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## **Election of Judges to the European Court of Human Rights**

### **List and curricula vitae of candidates submitted by the Government of Estonia**

#### **Communication**

Secretary General of the Parliamentary Assembly



<b>Contents</b>	<b>Page</b>
1. List and curricula vitae of candidates submitted by the Government of Estonia .....	3
2. Information on national selection procedure for the position of a judge of the European Court of Human Rights .....	3
Appendix 1 – Madis ERNITS .....	6
Appendix 2 – Meeli KAUR .....	11
Appendix 3 – Peeter ROOSMA .....	14

## 1. List and curricula vitae of candidates submitted by the Government of Estonia

*Letter from Ms Maris Kuurberg, Government Agent before the European Court of Human Rights, Ministry of Foreign Affairs of Estonia, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 7 March 2019.*

[...]

With reference to your letter of 4 June 2018, addressed to the Estonian Ambassador Katrin Kivi, the Estonian Government was invited to submit to the Parliamentary Assembly the names and curricula vitae of the candidates included by the Estonian Government in the list of candidates together with information on the procedure by which the candidates were selected, at the latest by 22 May 2019.

It was noted in the letter that the Government are first invited to submit the list of candidates to the Advisory Panel.

[...] The Panel will make their opinion known to the Secretary General of the Parliamentary Assembly as soon as the Estonian authorities have submitted the list to the Parliamentary Assembly.

Hence, I submit the Parliamentary Assembly the list of candidates, approved by the Estonian Government on 13 December 2018 (in the alphabetical order):

- Mr Madis Ernits
- Ms Meeli Kaur
- Mr Peeter Roosma

Mr Madis Ernits is a judge in Tartu Court of Appeal (administrative chamber) since 2012. From 2002 to 2010, he worked in the Chancellor of Justice's Office and was also a Deputy Chancellor of Justice. He is one of the Estonian ad hoc judges in the Court of Human Rights since 2016. He also acts as a lecturer and is the author and co-author of several publications on law (books and articles). He is also a member of the Estonian Constitutional Expert Group established by the Ministry of Justice.

Ms Meeli Kaur is a judge in Tallinn Court of Appeal (civil chamber) since October 2018. From 2004 to 2018, she was a judge in Harju County Court. She is one of the Estonian ad hoc judges in the Court of Human Rights since 2016. In 2013-2014, she was seconded to the European Court of Human Rights. Until October 2018, she was a member of the Judges' Disciplinary Chamber of the Supreme Court and she is a member of the Advocates' Professional Suitability Assessment Committee of the Estonian Bar Association.

Mr Peeter Roosma is a justice of the Supreme Court (criminal chamber) since 2016. Since 2017, he has been a member of the Judges' Disciplinary Chamber and, since 2018, he is also a member of the Constitutional Review Chamber of the Supreme Court. From 2004 to 2016, he worked in the European Court of Human Rights as a lawyer and non-judicial rapporteur. He is one of the Estonian ad hoc judges in the Court of Human Rights since 2016. He has been a member of the Venice Commission and has published law-related articles and has been a co-author of several commentaries to legal acts.

[...]

## 2. Information on national selection procedure for the position of a judge of the European Court of Human Rights

According to § 9 (9) of the Foreign Relations Act of Estonia, the Minister of Foreign Affairs with the approval of the Minister of Justice and after having considered the opinions of the Chief Justice of the Supreme Court, the Chancellor of Justice and the State Secretary, shall submit the candidates for judges to international courts to the Government for approval. According to the referred law, the Ministry of Foreign Affairs is also responsible for organizing the selection of the candidates for judges to the European Court of Human Rights.

In August 2018, the Ministry of Foreign Affairs published an announcement for public competition to find candidates to a position of a judge to the European Court of Human Rights (as of January 2020). A full text of the announcement was published on the Internet web-page of the Ministry of Foreign Affairs. The announcement included the requirements set forth in Articles 21 and 22 of the Convention, as well as further requirements emanating from Resolution 1646 (2009) of the Parliamentary Assembly and from § 47 of the Estonian Courts' Act. The relevant provisions of the Court's Act set forth the requirement for (Estonian) judges<sup>1</sup>, thus, the candidates to the position of a judge to the Court of Human Rights have to fulfil these

criteria as well. This requirement has been considered as an example of good practice in the [explanatory memorandum](#) to the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights (see para. 23).

