

Report on My Exchange as Auditor at the Belgian Council of State in Estonia: Insights from Court Visits

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Introduction

As First Auditor at the Litigation Section of the Belgian Council of State, I participated in the AIHJA exchange program. From 23 to 26 September 2025, the program took me to Estonia, specifically Tartu and Tallinn. Due to a canceled flight following a ransomware attack at Brussels Airport, my program was shortened by one day. Thanks to the Supreme Court, and in particular Ms Karin Leichter-Tammisto, I was able — after rescheduling — to complete the full program.

I gained deep insight into the functioning of the Estonian legal system as a whole and the Supreme Court in particular. Attention was paid not only to legal operations, but also to organization, communication strategy, recruitment, and judicial training.

I would especially like to thank Ms Kadri Kivistik, Adviser to the Administrative Law Chamber, who assisted me during the visits and, through her presentation and answers to my questions, provided deeper insight.

In short, I was impressed by the efficiency, digitalization, and flexibility of Estonia's young court system.

The structure of Estonia's court system is among the simplest in Europe. It follows a monistic model with, at first instance, the district and administrative courts; at second instance, the circuit courts with civil, criminal, and administrative chambers; and at third instance, the Supreme Court, also with civil, criminal, and administrative chambers.¹

Estonia is a front-runner in digital procedure, supported by a high-performance IT system and facilities that for example allow attorneys to participate in public hearings by teleconference. The flexibility of the court system is evident in constitutional review (see below) and in collaboration among judges across chambers. Expertise from judges sitting in other chambers is frequently called upon, both at the second instance and in the Supreme Court.

¹ <https://www.riigikohus.ee/en/estonian-court-system>

Estonian law, following Estonia's independence in 1991, is influenced by German law.

Below I provide a brief overview of the program and my some of my principal findings.

Chapter 1: Program Overview

The exchange program, organized by the Supreme Court of Estonia in Tartu, ran from Monday, 22 September to Friday, 26 September 2025. It offered an intensive schedule combining formal visits, presentations, informal exchanges, and cultural visits in Tartu.

On Tuesday, 23 September 2025, the program began with a 10:00–12:00 visit to the Tartu Circuit Court and the Tartu Administrative Court. I met Ms Sirje Kaljumäe, President of the Tartu Administrative Court, and members of the Administrative Law Chamber of the Tartu Circuit Court. In the afternoon, I was welcomed by Ms Julia Lafranque and Mr Heiki Loot, both justices of the Supreme Court's Administrative Law Chamber. After a tour of the building, a former military hospital, I received an introduction to the work of the Administrative Law Chamber and then had time to prepare the cases scheduled for the next day's session. The day concluded with a very nice dinner with members of the Supreme Court.

On Wednesday, 24 September, I joined the morning deliberations on matters handled in the leave (filter) procedure as well as cases admitted following that procedure. I was assisted by an excellent interpreter. In the afternoon, I delivered a presentation to the Supreme Court on the functioning of the Belgian Council of State, followed by a historical walk in Tartu.

On Thursday, I attended presentations on the Supreme Court's communication of judgments and internal communications, and on the process of judicial selection in Estonia and judicial training. My Tartu visit concluded with a guided tour of the Estonian National Museum. I then travelled to Tallinn.

On Friday, I met with Mr Kristjan Siigur, Chairman of the Tallinn Circuit Court, to discuss the challenges facing judges in Estonia. I then received a briefing from Ms Kristi Kirsberg on the resolution of defamation cases.

Chapter 2: Overview of the Court System in Estonia

Estonia's court system has three instances: district and administrative courts at first instance; circuit courts at second instance; and the Supreme Court at third instance.

The administrative court and the circuit courts sit only in Tallinn and Tartu. Circuit courts, as courts of second instance, review judgements and orders of county and administrative courts on appeal. There are civil, criminal, and administrative chambers. A judge from one chamber may sit in another. For example, where an administrative case contains a significant criminal law element, a judge from the criminal chamber may sit in the administrative chamber.

The Supreme Court is located not in the capital, Tallinn, but in Estonia's second city, Tartu, due to its proximity to the country's principal university. The physical distance also symbolises the judiciary's independence from the other branches of government seated in the capital.

The Supreme Court simultaneously serves as the highest court of general jurisdiction (criminal and civil chambers), as the supreme administrative court (Administrative Law Chamber), and as the constitutional court (Constitutional Review Chamber).

