Social security: no special regulation.</p>
1.11. Fees	<p>Advocate and client can agree on a fee.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 60 of EBAA
1.12. Continuing Legal Education	<p>No special regulation applicable.</p> <p>In practice, in order to avoid the multiple application of continuing professional education schemes, the lawyer shall be subject to the continuing professional education rules of the host State bar, except where the home State bar has rules which oblige the lawyer to continue home State professional education wherever he or she is based.</p>
1.13. Bar	<p>By registration, you become member of the local bar.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - 3rd Chapter of EBAA
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	<p>A person who has the right to practice as an advocate on a permanent basis in a foreign state is admitted to the Bar Association as a sworn advocate on the basis of a written application and without passing a sworn advocate's examination, if his or her professional qualifications are recognised with an aptitude test according to the Recognition of Foreign Professional Qualifications Act. The competent authority specified in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act shall be the Estonian Bar Association.</p>

	<ul style="list-style-type: none"> • The Government of the Republic has established the list of professional titles which grant the right to practice as an advocate on a permanent basis in a member state of the European Union. • In the review of applications for recognition of professional qualifications, the provisions of Estonian Bar Association Act and of the internal rules of the Bar Association apply with respect to the professional suitability assessment committee. • A fee of 190 euros shall be paid to the Bar Association for the review of an application for recognition of professional qualifications. <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 67 of EBAA <p>If an associated member has practised Estonian law on a permanent basis for at least three years in Estonia, he or she has the right to a professional title of sworn advocate. If an associated member has practised in Estonia on a permanent basis for at least three years but has practised Estonian law for less than three years, he or she shall be entitled to a professional title of sworn advocate. In deciding the matter, the nature of his or her professional activities, knowledge and experience of Estonian law and his or her individual development shall be taken into consideration. In this case, a person shall not be required to pass sworn advocate's exam. An associated member shall submit a written application and information concerning his or her professional activities which certify his or her actual and continuous professional activity in Estonia to the Board of the Bar Association. The Board of the Bar Association may require additional information.</p> <p>In the case an associated member has practised in Estonia on a permanent basis for at least three years but has practised Estonian law for less than three years, the professional suitability assessment committee shall interview the associated member to find out the nature of his or her previous professional activities and knowledge of Estonian law.</p> <p>An associated member shall not be granted the professional title of a sworn advocate if disciplinary proceedings have been commenced against him or her, or if the associated member has, while practising in Estonia, committed a material violation against requirements for professional activities or professional ethics.</p> <p>If the professional title of sworn advocate has been conferred to an associated member, he or she shall lose the status of associated member.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 73 of EBAA
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2. Services

<p>2.1. Under home title & representation before courts</p>	<p>An advocate of a foreign state means a person who has the right to practise as an advocate on a permanent basis in a member state of the European Union and who is not a member of the Estonian Bar Association. In provision of legal services in Estonia, an advocate of a foreign state shall practice under the professional title of an advocate which grants him or her the right to practise as an advocate in a member state of the European Union. The name of the body who granted such right or the name of the court where the advocate of the foreign state practises in a member state of the European Union shall be added to the professional title.</p> <p>The professional title of an advocate of a foreign state shall be expressed in at least one official languages in a manner that enables it to be clearly differentiated from the professional titles of Estonian advocates</p>
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	<p>The provisions of § 41 of EBBA (competence of sworn advocate) apply to the professional activities of advocates of foreign states, taking into account the specifications provided in EBAA.</p> <p>An advocate of a foreign state may not practise as an advocate on a permanent basis in Estonia.</p> <p>In Estonia, an advocate of a foreign state may represent or defend a client in court only together with a sworn advocate.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - Paragraph 74 and 75 of EBAA
2.2. Deontology	<p>An advocate of a foreign state is subject to the rule in the host state and subject to disciplinary supervision of the bar.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 74 of EBAA
2.3. Fees	<p>An advocate's fee for his provision of legal services shall be regulated by the advocate's contract between the advocate and his client.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Paragraph 74 of EBAA
3. Acquisition of the national lawyer's title	
3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>See above point 1.14.</p> <p>The professional suitability assessment committee will appraise the professional qualification of a person having the right to operate in a foreign country as fully-fledged lawyer, to act as an attorney at law on the basis of suitability test.</p> <p>The goal of the suitability test is to appraise whether the persons theoretical knowledge and practical experience meets the requirements regularly presented in Estonia to attorney at law and whether the person knows sufficiently the rules of professional conduct established for lawyers, as well as to appraise the person's characteristics and skills and experience to act in Estonia as attorney at law.</p> <p>For passing the suitability test the person must adequately know the Estonian legislation, main legal acts specifying the activity of the Estonian Bar Association and lawyer's activity and requirements of professional ethics.</p> <p>Results of the suitability test are appraised by Professional suitability commission at a session. Results of the suitability test are appraised by every member of the commission without earlier discussing the appraisal with commission's members.</p> <p>Commission will recognise the professional qualification of a person having the right to operate in a foreign country as fully-fledged lawyer, to act as an attorney at law, if such appraisal has been given by more than half of commission's members having attended the session.</p>