The shorter text of the competition announcement (with reference to the web-site of the Ministry of Foreign Affairs) was thereafter published in one daily newspaper (*Postimees*) and in one weekly newspaper (*Eesti Ekspress*) and in the electronic versions of these newspapers. In addition, the announcement was published in the web-page for public competitions ("Avalikud konkursid") and was sent to the list of all Estonian judges and also to the Estonian Bar Association to be circulated to its members.

The completion was open until 26 September 2018. All interested candidates had to submit, in addition to an application, the model curriculum vitae in English and in French and documents proving their education. Ten candidates applied (of whom eight were men and two women).

Thereafter, on 2 October 2018, the Minister of Foreign Affairs formed by its order no 169 a committee for review of the submitted applications and selection of the candidates. Members of the committee were the Minister of Foreign Affairs (chairman), the Minister of Justice, the Chief Justice of the Supreme Court, the Chancellor of Justice and the Secretary of State. All members of the committee were entitled to consult with the institution they were representing and they were entitled to appoint their substitutes.

On 18 October 2018, at its first meeting, the committee reviewed all ten applications and selected six candidates for interviews (five men and one woman). When selecting the candidates the committee proceeded from the criteria for the judges set forth in the Convention and in the above-mentioned resolution of the Parliamentary Assembly of the Council of Europe. The committee also verified that all the selected candidates fulfilled the criteria set forth for the judges in Estonia (§ 47 of the Courts Act). The committee also followed the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights (of 28 March 2012) and its explanatory memorandum, and took, therefore, into account the language skills of the candidates (English and French) and both age factor and gender balance.

It is appropriate to add here, that at the time the first selection for interviews was carried out, one of the candidates had, in the meanwhile, moved up in her career. Namely, Ms Meeli Kaur had been appointed to be a judge in the Tallinn Court of Appeal. That information was not public at the time she had submitted her application to participate at the public competition, thus, her curriculum vitae does not include that reference. Nevertheless, as of 22 October 2018, she is a judge in the Tallinn Court of Appeal (civil chamber).

At its second meeting, which took place on 5<sup>th</sup> and 14<sup>th</sup> November 2018, the committee interviewed six candidates. Each candidate had 30 minutes. First, each candidate had some time to introduce himself or herself and thereafter the members of the committee asked questions related to the candidate's background and achievements and the work of the Court of Human Rights. Thereafter, each member of the committee selected three candidates, thus, the final decision was based on the outcome of a vote. The list of candidates submitted to the Government, consisted of the names of the candidates who received most votes. The committee also took into account the gender balance requirement.

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1. § 47. Requirements for judges

(1) A citizen of the Republic of Estonia may be appointed as a judge if he or she:

1) has acquired in the field of law at least an officially certified Master's degree, a corresponding qualification for the purposes of subsection 28 (22) of the Republic of Estonia Education Act or a corresponding foreign qualification;

2) has proficiency of the Estonian language at the level C1 provided for by the Language Act or a corresponding level;

3) is of high moral character;

4) has the abilities and personal characteristics necessary for working as a judge.

(2) The following shall not be appointed as a judge:

1) persons who are convicted of a criminal offence;

2) persons who have been removed from the office of judge, notary or bailiff;

3) persons who have been expelled from the Estonian Bar Association;

4) persons who have been released from the public service for a disciplinary offence;

5) persons who are bankrupt;

6) persons whose professional activities as an auditor have been terminated except termination on the basis of the application of an auditor;

7) persons who have been deprived of the qualification of a patent agent, except deprivation of qualification on the basis of the application of a patent agent;

8) who have been deprived of the profession of a sworn translator on the basis of clause 28 (3) 3) of the Sworn Translators Act.

The committee presented the list of three selected candidates (in alphabetical order) – Mr Madis Ernits, Ms Meeli Kaur and Mr Peeter Roosma – to the Government for approval.

On 13 December 2018, the Government approved the list of three candidates to the European Court of Human Rights – Mr Madis Ernits, Ms Meeli Kaur and Mr Peeter Roosma.

