

EU LEGAL STUDIES DEVELOPMENT SPECIFICITIES IN ESTONIA

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Summary: Estonian legal society is not only co-existing together with supranational EU law, but forms a part of European legal order. Already long before the accession, the courses on substantive and institutional law were part of law curricula in several HEI-s. We also provided specific trainings for stakeholders (public officials, judges, policemen etc). Currently, Estonia is more experienced and EU legal studies are immanent part of law study programmes. We are more focused on relevant aspects related to Estonian higher educational and Estonian EU strategies.

Keywords: EU law, legal studies, Estonia, higher education, curricula

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1. INTRODUCTION

The accession to the EU created a major shift in the Estonian legal society. The normative primacy of EU legal order is well-established in the Estonian constitutional doctrine and tested and upheld through numerous Supreme Court decisions. Contrary to the more contested constitutional struggles in other EU members, the Estonian constitutional legal system may be considered as one of the most open and liberal to the acceptance of EU law, however, arguably not unconditional but subject to the fundamental principles safeguard.¹

Teaching EU law should be contextual as the policies of EU and its member states are in constant change. Constitutional dialogue would be the best method to understand these developments. The EU is more diverse than ever, therefore, the comparative aspect and academic forum shopping become also relevant aspects when delivering EU legal knowledge.

¹ Evas, T. *et al.* (2017). General Frameworks. In: Kerikmäe, T., Joamets, K., Pleps, J., Rodiņa, A., Berkmanas, T., Gruodytė, E. (eds) *The Law of the Baltic States*. Springer, Cham. https://doi.org/10.1007/978-3-319-54478-6_1

2. ESTONIAN EDUCATION STRATEGY

The Ministry of Education and Research (*Haridus- ja teadusministeerium*) is responsible for developing Estonia's education, research, language, and youth field policies. The development plans and strategies, and research projects are available to the public and accessible through the Ministry's website². Estonia has numerous international research and development cooperation programmes and partnerships of the European Union, including Knowledge and Innovation Communities (KIC), and European Cooperation in Science and Technology (COST). The European Union's instruments for funding research and development activities are mainly covered by framework programmes.³

At state level, every few years the Ministry releases the Estonian Education Strategy documents that contain an assessment of factors such as the market, demography, economy, and climate, and sets the long-term goals for the nation. The strategies are based on statistics, expert opinions, and reports of international organisations (OECD, European Parliament, Joint Research Centre) and are integrated with the European economic policies to support the common goals of the European Union in Estonia.

Some strategy documents include:

- [Estonian Language Strategy 2021-2035](#)
- [Lifelong Learning Strategy 2020](#)
- [Strategy „Knowledge-based Estonia 2014-2020“](#)
- [Higher Education Strategy for 2006–2015](#)
- [Higher Education Internationalisation Strategy 2006-2015](#)

Much can be also derived from the current Estonia's European Union Policy for 2022-2023. Harmonizing the education strategies is a priority to promote learning mobility. It states that: “The adoption and implementation of the EU University Strategy supports Estonia's long-term goal of improving the quality of higher education. Being a member of the European University Network, in addition to improving the quality of teaching and research, helps Estonian universities to improve international cooperation in higher education, including experimenting

² See Ministry of Education and Research website <https://www.hm.ee/en>

³ See list of research and development cooperation programmes <https://www.hm.ee/en/research-and-development>

with innovative forms of cooperation, creating joint recruitment schemes for teachers and researchers, and offering inclusive and diverse learning opportunities. At the same time, it will create more opportunities for Estonian students and academic staff to participate in international mobility.”⁴

Additional useful documents are the OSKA reports, which analyse the needs for labour and skills necessary for Estonia’s economic development for the next ten years. The current OSKA report on the field of Internal Security and Law was released in February 2020 and is applicable from 2019-2029.⁵

It reports that in today's Estonian society a lawyer is expected to have a good orientation in European Union law and the ability to see the big picture. Additionally, as a result of global trends and developments in the field of law, the following professional skills and knowledge are becoming increasingly important: EU Law in general including European case law, knowledge and application of EU law more narrowly in the fields of anti-money laundering, international sanctions, compliance, personal data protection, technology law, and competition law.⁶ It notes that internationalization necessitates the knowledge of foreign languages in addition to English to open up career opportunities for Estonian lawyers in the EU.⁷

These documents and research reports, amongst others, form an integral part of the Estonian education strategy, in which the inclusion of EU legal studies into the system has grown increasingly favoured and seen as more necessary over the years.

