



# **Good Regulatory Practice in Estonia**

**Professor Tanel Kerikmäe**

Tallinn University of Technology

Tallinn Law School



# Good Regulatory Practice

Every year **Estonian Service Industry Association** (ESIA) selects the **best** and **worst law** of the year

- **Purpose:**
  - ✓ To recognize and criticize parts of Estonian legislative environment
  - ✓ To improve Estonian legal culture
  - ✓ To have the legislation supporting the society and not *vice versa*
- The award is given to:
  - ✓ any law; or
  - ✓ any government or minister or local government regulation

**Nominees can be proposed by anyone and the best and the worst law is selected by a jury that includes representatives of the general public.**



# Good Regulatory Practice Principles

- ✓ Purpose of practicing legislative power must be harmonized with public interests, not only serve interests of political parties, its members or supporters
- ✓ Legislative process must be predictable and opened
- ✓ Decisions must be transparent and reasoned – the more important the change, the more exhaustive the reasoning
- ✓ Involving interest groups must follow clear and formal proceeding rules
- ✓ The law has to be suitable for Estonian legal system; competitive at an international level
- ✓ It must be efficient
- ✓ It must be clear and unequivocal – plain and simple language, clear and precise, taking into account main target groups
- ✓ Changes in legal order cannot be arbitrary nor deceitful; there must be plenty of time to implement the law



# Good Regulatory Practice

- ✓ The legislation must take into account the needs of the society by being clear and understandable in wording
- ✓ It must ensure everyone's constitutional rights and freedoms
- ✓ It must increase the transparency of the legislative process
- ✓ It must increase the competitiveness of Estonia

**Legal Clarity of legislative acts and their practice illustrates the quality of the actions of the public authority.**



# Examples of recent problems:

Partnership law (adopted law with no implementation acts)

Reform of judicial system (focus on administrative system not to the access to justice)

Regulating the question of debts retroactively

Thank you for your time!



# Most discussed principles of Academic Ethics of Tallinn University of Technology

**Professor Tanel Kerikmäe**  
**Head of the Committee of Academic**  
**Ethics**

Tallinn University of Technology



# The capacity of the Committee

Question of “actio popularis” cases – can the committee initiate the case, who should be informed about the results?

Borderline between labour/administrative disputes and ethical problems – is it possible?

What should be the procedure (exhaustion of remedies on the academic unit)?

In identifying unethical behaviour or mistakes, all parties must be involved. Avoid *argumentum ad hominem*.



# Researcher's dilemmas

Avoiding plagiarism is an essential requirement for science and Study/ what about autoplagiarism e.g. publishing identical text in several languages?

The researcher is neutral and does not represent any ideology in his work or express personal political views that would disturb the objectivity of the scientific method.

The members of the academic community support interdisciplinarity and should refrain from the prejudice towards the other discipline's representatives.



# Academic cooperation vs academic slavery, objectivity in assessment

Cooperation between researchers and other research actors is welcome, but it is unacceptable to submit another person's work under his or her name – the question of “academic slavery”

An assessment of the research proposal or research which influences the author's further studies, career or (research) funding must be objective and reasonable. Research funding, scholarships or grants are based on criteria that can be measured and compared on competitive basis.



# A student

Becoming a student and acquiring university education is a free will of a person and requires honest, responsible and purposeful action in teaching and related research activities; Question of student of becoming "a client".

The students should be free from all kinds of pseudo-sciences and all kinds of unethical manipulations.

The personal relationship between student and lecturer, should remain at the level of academic communication.



# Independence, data protection, intellectual property

Academic employee takes into account the changing and developing scientific environment and its effects to the field, however, avoids unethical pressure in his professional activities  
– question of political pressure or subsidies from enterprises

In research, the scientist will consider how to treat the people involved in the research, how to ensure the safety of research, and the principles of scientific processing of data.

In publishing and implementing the research results, the researcher considers the interests and rights of all researchers and collaborators who have contributed to research, in terms of authorship, intellectual property and recognition. – question of research gate etc.

Thank you for your time!