The Government also appointed the Ministry of Foreign Affairs to organise the submission of the list of nominated candidates to the Council of Europe.

## Appendix 1 – Madis ERNITS

### CURRICULUM VITAE<sup>2</sup>

#### I. Personal details

Name, forename: Ernits, Madis

Sex: male

Date and place of birth: 18/05/1971, Tallinn

Nationality: Estonian

#### II. Education and academic and other qualifications

##### a. Education and academic qualifications

- 2012–Present – Doctoral Programme in Law, University of Tartu
- 2011 – Estonian judge's examination with emphasis on administrative and criminal law
- 1998–2001 – Legal clerkship in Kiel and the Final State Exam in Law (Große Juristische Staatsprüfung) in Hamburg
- 1996–1998 – LL.M. Programme at the University of Helsinki with major in "Public Law and Legal Theory"
- 1991–1996 – Legal studies at the University of Kiel and the First State Exam in Law (Erste Juristische Staatsprüfung) in Schleswig

##### b. Relevant training

- 10/2017 – French seminar "Language training on the vocabulary of Human Rights", European Judges Training Network / Latvian Judicial Training Centre, Riga
- 01/2017 – Workshop "The Contribution of the European Union Charter of Fundamental Rights to Effective Judicial Protection under European Union Law", EUI Centre for Judicial Co-operation, Active Charter Training through Interaction Of National Experiences (ACTIONES), Parma
- 09/2015 – Study visit to the Court of Justice of the European Union, European Judicial Training Network / Court of Justice of the European Union, Luxembourg. Study visit in French, attendance at the hearing C-689/13 – PFE
- 06/2015 – Conference "Protecting Fundamental Rights in the European Union: Tools, Challenges and Way Forward", European Judicial Training Network / ERA, Trier
- 05/2015 – Study visit to the European Union institutions "European Commission, European Anti-Fraud Office, European Parliament and Council of the European Union", European Judicial Training Network, Brussels
- 12/2014 – Study visit to the Cour administrative d'appel de Paris, European Judicial Training Network / Cour administrative d'appel de Paris, Paris
- 04/2014 – Seminar "Human Rights and Access to Justice", European Judicial Training Network / Judicial School of Spain, Barcelona
- 01–02/2014 – Workshop "Freedom of Expression", EUI Centre for Judicial Co-operation, Florence
- 12/2013 – Study visit to the Administrative Court of Rheinland-Pfalz and training in administrative procedural law, Deutsche Stiftung für internationale rechtliche Zusammenarbeit e.V., Koblenz/ Bonn
- 09/2013 – Seminar "Human Rights for European Judicial Trainers", European Court of Human Rights / European Judicial Training Network, Strasbourg. Training and attendance at the Grand Chamber hearing No. 47848/08

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2. Text in bold indicates posts or missions held at present.

- 11/2012 – Seminar "The Judge and European Union Law", European Judicial Training Network / École nationale de la magistrature, Paris
- 07/2012 – Study visit to the Court of Justice of the European Union, European Judicial Training Network / Court of Justice of the European Union, Luxembourg. Attendance at the hearing C-399/11 – Melloni
- 12/2011 – Seminar "Bringing European Union Fundamental Rights closer to Judges", European Judicial Training Network / Romanian National Institute for the Magistracy, Bucharest
- 08–09/2009 – Study visit to the German Constitutional Court (Bundesverfassungsgericht), Karlsruhe. Individual program by Justice Prof. Dr. Gertrude Lübbecke-Wolff
- 06–07/2009 – Postgraduate short programme "Constituting America, an Institute on American Politics and Political Thought", University of Massachusetts, Donahue Institute / The Bureau of Educational and Cultural Affairs, United States Department of State, Hadley, MA (United States)

*c. Academic projects and activities*

- 2016–Present – Co-operation with Prof. Dr. Ulrich Stelkens (Postgraduate School of Administrative Sciences, Speyer) for his European-wide project "The development of Pan-European general principles of good administration by the Council of Europe and their impact on the administrative law of its member States"
- 2013–2015 – Coordination of Estonian contribution and co-authorship for international project of Professor Anneli Albi (University of Kent) "The Role and Future of National Constitutions in European and Global Governance"
- 10/2013 – Co-Organiser of International Conference "Origins of Modern Public Administration – Sources, Developments and Perspectives in Estonia and Germany", Tartu
- 08–09/2012 – Estonian Organiser and Lecturer of Estonian Constitutional Law at the Second Summer School for Comparative Constitutional Law in Prague
- 08–09/2011 – Lecturer of Estonian Constitutional Law at the First Summer School for Comparative Constitutional Law in Prague