⁴ Estonia’s European Union Policy Priorities 2022-2023. <https://riigikantselei.ee/media/1318/download>

⁵ Kaelep, T., Leemet, A. (2019). Tulevikuvaade tööjõu- ja oskuste vajadusele: siseturvalisus ja õigus. Õiguse alavaldkond. Uuringuaruanne. Tallinn: SA Kutsekoda.

⁶ Ibid, pg 7

⁷ Ibid, pg 24

3. HIGHER EDUCATION FROM THE EUROPEAN PERSPECTIVE

The following section is a collection of three previously published works modified for the purpose of this article, discussing the different perspectives, issues, and priorities of EU legal studies in Estonia. The first article covers the relationship between higher education and market needs, while outlining the obstacles and suggestions for an educational strategy that would provide a solution to these issues. The second article discusses the European education strategies in the face of internationalization and different considerations such as specialization issues or recognition of academic standards. Finally, the third article is analysing the position of Estonia in the European Legal System and looks at European higher education as a requirement for basis of a dynamic legal approach.

3.1. Prerequisites for European Higher Education in the Context of Globalized Market⁸

The Europe 2020 strategy and targets have been an integral aspect in shaping Estonia's education policy in the last decade. A good strategy considers the balance of interests and needs of the main players – the market, *universitatis* and a student, and the State. In case the (presumed) market demand is absolute determinant, the academic freedom and development in higher education is deprived, innovation restricted. In case the university teaches a curriculum that ignores the market needs or student visions, graduates cannot find expected job. Therefore, there is clearly an increasing need for more diversified and flexible types of higher education, including lifelong learning and modern technologies.

3.1.1. Obstacles

The problems of creating linkage between higher education and real demand are clearly related to Member States protectionism i.e. national market-oriented education but also glorification of only one of the aspects in the sophisticated process of preparing a global employee: market(s) or academic freedom or individual choice in the process. What happens often is that the higher education strategies are based on the following:

- A State determines how many specialists are needed;

⁸ Kerikmäe, T. (2012). Prerequisites for European higher education in the context of Globalized Market. In: Fausto de Quadros, Pedro Barbas Homem (Ed.). Higher Education in the Framework of the 2020 European Union's Strategy (25–31). Lisbon: Jean Monnet Center of Excellence of the University of Lisbon.

- Higher education policy is determined by the State who believes in (internal) market rather than academic world.

This kind of strategy can be effective only in an isolated society (no international job market, no international students). Apologists say that to follow the international market is impossible as it is unpredictable and rapidly changing and the academic curricula should follow the long-lasting traditions.

One of the filters between businessmen and academics could be representatives of the professions. Today, professional associations are rather creating standards for national specialist, initial ideas of Bolkenstein directive remains wishful thinking and international associations have no political power. By Little and Arthur, “It is not surprising, therefore, that there has been a longstanding concern about the connection between higher education and the labour market, in part because of the perceived skills deficit and also because of ingrained elitist assumptions about what constitutes an ‘appropriate’ job for a graduate”⁹

3.1.2. Proposals of the researchers

Some of the contemporary researchers have proposed certain solutions that go further than Bologna process.¹⁰

- English as main language for teaching, research, administration
- Moving from the Erasmus project to better articulated international programs
- Taking better care of loan-grant systems
- Developing an alternative system to the visa requirements for high-skilled migrants;
- Internationalizing accreditation and quality control.
- Direct job-creation programmes contribute to reintegration into regular employment;

There are also other ideas (that may seem radical):

- Introducing EU law and international regulations before national legislation, global market before national market. This vision has been discussed by some participants at

⁹ B. Little, L. Arthur, Less time to study, less well prepared for work, yet satisfied with higher education: a UK perspective on links between higher education and the labour market in: *Journal of Education and Work*: Vol. 23, No. 3, July 2010, 277–278

