

1) What kind of allegation can justify disciplinary proceedings against judges in your country: an individual's behavior only in the workplace or also in his or her private life? Give some examples, please. Can the content of the decisions taken by judges also lead to disciplinary proceedings? Can judges be charged criminally for the content of their judicial decisions under any circumstances?

According to our law, a disciplinary offence is considered to be a wrongful act of a judge which consists in failure to perform or inappropriate performance of official duties. An indecent act of a judge may also be a disciplinary offence. Thus, individual behavior of a judge in his or her private life may be regarded as disciplinary offence. These acts are usually related with illegal behavior of a judge in his or her private life, for example drunk driving or violent conflicts with other people. However, not every breach of judges` ethics is automatically regarded as an indecent act resulting with disciplinary proceeding.

The content of decision in itself may not be regarded as wrongful act. It is stated in the Penal Code that only if the judge is making knowingly an unlawful decision, this is regarded as crime.

2) Which body is responsible for disciplinary proceedings against judges in your country? Is the body that carries out the disciplinary procedure the same one that imposes the penalties? What is the composition of the body responsible for disciplinary proceedings (as well as the one who must apply penalties to judges, when it is not the same)? Is it composed only by judges, does it have a mixed composition, or is it composed only by professionals outside the of the Judiciary Branch? Kindly describe the composition of that body (those bodies).

In Estonia, disciplinary proceedings are instituted by preparation of disciplinary charges. Estonian Chief Justice of the Supreme Court and Estonian Chancellor of Justice may initiate disciplinary proceedings against all judges. Chief judges of Courts of Appeal may initiate proceedings against judges of first instance in their judicial district and a chief of a first instance court against judges of the same court. The Supreme Court *en blanc* may initiate proceedings against the Chief Justice of the Supreme Court.

A Disciplinary Chamber adjudicates disciplinary cases of judges. This Chamber consist of five justices of the Supreme Court, five Circuit Court judges and five judges of courts of first instance. The Supreme Court *en banc* appoints, for the term of three years, the chair of the Disciplinary Chamber and other members of the Disciplinary Chamber who are justices of the Supreme Court. Other members of the Disciplinary Chamber are elected by the court *en banc*. The Court *en banc* is comprised of all judges of Estonia and this body elects five circuit court judges and five judges of courts of first instance to participate in the adjudication of disciplinary cases in the Disciplinary Chamber of the Supreme Court.

For the adjudication of a disciplinary case of a judge, the chair of the Disciplinary Chamber forms a five-member panel consisting of three members of the Disciplinary Chamber who are justices of the Supreme Court, one Circuit Court judge and one judge of a court of first instance.

3) Which disciplinary penalties can be imposed on judges in your country? Is the disciplinary penalty of removal from office among them? Can a judicial conviction for a crime lead to a penalty of removal from office?

In Estonia, we have the following disciplinary penalties: a reprimand, a fine in an amount of up to one month's salary, a reduction in salary (up to 30% and for no longer than 1 year) and removal from office. Only one disciplinary sanction may be imposed on a judge for one and the same offence. A criminal sanction or a sanction for a misdemeanour imposed for the same act does not preclude the imposition of a disciplinary sanction. Thus, it is possible to state that a criminal conviction may lead to a removal from office.

4) In the disciplinary proceedings against judges in your country, is a fair trial granted? Is there an appeal against the decision imposing a disciplinary penalty on judges? During the disciplinary proceedings, can the judge be suspended from office? Does the judge who is suspended during disciplinary proceedings continue to earn a salary normally or does the judge suffer any reduction in income?

Yes, we may state that we have fair trial in Estonia. The Disciplinary Chamber may remove a judge from service for the duration of hearing of a disciplinary case. Upon deciding the removal from service, the Chamber considers the nature and gravity of the disciplinary offence of which a judge is accused. Where circumstances related to a judge exist which significantly harm the reputation of the court, the Disciplinary Chamber may temporarily remove the judge from service until the institution of disciplinary proceedings is decided. If the Disciplinary Chamber removes a judge from service for the duration of hearing of a disciplinary case, the Chamber may also reduce the judge's salary for the same period. The salary may not be reduced by more than a half. On these decisions, a judge may file an appeal to the Supreme Court *en banc*.

Also, a judge on whom a disciplinary sanction is imposed, may file an appeal to the Supreme Court *en banc* within 30 days after the decision is pronounced.

5) Were there any recent changes regarding disciplinary proceedings that may be considered to infringe upon judicial independence in your country? If so, were those changes introduced by legislation, or were existing laws applied differently? Please specify.

There are no recent legal changes in Estonia regarding disciplinary proceeding.