**III. Relevant professional activities**

*a. Description of judicial activities*

- 02/01/2012–Present – **Judge at the Administrative Law Chamber of the Tartu Court of Appeal**
- 01/06/2016–31/05/2020 – **Ad hoc judge at the European Court of Human Rights**; sat in the case Rõigas v. Estonia (No. 49045/13)
- 2014–2017 – Member of the Judges Training Council
- 2000–2002 – Legal adviser of the Constitutional Review Chamber of the Supreme Court

*b. Description of non-judicial legal activities*

- 2017–Present – **Member of the Estonian Constitutional Expert Group** established by the Ministry of Justice. Rapporteur for possible constitutional amendments concerning the transfer of sovereign rights to the international organisations
- 2002–Present – **Lecturer of Constitutional Law at the University of Tartu, Faculty of Law.** Teaching Constitutional Law and Fundamental and Human Rights Law
- 11/2014 – Expert assistance for Ukrainian legal experts in the matters of administrative procedure (at the invitation of the "Deutsche Stiftung für internationale rechtliche Zusammenarbeit e.V.")
- 2012 – Government expert in the constitutional review case of Article 4 Section 4 of the Treaty Establishing the European Stability Mechanism (Case No. 3-4-1-6-12). Preparation of a legal opinion which was annexed to the government opinion
- 2011 – Legal adviser of the Legal and Research Department of the Parliament of Estonia

- 2003–2010 – Deputy Chancellor of Justice. Drafting opinions for the constitutional review proceedings of the Supreme Court, supervising the constitutional review procedures of the Chancellor Justice, supervising the drafting of the annual reports of the Chancellor of Justice 2003-2007, responsible for the annual conferences of the Chancellor of Justice 2003-2007, general office management
- 2002–2003 – Legal adviser in the Office of the Chancellor of Justice. Reviewing the constitutionality of legal acts, drafting opinions in ombudsman proceedings, leading the Department responsible for Ministries of Defence, Justice, Internal and Foreign Affairs
- 2002 – Research Associate at the Chair of Prof. Dr. Dr. h.c. mult. Robert Alexy, University of Kiel
- 2000–2002 – Legal adviser of the Constitutional Review Chamber of the Supreme Court
- 1999–2000 – Legal adviser at the Ministry of Justice; Member of both the Permanent Commission and the Leading Commission of the Reform of the General Part of Administrative Law
- 1996–1997 – Legal adviser at the Ministry of Justice; Member of the workgroup of the Government Commission for the Legal Expertise of the Constitution of the Republic of Estonia; Member of the Working Group for the General Part of the new Penal Code

#### **IV. Activities and experience in the field of human rights**

##### *a. International level*

- 01/06/2016–31/05/2020 – **Ad hoc judge at the European Court of Human Rights**

##### *b. National level*

- 2002–Present – **Lecturer of Constitutional Law at the University of Tartu, Faculty of Law**
- 2004–Present – More than 30 trainings held to judges, prosecutors, advocates and civil servants about constitutional and human rights and constitutional review
- 2003–2010 – Deputy Chancellor of Justice
- 2002–2003 – Legal adviser in the Office of the Chancellor of Justice
- 2000–2002 – Legal adviser of the Constitutional Review Chamber of the Supreme Court
- 1996–Present – Numerous publications on constitutional and human rights, democracy and the rule of law