¹⁰ See: J. Ritzen, G. Marconi *ibid.* and J. Leschke, Transition from Unemployment to Work and the Role of Active Labour Market Policies during the Lisbon Strategy Period and the Economic Crisis in: *German Policy Studies/Politikfeldanalyse*: 2011

European Law Faculties Association several years ago in Strasbourg conference. This can be complemented with the idea of that we need to individualize student learning. In the current context, it means that a student should have more options to build up his or her “study path”;

- Encouraging variable specialization (technology and law, international relations and economics, management of technology). The negative side of a standardization of a curriculum is clear danger for stagnation.¹¹
- Outcome based learning and teaching rather than gaining for standard (comparable) curriculum. The new ideology, outcome-based learning is certainly underestimated. Outcomes are the main determinators of the curriculum, reflecting the skills and knowledge of graduates.
- Treating national students as international students. Differentiation on the basis of citizenship (tuition fees) is a clear restriction when the ultimate goal is European knowledge-based society and European competitive market.

3.1.3. Conclusion: O equilíbrio é a solução: Time to learn from each other!

The balanced (supranational) cooperation forum should be established to meet the expectations of European competitiveness. Market is unpredictable and rapidly changing, the student who starts his studies cannot always foresee the market demand in 5 or even 3 years. A University must take responsibility in developing the creativity and imagination to make possible the original thinking, the ability to understand the big picture and fight against so called Information Overload Frustration. Today, universities underestimate the student capacity to plan his or her future more adequately than the education planners. One of the problems relates to the different mentality between generations (teachers and students). Learners have cultural as well as individual differences as also different markets do. Innovative universities should make the advantage of that not vice versa.

There must be common values as basis for equilibrium and they consist among the rest (using words of Parker Rossman: partnership, moral criteria, interplay of cultures disciplines). Young people who face protectionism, contrasting ideals of universities, social groups, and businesses

¹¹ L. Martinez, The Maelstrom of a Moribund Legal Employment Market, the Engagement of Law Students, and Global Legal Education in: IALS, Conference of Teaching, Legal Education and Strategic Planning. University of Buenos Aires. 2011, pp 199 -202

the European integration is a failure. By Brzinsky-Fay: “considering the demographic change, a large group of young but disintegrated people constitutes a potential threat for the economic growth”.¹²

3.2. Globalisation and Higher Education from European Perspective¹³

As simply but accurately formularised by economist and demographer prof. D. Bloom „education gives a capacity to change “¹⁴. This is the reason why the discussions on the globalisation of the education are passionate not only in Europe. The Organization for Economic Co-operation and Development (OECD)¹⁵ expert opinions prove well that the internationalisation in education has been a developing trend. One of the positive steps has been the formal recognition of the internationalization as a priority for higher education strategy¹⁶. Several European Union member states adopted a special strategy document of internationalization which prepares the legal base for quality control, recognition of qualifications, joint programmes and diplomas and relations with immigration policy. It is assumed that the internationalisation is inevitable and the pre-condition of the further competitiveness of the Europe is the harmonisation of European educational landscape.

Economic factors are considered in different ways to prove the usefulness of universities and science centres, and the employment rates are probably one of the most concrete success ratings of the educational system. „The Economist“¹⁷ is referring to the „new sort of higher education guide for very discerning customers“. The question – what is a global employer looking for?“ has been asked by the OECD. So far, the ranking of universities depended very much of number of academic staff, their quality, as well as how many prizes they win and how many articles they publish¹⁸. The head of the OECD’s educational research is rather looking for how much

¹² C. Brzinsky-Fay, What Difference Does it Make? The Outcome Effects of the European in: Employment Strategy on the Transition from Education to Work. German Policy Studies/Politikfeldanalyse: Vol.7, No.1, 2011. p. 371

¹³ Kerikmäe, Tanel (2008). Globalisation and Higher Education from European Perspective. In: After fifty years: the coming challenges - Governance and Sustainable Development = 50 anos passados: os desafios do futuro - Governace e desenvolvimento Sustentavel (39–49). . Coimbra: University of Coimbra. (Temas de Integracao ; 1 semestre de 2008 No. 25).

