



EESTI ADVOKATUUR

ESTONIAN BAR ASSOCIATION

54th European Presidents' Conference Country Report – Estonia

General information

As of 31 December 2025, Estonian Bar Association (EBA) had 1171 members, including:

- 702 attorneys-at-law (in Estonian *vandeadvokaat*)
- 198 assistant attorneys-at-law (in Estonian *vandeadvokaadi abi*) and
- 3 associated members.

268 members had suspended their membership for various reasons (parental leave, working in public service or as in-house counsel, etc.). EBA members practised in 208 law firms and statistically there was one attorney for every 1,509 Estonian residents. From 1 January, membership fees were increased (for attorneys-at-law and associated members 75 euros and for assistant attorneys-at-law 60 euros per month).

Disciplinary proceedings

In 2025, the Ethics Tribunal received 126 complaints (103 complaints in 2024). The Ethics Tribunal initiated 26 disciplinary cases (also 26 in 2024) and applied sanctions in 8 disciplinary cases – 6 reprimands and 2 fines (in 2024 there were also 8 sanctions applied).

Participation in legislation

EBA participated actively in the legislative process by reviewing and commenting on draft legislation. EBA has established 13 expert committees (on ethics and methodology, state legal aid, protection of fundamental rights, administrative law, commercial law, competition law, family law, insolvency law, IP/IT law, labour law, tax law, financial law and the recently established procedural law committee). The committees assisted EBA in responding to requests by the Ministry of Justice and Digital Affairs or other ministries to review and comment on draft legislation. In 2025, EBA was asked for its opinion on a total of 8 intentions to develop a law, 25 on a draft bill and in 14 cases, on another legal document (public consultation, action plan, ministerial decree, etc.). EBA's opinions were published 19 times through the expert committees or board of EBA.

In addition, EBA submitted many proposals to the Council for Efficiency and Economic Growth aimed at improving the business environment and reducing the administrative burden, most of which have received preliminary approval from the Government of the Republic and on which the state continues to work. The Entrepreneurs' Council convened for the first time at the invitation of the Prime Minister at the Government Office in March 2025. The task of the Council is to make concrete proposals to the Prime Minister for deregulation, the reduction of requirements and bureaucracy, and steps to support economic growth; the vast majority of the Bar's proposals were approved by the Government.

Surveillance and legal professional privilege

In 2024, worrying cases concerning surveillance of attorneys came to the attention of EBA indicating clearly that the Estonian laws are insufficient to effectively protect legal professional

privilege when it comes to surveillance and that there is a lack of consistent court practice which could help to overcome the shortages of legislation.

On 15 October 2025, the Supreme Court published a significant ruling clarifying how authorities must act when police intercept communications between a lawyer and a client during telephone surveillance.

The case arose from a complaint filed by three attorneys whose phone calls with a client were recorded during surveillance of the client. The attorneys learned of the interception only by chance and argued that both the interception and the failure to notify them violated their right to privacy and the protection of legal professional privilege.

All three court instances found the complaint well founded, holding that the attorneys should have been directly notified of the interception. The Supreme Court held that protection of fundamental rights can be ensured through interpretation of existing legislation, while emphasising that legal provisions governing the protection of client confidentiality in surveillance activities should be more detailed. The Court noted that, according to ECtHR case law, private life encompasses professional activities, and that any interception of attorney-client communication constitutes a significant interference with fundamental rights—regardless of the specific content, as even the mere fact of contacting an attorney is confidential.

Because communication between an attorney and a client is subject to special protection by the state, the Supreme Court held that any interception of such communication always constitutes a significant interference with fundamental rights. The specific content of the calls is not decisive, as even the mere fact of contacting an attorney is confidential. The Court emphasised that confidentiality protects not only the client but also the relationship of trust essential for comprehensive legal services and the fair administration of justice. The ruling established that attorneys must be notified of surveillance if the intercepted call clearly involves legal services and the attorney's identity can be established with reasonable effort. The Court also held that recordings containing privileged information must be retained until the attorney has had the opportunity to review and decide whether they should be preserved or destroyed.

EBA has asked the Ministry of Justice and Digital Affairs about plans to amend the relevant regulations; however, no information has been provided. While one draft bill does exist, EBA considers it insufficient and has submitted proposals to supplement and improve the draft legislation.

Ruling available at: <https://www.riigikohus.ee/et/laheid/?asjaNr=1-24-7248/21>

In its judgment of 16 November 2021 in the case of *Särgava v. Estonia* (<https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-213208%22%5D%7D>), the European Court of Human Rights found that attorney-client confidentiality is not sufficiently guaranteed in Estonia.

Four years ago, EBA submitted to the Ministry of Justice and Digital Affairs a draft bill introducing amendments to the Code of Criminal Procedure to address this issue. The Ministry finalised the draft bill only at the end of 2025, as other legislative initiatives—often driven by political priorities—were given precedence. The official interministerial coordination process, which precedes submission of the draft bill to the Government, commenced in early 2026.