##### *c. Relevant presentations*

- 06/2017 – “Crisis and Reform in Constitutional Mirror” (presentation at the conference of the University of Latvia “The Baltic States at 99: Past, Present and Future” in Riga)
- 11/2016 – “Constitutional Review in the Age of Balancing: Estonian Perspective” (presentation at the 6<sup>th</sup> International Scientific Conference of the University of Latvia “Constitutional Values in Contemporary Legal Space” in Riga)
- 10/2016 – “Security and Constitutional Rights” (presentation at the 34<sup>th</sup> Estonian Jurists Forum “Person – Law – World” in Tartu)
- 10/2012 – “Equality Right at Service of the Social State Principle” (presentation at the 32<sup>nd</sup> Estonian Jurists Forum “20 Years of Constitution. Legal Practice from Pragmatism to Constitutionality” in Tartu)
- 04/2009 – “Free Movement of European Citizens” (presentation at the 7<sup>th</sup> Seminar of Ombudsmen of EU Member and Candidate States “Migration and its impact on the work of ombudsmen” in Paphos, Cyprus)
- 05/2008 – “Human Rights and Democratic Constitutionalism” (presentation at the Conference of the Supreme Court “Development of the Rule of Law in Estonia: yesterday's options today” in Tartu)
- 04/2008 – “Preventive Administration as a Model for the Future” (presentation at the presentation meeting of Estonian Academic Lawyer Association in Tartu)

- 01/2005 – “Constitutional Rights as Value Judgments in the Case Law of the Supreme Court” (presentation at the conference dedicated to the 85<sup>th</sup> anniversary of the Supreme Court in Tartu)
- 01/2003 – “The Estonian Constitution and the European Union” (presentation at the Nordic-Baltic Research Seminar "Enlargement of the European Union – Nordic and Baltic Views" in the University of Helsinki)

## V. Public activities

### a. Public office

Entire career in public service, including public offices:

- Judge at the Tartu Court of Appeal
- Deputy Chancellor of Justice

### b. Elected posts

The Deputy Chancellor of Justice is appointed by the Parliament on the initiative of the Chancellor of Justice.

### c. Posts held in a political party or movement

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## VI. Other activities

- In 2007 awarded the White Star Order (Class IV) by the President of the Republic
- Numerous German-Estonian and English-Estonian translations and proof-reading of academic articles for the Legal Journal of the University of Tartu *Juridica*
- Member of the Estonian Judge's Association and the Estonian Academic Law Society

## VII. Publications and other works

Author/Co-Author of three books and more than 50 articles ([https://www.etis.ee/CV/Madis\\_Ernits/eng](https://www.etis.ee/CV/Madis_Ernits/eng)). Ten most important publications are presented below.

### Monographs

- Põhiõigused, demokraatia, õigusriik [Fundamental Rights, Democracy, Rule of Law], Tartu 2011 [XII; 425 pp.]
- Karistusseadustiku üldosa eelnõu: Eelnõu lähtealused ja põhjendus [The Draft General Part of the Penal Code Act: Basis and Reasoning of the Draft Act], Tartu 1999 (in co-authorship with J. Sootak, P. Pikamäe and E. Samson) [166 pp.]

### Journal articles published in peer-reviewed journals

- The Principle of Equality in the Estonian Constitution: A Systematic Perspective, *European Constitutional Law Review* 10 (3/2014), pp. 444-480
- Zur Rechtsprechung und Dogmatik der Gleichheitsgrundrechte in Estland, *Osteuropa Recht* 59 (1/2013), pp. 3-27
- An Early Decision with Far-reaching Consequences, *Juridica International* 7 (2007), pp. 23-35

### Book Contributions

- Europeanisation through Constitutionalism (Estonian Report), in: U. Stelkens, A. Andrijauskaitė (Eds.), *Added Value of the Council of Europe to Administrative Law: The Development of Pan-European General Principles of Good Administration by the Council of Europe and their impact on the administrative law of its Member States* [forthcoming in 2019] (in Co-Authorship with K. Pähkla)
- Verwaltungsgerichtsbarkeit in Estland: Geschichte und Gegenwart, in: K.-P. Sommermann, B. Schaffarzik (Eds.), *Handbuch der Geschichte der Verwaltungsgerichtsbarkeit in Deutschland und Europa*, Berlin, Heidelberg [forthcoming in 2019] (in Co-Authorship with I. Pilving)