The Chief Justice of the Supreme Court serves *ex officio* as Chair of the Constitutional Review Chamber. In addition to the Chief Justice, eight justices sit on the Constitutional Review Chamber. Each year, on the Chief Justice's proposal, the Supreme Court en banc² appoints two new members of the Chamber from among the justices and releases the two most senior members from those duties.³

The simplicity of Estonia's system is distinctive. This is showcased in the Supreme Court's simultaneous roles as court of last resort in general jurisdiction, supreme administrative court, and constitutional court.

Chapter 3: Constitutional Review Mechanism

Estonia's constitutional review mechanism is particularly noteworthy. § 152 of the Estonian Constitution provides: *"When determining a case, the courts refuse to give effect to a law or other legislation or administrative decision that is in conflict with the Constitution. The Supreme Court declares invalid any law or other legislation or administrative decision that is in conflict with the letter and spirit of the Constitution."*⁴

Estonia operates a decentralized, concrete review model centered on the ordinary courts, with the Supreme Court's Constitutional Review Chamber acting as the final arbiter. There is no separate constitutional court.

Belgium operates a centralised review model. Under Article 142 of the Constitution, only the Constitutional Court reviews the constitutionality of legislative norms. Access to the Court is primarily via: (i) actions for annulment, brought by designated entities or interested parties within a statutory period, and (ii) preliminary questions from other courts, which trigger incidental review where a provision's constitutionality is decisive for a case. Proceedings are suspended until the Constitutional Court issues its ruling.

² The Supreme Court en banc is the highest body of the Supreme Court, which is comprised of all 19 justices of the Supreme Court.

³ https://www.riigikohus.ee/sites/default/files/Tr%C3%BCKis/Riigikohus-brosyyr-2025_ENG.pdf

⁴ <https://www.riigiteataja.ee/en/eli/530102013003/consolide>

Both approaches ensure constitutional control, albeit through distinct procedural architectures.

Chapter 4: Procedural Economy

Estonian procedural law is strongly oriented toward judicial or procedural economy.

§ 2(2) of the Code of Administrative Court Procedure sets out the following purpose and general principle: *“An administrative case must be dealt with — by an independent and impartial court — justly, fairly, within a reasonable time and at the lowest possible cost.”*⁵

No comparable provision appears in the procedural rules of the Belgian Council of State.

The Code also underscores the responsibility of parties and attorneys to further these aims. § 28 provides, inter alia: *“(1) Parties must exercise their procedural rights in good faith. (2) The court does not permit any party, or the party’s representative or adviser, to abuse their rights, to delay proceedings or to mislead the court. The court may impose a fine on any party, representative or adviser who maliciously interferes with the just and expeditious conduct of proceedings at the lowest possible cost, as well as on any party, representative or adviser who in a written representation has expressed themselves in an improper manner or has shown disrespect towards the court or another party.”*

§ 52(1) requires clarity and brevity of the declaration: *“The wording of a representation must be as clear and succinct as possible. It is prohibited for the representative to express themselves in an improper manner or to show disrespect to the court or to another party.”*

If these requirements are not met, the court may set a deadline to cure the defect. § 55(1) states: *“Where a representation made by a party does not meet requirements for its form or substance, or where its making is tainted by other defects that are curable, including non-payment of the statutory fee, the court provisionally refuses to consider the representation and sets the party a time limit for curing its defects.”*

These rules are as I’m told well observed in practice.

Before the Belgian Council of State, the applicant must identify, in each plea, the legal rule allegedly infringed and the manner in which it was specifically violated. Where further elaboration is necessary, the application includes a summary of the grievance. The absence of such a summary does not render the grievance inadmissible.

In practice in Belgium, the number of pages of applications continues to expand, and attorneys often omit a summary of the plea because no sanction applies. This increases the workload, particularly given the expectation that the auditor files a report with a proposed solution within six months.

⁵ <https://www.riigiteataja.ee/en/eli/527012014001/consolide>

The clear legal framework for procedural economy in Estonia can serve as an inspiration to rethink how a case is brought and handled. It was clear to me that this focus on procedural economy did not lead to any loss in the quality of judicial protection; on the contrary. Deliberations remained deep and of high quality, and at the same time, these measures help courts reach decisions more quickly.

Chapter 4: Digitalization

Estonia's judicial system is among the world's most advanced in terms of digitalisation, with full electronic processing across civil, administrative, and criminal proceedings. The e-File is a central information system that provides an overview of the different phases of proceedings, procedural acts, and court adjudications to all parties involved, including citizens and their representatives. It is an integrated system enabling the simultaneous exchange of information between different parties.⁶ The e-File is regarded as a saver of time and money. It enables a fully digital workflow for all parties to the proceedings. The user interface appeared clean and professional to my eye.