	<p>For results of the suitability test the Professional suitability commission will draw a written decision, signed by all commission's members having attended the session. Decision will specify:</p> <ul style="list-style-type: none"> • decision's date and number of order; • names of members of Professional suitability commission having attended the session and the name of the person having taken the suitability test; • in what foreign country the person has the right to operate as a fully-fledged lawyer; <p>Decision of the Professional suitability commission on acknowledging the professional qualification.</p> <p>Commission's decision, whereby the person's professional qualification is not acknowledged must be substantiated.</p> <p>Professional suitability Commission's decision for passing the suitability test will be announced at the same session of commission in the presence of the person having done the suitability test promptly after the result is found out. The result of voting of the Professional suitability commission will not be made public.</p> <p>The copy of decision for passing the suitability test will be delivered by Board upon wish of the person having passed the test within 5 days after submitting the respective wish. The Board will deliver to the person having failed to pass the suitability test a substantiated decision within two weeks as from session of Professional suitability commission.</p> <p>The person whose professional qualification went unacknowledged due to failure to pass the suitability test, can take the new professional suitability test not earlier than upon lapse of six months.</p> <p>The failure to turn up at a suitability test shall be treated in analogy with the oral part of lawyer's examination subject to Internal Rules § 65.</p> <p>The opinion regarding the suitability of associated member of the Bar Association for obtaining the professional title of attorney at law will be given by Professional suitability commission upon proposal of Board of the Bar Association. For giving an opinion the commission's members will interview at session of commission the associated member, in order to find out about the type of his current professional activity and knowledge about the Estonian law.</p> <p>(Paragraph 73 of Internal Rules of Estonian Bar Association).</p>
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4. Practicalities

<p>4.1. Practical information</p>	<ul style="list-style-type: none"> • You can find information on the court system, addresses, contacts and opening hours of all Estonian courts under: http://www.kohus.ee/en • It is recommended to arrive at least 15 minutes beforehand, because you have to pass the security check, which can be time consuming. • Once you find the appropriate courtroom, please wait outside. You will be invited in. • Before the Estonian courts, it is not required to wear a gown in the courtrooms • It is required to stand when the judge walks in or when you speak to him. • Contacts to and information on the organization of the Estonian Bar Association are available under: https://www.advokatuur.ee/eng/frontpage
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<p>4.2. National organisation</p>	<p>Estonian Bar Association is a self-governing professional association acting on local government administration principles established on 14 June 1919 for the organization of the provision of legal service in private and public interest and defending of the professional rights of the attorneys. Estonian Bar Association assists the members of the Bar Association in their professional activity and performs surveillance, also looks out for the carrying on of the traditions of Estonian attorneys.</p> <p>Among the rest the Bar Association organizes professional in service training of the attorneys, relations with the lawyers, state companies and several local and foreign organizations and actively participates in legislative drafting. The Bar Association also organizes the performing of the public law function – performing of defence and representation in civil and administrative matters for a fee payable by the state.</p> <p>The Bar Association shall act through its bodies. The bodies of the Bar Association are the general assembly, the Board, the Chairman, the revision committee, the court of honour and the professional suitability assessment committee.</p>
<p>4.3. Reference to national legislation with other languages available + links</p>	<p>You may find English version of EBAA from here https://www.riigiteataja.ee/en/eli/ee/519122017002/consolide/current, Estonian Bar Association Internal Rules from here https://www.advokatuur.ee/eng/internal-rules and Code of Conduct from here https://www.advokatuur.ee/eng/internal-rules/code-of-conduct.</p>
<p>4.4. Reference to existing national guides</p>	<p>See above point 4.3.</p>
<p>4.5. Reference to services available for lawyers in that jurisdiction</p>	<p>Associated members have the same rights and obligations.</p>
<p>4.6. Contact information</p>	<p>advokatuur@advokatuur.ee</p>