- The Constitution of Estonia: The Unexpected Challenges of Unlimited Primacy of EU Law, in: A. Albi, S. Bardutzky (Eds.), National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law, The Hague [forthcoming] (in Co-Authorship with C. Ginter, S. Laos, M. Allikmets, P.K. Tupay, R. Värk, A. Laurand)
- Constitutional Review in the Age of Balancing. Estonian Perspective, in: K. Torgans, J. Pleps et al. (Eds.), Collection of Research Papers in Conjunction with the 6<sup>th</sup> International Scientific Conference of the Faculty of Law of the University of Latvia “Constitutional Values in Contemporary Legal Space I” 16–17 November, 2016, Riga 2016, pp. 127-151
- 20 Jahre Menschenwürde, Demokratie, Rechtsstaat, Sozialstaat, in: S. Hülshörster, D. Mirow (Eds.), Deutsche Beratung bei Rechts- und Justizreformen, 20 Jahre Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit, Berlin 2012, pp. 123-140

### VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
Estonian	x			x			x		
<b>b. Official languages:</b>									
English	x			x			x		
French		x				x		x	
<b>c. Other languages:</b>									
German	x			x			x		
Finnish		x				x		x	
Russian		x				x			x

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

I confirm.

### X. Other relevant information

**XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.

## Appendix 2 – Meeli KAUR

### CURRICULUM VITAE<sup>3</sup>

#### I. Personal details

Name, forename: Kaur, Meeli

Sex: female

Date and place of birth: 28 June 1979, Valgamaa, Estonia

Nationality: Estonian

#### II. Education and academic and other qualifications

Master of Arts in Law. International University Audentes, Estonia

Thesis at «Implementation of the Brussels I Regulation in Estonia: How Does It Work in Practice?» (in English), 2008

Bachelor of Jurisprudence in International, European Union and Comparative Law (a state-recognised Master's Degree). Concordia International University Estonia, Estonia

Thesis at «Reintegration of Offenders into Society: Prison Reforms and Probation Supervision in Estonia» (in English), 2000

#### III. Relevant professional activities

##### *a. Description of judicial activities*

##### **Judge at the Harju County Court, Tallinn, Estonia, 2004**

- Adjudicating civil law matters in the court of first instance
- Specialised in the field of non-contractual obligations and cross-border judicial co-operation

##### **Judge *ad hoc* at the European Court of Human Rights, Strasbourg, France, 2016**

Traineeship at the Harju County Court, Tallinn, Estonia, 2001 – 2004

- Performing procedural acts in civil and criminal matters under supervision
- Preparatory service at the Supreme Court of Estonia

##### *b. Description of non-judicial legal activities*

Police Chief Inspector, Harju Police Prefecture, Tallinn, Estonia, 2000-2001

- Criminal investigator
- Collecting evidence, pressing charges and submitting prosecution summaries

##### *c. Description of non-legal professional activities*

##### **Member of the Disciplinary Chamber of the Supreme Court, 2017**

##### **Member of the advocates' professional suitability assessment committee of the Estonian Bar Association, 2011**

#### IV. Activities and experience in the field of human rights

Government's Adviser in the case of Delfi AS v. Estonia at the hearing of 9 July 2014 before the Grand Chamber, 2014

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3. Text in bold indicates posts or missions held at present.

Long study-visit at the European Court of Human Rights (EJTN Exchange Programme), 2013-2014

- Seconded staff member (assistant lawyer)
- Examining and dealing with applications in prima facie inadmissible cases
- Attending the Court's sessions
- Assisting case-lawyers

Magister-study course International Human Rights Law (Lecturer E. Tsybulenko), 2008

## V. Public activities

a. Public office

b. Elected posts

c. Posts held in a political party or movement

## VI. Other activities

a. Field

EU law

b. Duration

July – December 2017

c. Functions

National expert in the 2017 Estonian Presidency team for the Civil Law Matters (Brussels IIa Regulation).

d. Field

EU law

e. Duration

January – April 2018

f. Functions

Member of the European Commission's expert group on Modernisation of Judicial Co-operation in Civil and Commercial Matters. A group of experts set up by the DG JUST to assist the Commission in assessing the current legal framework of judicial co-operation, including the preparation of a possible initiative with regard to Regulation (EC) 1393/2007 on service of documents and Regulation (EC) 1206/2001 on taking of evidence (recommendations on possible policy options and drafting proposals).