¹⁴ B. Potier, “Globalization and Education explored at GSE”, in: Harvard Gazette, March 4, 2004

¹⁵ OECD Reviews of Tertiary Education Estonia” OECD 2007. Estonian translation by the Ministry of Science and Education, Tartu 2007

¹⁶ Ibid, p. 49

¹⁷ „Measuring Mortarboards“in: „The Economist“, November 17th-23rd 2007

¹⁸ Ibid, p 64

knowledge is really been imparted and what are the learning outcomes. According to the OECD, higher education “is expected to produce a range of outcomes”¹⁹.

Even if there are several microeconomic studies showing the difficulties in establishing a direct causal link between education and economic outputs²⁰ the terms „knowledge-based economy“ and the „European area of lifelong learning“ are now the keywords of educational strategies. Most of the innovative concepts e.g. of „learning organisation“²¹ have been criticised as being based upon i.e. the American model which may not be suitable for Europe. The dubiety lies in the question – what is the authenticity (and should we preserve that) of our higher education? By B. Strath: „ The European self-reflection has a clear tendency to emphasise the bright elements of the various images of modernity and progress towards perfection“²². At the same time, European identity includes an element of uncertain future which is sometimes explained by the openness, enlargement and democratic processes.

Similarly, the European educational strategies, even accentuating the relevance of internationalisation and inevitability of globalisation are not determining the ultimate goal but are rather tools for establishing a common platform that would make it possible to be equal partners in the world educational and employment market. I would, therefore, agree with prof. Strath by whom: „...Europeanisation is cultural contention and pluralisation as opposed to cohesion“²³. That is why using the existing (American) models²⁴ as „the best of all world“ should not be seen as hostile for strengthening so far eclectic European education space. The

¹⁹ Informal OECD Ministerial Meeting on evaluating the outcomes of Higher Education, Tokyo, 11-12 January 2008, available <http://www.oecd.org>

²⁰ See, for example: Hujer, R., Caliendo., Zeiss, C. „Macroeconometric evaluation of active labour-market policy – a case study for Germany“ in: „ Third report on vocational training research in Europe“: Background report. Eds. P. Descy, M. Tessaring. Cedefop Reference Series; 54. Luxembourg: Office for Official Publications of the European Communities, 2004

²¹ By the concept, the „knowledge society“ can only be attained if the organisations in which people work are also organisations in which they are learning. See: Nyhan, B., Cressey, P., Tomassini, M., Kelleher, M. Poell, P. „Facing up the Learning Organisation Challenge“. Cedefop Reference series 41-I. Luxembourg: Office for Official Publications of the European Communities, 2003, pp 11- 21

²² Strath, B. „Introductory report“ in: „ Intercultural Dialogue. Dialogue Interculturel. Brussels, 20 and 21 March 2002, European Commission, Directorate- General for Education and Culture, Jean Monnet Project, p 79

²³ Ibid. p 81

²⁴ For example, see the article of Jacobs, B. and van der Ploeg, F. “Guide to Reform of Higher Education: a European Perspective” in *Economic Policy*, Vol 21, No 47, July 2006 where the authors compare US educational principles with European and give suggestions deriving from American model: “Don’t loosen government control without ensuring competition, do not raise the tuition without guaranteeing the accountable loan-system, treat the student as a customer etc”. We should also keep in mind that Bologna process itself seeks to apply degree structure which is the combination of US/UK systems

Europeanisation can be guaranteed by the content of the curricula:²⁵ the proposal for universities to adopt a common core curriculum for European studies. As commissioner Figel put it: “combining structural changes with a real modernization of the content of learning remains the biggest challenge”²⁶.

I would like to present some examples from my field of profession. As I presented for European Law Faculties Association in Leuven conference 2006: „It seems often that developers of study atmosphere must play with double standards. The research will present a set of problems. One example is the teaching of law in different languages by international faculty. Another is recruitment of (international) practitioners to the teaching process. Even if it is commonly understood that judges and advocates would be a great contribution, the licencing or accrediting of the law-programme is rather constructed to avoid it. Other relevant aspects concern specialization issues, constraints of international cooperation and problems in working with professors from different legal cultures and conservative methods of teaching versus modern study methods“.²⁷ One can easily find opinions and articles on how problematic is the implementation of educational standards in the field of this or that profession²⁸.