Most cases handled by the Supreme Court proceed in writing. Digitalisation has led to fewer public hearings. Nevertheless, when the court holds public hearings, videoconferencing is routinely used. Courtrooms are equipped with all the necessary technical infrastructure. Attorneys can attend hearings via teleconference.

Of the 12 public hearings by the Supreme Court, 7 were broadcast on YouTube (see below).⁷

At the Belgian Council of State, proceedings are almost completely digitalised. Although there is a push towards written procedure, the handling of most cases still involves a public hearing. Public hearings are never broadcast.

Chapter 5: Communication strategy

The Supreme Court of Estonia operates with a professional, full-time media team that adopts a proactive communication strategy. This team, led by a Press Officer, manages approximately 80 press releases annually, focusing on cases of legal significance or high public interest. They utilise various channels, including direct media engagement, social media (LinkedIn and Facebook), and the systematic broadcasting of public hearings on YouTube, which garnered nearly 20,000 views in 2024.

An internal communications specialist also ensures consistent messaging within the Court and supports public outreach initiatives such as student competitions. This integrated approach ensures timely, accurate, and accessible communication, enhancing transparency and public understanding of the Court's work.

⁶ <https://www.rik.ee/en/international/e-file>

⁷ <https://www.youtube.com/@EestiKohtud>

An important driver behind these communication efforts is attracting young talent. The Court recognises the need to reach and inspire young law graduates who aim to become judges within a few years of completing their studies. It is therefore considering expanding social media campaigns to platforms such as Instagram, although this has not yet been implemented.

The Court also engages the public through reasoned, accessible commentary by members of the judiciary. Judges contribute op-eds on complex legal issues and matters of public importance, helping to clarify jurisprudence and contextualise decisions without compromising judicial independence or impartiality. For example, an opinion piece was published explaining the Supreme Court's judgment on assistance in suicide.

In contrast to the Estonian Supreme Court, the Belgian Council of State does not have a separate professional press team. Instead, designated press magistrates coordinate media requests and provide explanations. News items on significant judgments are published on the Council's website and shared via its official LinkedIn profile.

Chapter 6: Selection and training of judges

What struck me in the presentation on 'the selection and training of judges' was the clear articulation of the qualities a judge should ideally possess. The focus was not limited to thorough legal knowledge but extended to many other aspects as well.

The Estonian framework identifies three core dimensions.

- First, *professionalism* requires not only mastery of current legal doctrine and careful case preparation, but also dignified conduct, personal integrity, and a commitment to advancing the rule of law and the judicial system as a whole.
- Second, judges must be *practical and humane*, treating all participants with equality and respect, expressing themselves clearly and concisely, keeping parties informed throughout proceedings, and fostering a trusting, collaborative atmosphere within their teams.
- Third, *effectiveness* demands the ability to distinguish essential from peripheral issues, make timely decisions, establish efficient workflows, lead proceedings decisively, leverage colleagues' strengths, contribute to coherent case law, and achieve rapid, cost-effective resolutions without sacrificing empathy or resilience.

I was also struck by the thorough professionalisation of the training programme for (young) judges. The curriculum covers not only legal subjects, but also the sharpening of qualities that further develop judges' case managerial skills.

Estonia's judicial training system is overseen by the Training Council, which approves training strategies, annual programmes, and the judges' examination programme. The Council includes justices of the Supreme Court, judges from appellate and first-instance courts, and representatives of the Prosecutor's Office, the Ministry of Justice, and the University of Tartu School of Law; the Bar Association participates as an observer.

The annual programme is dynamic and combines legal and skills-based training for civil, criminal, and administrative judges. Skills modules address judicial ethics, judgecraft (decision-writing and hearing management), and practical competencies such as time management, stress reduction, and memory techniques. Judges also have access to international training and exchanges to support continuous professional development and comparative insight.

Chapter 7: Conclusion

I am grateful to AIHJA for facilitating my visit and to the Supreme Court of Estonia for such a delightful welcome.

The decentralized constitutional review, codified procedural economy, and advanced digitalization are hallmarks of the Estonian judiciary. This well-implemented system with a strong communication and training strategy reinforces both the quality and the speed of judgments.

The visit prompted me to think more deeply about digitalization, procedural economy, and the continuous need to improve the justice system, particularly in this new era of artificial intelligence.

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