## VII. Publications and other works

Juridica II/2012, „Euroopa täitekorralduse tõend: miks ja millal?“ [Certificate of European Enforcement Order: Why and When?]

## VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
Estonian	X			X			X		

<b>b. Official languages:</b>									
English	X			X			X		
French			X			X			X
<b>c. Other languages:</b>									
Russian			X						X

**In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

I confirm

**Other relevant information**

**Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

I confirm

## Appendix 3 – Peeter ROOSMA

### CURRICULUM VITAE<sup>4</sup>

#### I. Personal details

Name, forename: Roosma, Peeter

Sex: male

Date and place of birth: 9 December 1972, Tartu, Estonia

Nationality: Estonian

#### II. Education and academic and other qualifications

##### *Education*

LL.M. in Comparative Constitutional Law, Central European University, Budapest, 1997 (Thesis: Methods of Constitutional Interpretation in the System of Checks and Balances: Development and Practice of Constitutional Review in Estonia)

B.A. in Law, University of Tartu, 1995 (*cum laude*)

##### *Other studies, academic training courses and research stipends*

Centre for Advanced Study, Norwegian Academy of Science and Letters, 2002

Åbo Akademi, Finland, Advanced Course on the International Protection of Human Rights, 2001

University of Konstanz, Germany, 1999-2000

Åbo Akademi, Finland, Election Observation and Human Rights Monitoring, 1999

#### III. Relevant professional activities

##### *a. Description of judicial activities*

##### **Judge at the Supreme Court of Estonia, since 2016**

- **member of the Criminal Law Chamber, since 2016, and**
- **member of the Constitutional Review Chamber, since 2018**

##### **Member of the Judges' Disciplinary Chamber, since 2017**

##### **Appointed as an *ad hoc* judge of the European Court of Human Rights, 2016, renewed in 2018**

Lawyer in the Registry of the European Court of Human Rights, 2004-2016

Adviser to the Constitutional Review Chamber of the Supreme Court of Estonia, 1997-2004

Consultant to the Administrative Law Chamber of the Supreme Court of Estonia, 1995-1996

##### *b. Description of non-judicial legal activities*

Member of the Council of Europe Venice Commission (European Commission for Democracy through Law), 2000-2004

Assistant lecturer, University of Tartu, 1998-2003

##### *c. Description of non-legal professional activities*

None

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4. Text in bold indicates posts or missions held at present.

#### IV. Activities and experience in the field of human rights

Judge at the Supreme Court of Estonia (since 1 March 2016). As a member of the Criminal Chamber, I participate in adjudicating legal disputes brought before the Supreme Court. These cases often relate to constitutional and human rights issues which can also be brought before the plenary session of the Supreme Court. Interpretation and domestic implementation of international human rights instruments, including the European Convention on Human Rights, form part of the daily work at the Supreme Court which also performs the functions of a constitutional court in Estonia.

Lawyer in the Registry of the European Court of Human Rights (2004-2016). I started in the Registry of the European Court of Human Rights as the only Estonian case-lawyer drafting reports, decisions and judgments in chamber cases, as well as dealing with committee/single judge cases. Later, as a senior lawyer in the Estonian team, I also performed the functions of a non-judicial rapporteur and had the opportunity to draft a judgment in the sole Grand Chamber case against Estonia to date. Furthermore, I was tasked with training and supervising seconded officials, trainees and study visitors, and I made presentations about the Court and its case-law to groups of visitors.

As an adviser to the Supreme Court (Constitutional Review Chamber) (1997-2004), I was responsible for analysing the constitutional review requests submitted to the Supreme Court and for making proposals (providing opinions, carrying out research, drafting decisions and judgments in collaboration with the reporting judges) for resolving the cases brought before the Supreme Court.

As a member of the Venice Commission (2000-2004), I participated in the analysis of the constitutional issues submitted to the Commission's examination and adoption of the Commission's opinions.

As a liaison officer of the Venice Commission (1997-2002), I was responsible for maintaining contacts with this body and provided the Commission with summaries of the case-law of the Supreme Court of Estonia, as well as responded to information requests on Estonian law and practice.

As an assistant lecturer at the Faculty of Law of the University of Tartu (1998-2003), I taught courses on constitutional law, human rights and constitutional review to B.A. and M.A. students. The tasks of the assistant lecturer also included supervising seminars, as well as course papers and B.A. theses.