Information Security

As digitalisation also introduces information security challenges, attorneys and the Bar must continue to enhance information security standards. In 2025, the Bar introduced the Information Security Certificate, which confirms that a law firm has consciously implemented measures and invested in information security to ensure the protection of its data and information systems. By obtaining the certificate, a law firm demonstrates its commitment to data protection, thereby enhancing its reliability and reputation. The certificate is voluntary and open to all law firms, regardless of size or location.

Fighting against aggression, threats, and harassment towards attorneys

EBA has observed a growing trend of systematic attacks against attorneys, particularly on social media and other online platforms, in which attorneys are increasingly equated with the actions or views of their clients. Such attacks are aimed at undermining both individual attorneys and the legal profession as a whole and, in certain cases, extend to the family members of attorneys.

The principle that an attorney must not be equated with a client constitutes a fundamental professional safeguard, essential for ensuring access to justice, safeguarding the independence of the legal profession, and upholding the proper functioning of the rule of law. EBA has also expressed concern that, in certain instances, members of the profession have themselves contributed to amplifying such attacks.

EBA emphasises the importance of collegiality and respectful professional conduct. Where necessary, it is taking steps to support affected attorneys, assess possible legal and regulatory responses, and encourage the reporting of such attacks, with a view to maintaining trust in the legal profession and in the administration of justice.

The Bar has initiated a working group representing attorneys, judges, and prosecutors to address attacks against members of the judicial system in a coordinated way, to share best practices, to support members of the legal profession, and to develop the necessary legislative amendments that would enable effective protection of attorneys against such attacks.

State legal aid

According to the law, EBA has the duty to arrange state legal aid. In 2025, the funding of state legal aid was 5.575m EUR (in 2024 it was 5.675m EUR). 10 234 (in 2024 10 400) legal aid applications were submitted (incl. ca 53% defence in criminal proceedings, misdemeanours ca 1%, ca 45% representation in civil proceedings and ca 0.6% representation in administrative procedures) and there were on average 104 attorneys who provided state legal aid. This number has stayed the same over the past few years and is on a critical level for the system to be sustainable. State legal aid fees for attorneys have not increased since February 2023, and the state has made no commitment to raise them, although the Bar regularly highlights the necessity of doing so.

In June 2025, Parliament initiated proceedings on the Civil Crisis and National Defence Act, which is intended to strengthen crisis preparedness across the national defence system. The draft legislation would impose an obligation on EBA to ensure the provision of state legal aid by its members during crisis situations. This would require EBA to develop appropriate mechanisms, provide training for attorneys, and undertake other related activities. EBA has expressed concern regarding the increasing administrative burden and the financing of these measures, as no state funding is currently foreseen.

Foreign relations

2025 was again an active and fruitful year for EBA in foreign relations, where several interesting meetings took place, for example:

19 February 2025 – EBA hosted Belgian officials and attorneys visiting Estonia for a study visit. The guests were introduced to the handling of digital evidence in criminal proceedings and the challenges of the Estonian system.

19–20 May 2025 – In Paris, the seminar of the LITEL 2 (Lawyers Innovative Training on EU Law) project took place, bringing together European Bars and training centres. The seminar focused on the use of artificial intelligence in legal practice, as well as associated regulatory and ethical issues. EBA was represented by board member Triin Toom, who shared EBA's experience in preparing AI guidelines for lawyers and organising AI-related training.

28 May 2025 – President Imbi Jürgen and board member Triin Toom participated in a meeting at the Ministry of Justice and the Ministry of Digital Affairs with representatives of the Ministry of Justice of the Republic of Korea. At the request of the Korean delegation, the Estonian representatives introduced the organisation of the legal profession, related regulations, attorney ethics and disciplinary procedures, the legal status and competence of EBA, and principles for advertising legal services in Estonia.

3–4 July 2025 – The annual two-day HELP (Human Rights Education for Legal Professionals) network conference was held at the Council of Europe. HELP is a training programme of the Council of Europe aimed at providing relevant human rights information and training to judges, prosecutors, and lawyers. EBA joined the HELP network in 2024 and was represented by lawyer Kersti Surva at the conference.

28 August 2025 – A roundtable meeting was held with Bruna Szego, Head of the European Union Agency for Anti-Money Laundering (AMLA), who visited Estonia to discuss cooperation between AMLA and Estonian organisations and stakeholders. Participants also included the Financial Intelligence Unit, the Ministry of Justice and the Ministry of Digital Affairs, as well as representatives of supervisory authorities and market participants. The roundtable provided an overview of AMLA's tasks, aimed at ensuring the uniform implementation of EU legislation in the field of anti-money laundering and counter-terrorism financing.

17 September 2025 – Through the European Judicial Training Network (EJTN), five judges from France, the Czech Republic, Italy, Romania, and Germany visited EBA. President Imbi Jürgen introduced the judges to the organisation and functioning of EBA. Discussions focused on admission requirements, the state legal aid system, and attorneys' obligations regarding anti-money laundering and sanctions compliance, generating a lively exchange of ideas and experiences.

4-5 December – In Brussels, a follow-up seminar of the LITEL 2 project took place, which focused on ethics and artificial intelligence. EBA was represented by Anne Veerpalu, the chairman of the Intellectual Property and IT Law Committee.

EBA also participates actively in the work of CCBE (The Council of Bars and Law Societies of Europe) and IBA (International Bar Association).