I have presented a number of papers at national and international seminars and conferences (in Estonia, Luxembourg, Norway, Turkey, Georgia).

I have given several training courses on human rights to judges, prosecutors and attorneys.

I have been asked to evaluate (peer review) several articles published in law reviews *Juridica* and *Juridica International* as well as certain other publications.

I have been invited to provide opinions on several draft laws (e.g. Constitutional Review Court Procedure Act, Riigikogu (Parliament) Election Act, Local Government Council Election Act, Referendum Act).

Member of the jury of the Estonian Moot Court (2002).

Election observation in Bosnia and Herzegovina (1998).

#### V. Public activities

##### a. Public office

None

##### b. Elected posts

None

##### c. Posts held in a political party or movement

None

## VI. Other activities

Estonian Students' Society, member since 1992, chairman 1996, member of the legal committee of the Society's Alumni Organisation (2001-2013).

## VII. Publications and other works

Total number of publications: about 20, including the following titles (selection):

Põhiseaduslikkuse järelevalve kohtumenetluse seadus: Kommenteeritud väljaanne (autorite kollektiivi koosseisus) [*Constitutional Review Court Procedure Act: Commentaries, co-author with a group of authors*]. To be published in 2019.

Eesti Vabariigi Põhiseadus: Kommenteeritud väljaanne (II ja XII peatüki ning põhiseaduse rakendamise seaduse kommentaarid autorite kollektiivi koosseisus). 4., parandatud ja täiendatud väljaanne [*Constitution of the Republic of Estonia: Commentaries (Commentaries to Chapters II and XII and to the Constitution Implementation Act), co-author with a group of authors. Fourth, revised and updated edition*]. Tallinn: Juura, 2017.

Reflections on judicial activism: From ownership reform to penal policy, in *Judicial Activism of a Constitutional Court in a Democratic State*. Riga: Constitutional Court of the Republic of Latvia, 2016, pp. 434-442.

Riigiõigus. Rmt-s: Sissejuhatus õigusteadusesse: Loengud [*Constitutional Law, in Introduction to Jurisprudence: Lectures*]. Tallinn: Juura, 2003, pp. 57-71.

Amending or Adjusting? Comments on Estonia, in *The Constitution as an Instrument of Change* (ed by Eivind Smith). Stockholm: SNS Förlag, 2003, pp. 104-110.

Uus põhiseaduslikkuse järelevalve kohtumenetluse seadus: Sissejuhatavaid märkusi [*New Constitutional Review Court Procedure Act: Introductory Remarks*]. *Juridica*, 2003, no. 1, pp. 28-37.

Estonian Constitutional Adjudication: Changes in the Procedure. Practice in 2001-2002. *Revue de Justice Constitutionnelle Est-Européenne*. Presses Universitaires de la Faculté de Droit. Université d'Auvergne. 2002, no. 4, pp. 9-27.

Property Reform and Constitutional Adjudication in Estonia and Lithuania: Legal Aspects of Transition [with Rasa Bartkutė]. *Revue de Justice Constitutionnelle Est-Européenne*. Presses Universitaires de la Faculté de Droit. Université d'Auvergne. 2002, no. 4, pp. 105-131.

Protection of Fundamental Rights and Freedoms in Estonian Constitutional Jurisprudence. *Juridica International. Law Review*, University of Tartu, vol IV, 1999, pp. 35-44.

Rahvusvahelise ja siseriikliku õiguse vahekorra Eestis. Rmt-s: Konstitutsioonikohtud põhiõiguste ja vabaduste kaitsel [On the Relationship Between International and Domestic Law in Estonia, in *Constitutional Courts as Defenders of Fundamental Rights and Freedoms*]. Tartu: Atlex, 1997, pp. 38-46.

## VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
Estonian	X			X			X		
<b>b. Official languages:</b>									
English	X			X			X		
French	X				X			X	
<b>c. Other languages:</b>									
German		X			X			X	
Russian	X					X			X

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

I confirm this intention.

**X. Other relevant information**

**XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

I confirm that I will take up permanent residence in Strasbourg if elected as a judge on the Court.