Therefore, concerning the globalization of higher education, the following shall be considered:

- Do we follow the global/European trends of internationalization?
- Do we have a common launching platform for “recognition of prior learning and work experience” in international context?
- What are the differences of the recognition of academic positions (re-elections when moving to another institution)?
- What are the minimum discipline-based requirements to access master/doctoral level according to the approach of “individual educational path”?
- Can the research projects be counted as a part of the workload of academic staff?
- Do we just observe the mobility, or we want to influence the process. How?
- Do we want to establish more exchange agreements and with what regions: Europe

²⁵ Bache, I. “The Europeanization of Higher Education: Markets, Politics or Learning?” in: Journal of Common Market Studies, 2006, vol 44, issue 2

²⁶ Caddick, S. “Back to Bologna. The Long Road to European Higher Education Reform” EMBO reports 9, No 1, 2008.

²⁷ See: Kerikmäe, T. „The Labyrinth of Priorities for Legal Education: Estonia“ in Vaateid Õiguspoliitikale (Views on Legal Policy), ed. By S. Kaugia, Avatar, Tallinn 2008, p. 179

²⁸ See, for example „European Journal of Legal Education Vol 2, No 1 , ELFA. Leuven 2005

(East/West), USA, Asia?

- Do we use our best mobility partners for joint activities such as summer schools, new curricula, common modules, projects etc?

We should consider a more organised exchange of information taking account of commonly understood aspects of internationalization of higher education. For this purpose, the following activities could be planned:

- Mediating information about international conferences and grant systems to the university staff and faculty;
- Sharing international competencies to the university staff, faculty and students;
- Studying satisfaction with studies of international and exchange students and faculty;
- Establishing networks of international strategic partnership;
- Availability of E-courses and ERASMUS exchange frameworks.

If Committee of Ministers emphasises the public responsibility as a key for success, then it should be only an opportunity for universities to be responsible²⁹ in implementing their academic freedom. Certain unification of the standards and common values should be identified to face globalization and competitiveness of education through its close relation to economy and free market.

3.3. Estonia in the European Legal System: Protection of The Rule of Law Through Constitutional Dialogue

This contribution³⁰ originated from five empirically oriented and theoretical articles on developments of constitutionalism and Estonian legal and educational policy, which included:

1. Tanel Kerikmäe 2009. Euroopa Zeitgeist ja Eesti valikud Põhiseaduslikkuse mõtestamisel (European Zeitgeist and Estonian Choices in interpretation of Constitutionalism). Tartu: Tartu Ülikooli kirjastus.

²⁹ Bergan, S. "The Responsible University" Cuadernos Europeos de Deusto, No 29/2003

³⁰ Kerikmäe, Tanel (2009). Estonia in the European Legal System: Protection of the Rule of Law through Constitutional Dialogue. (Tallinna Ülikool / Tallinn University). Tallinn: Tallinn University.

- . This article is an analytical overview of the expert opinions of the author ordered by the Chancellor of Justice (Ombudsman) of Estonia related to the steps taken by Estonia before, during and after the accession to the European Union. The common ground of values is discussed through the perspective of EU Constitutional law i.e Lisbon Treaty.
2. Tanel Kerikmäe 2008. Globalisation and Higher Education from European Perspective. – *Temas de Integracao* 1 semestre de 2008 n 25. After Fifty Years: The Coming Challenges/Governance and Sustainable Challenges. Coimbra. Almedina, 39–49.
 - . The author analyses the negative impact of protectionism in higher education in the context of globalization and assumes that the rule of law requires legal professionals to be sufficiently aware of the methods of legal implementation in the context of multi-level governance.
 3. Tanel Kerikmäe 2006. Achilles Heel of Estonian Ownership Reform: The Case of Baltic Germans. – *European Journal of Law Reform (EJLR)*, Utrecht. Eleven Publishing, 271–285.
 - . In the article, the author indicates that in the situation of legal crisis, Estonia turns to the constitutional principles to find a solution; at the same time, the references to the constitution have remained vague and abstract. Prior to Estonia’s accession to the EU, the Constitution was the main source of legal reasoning and there was a potential for development of a dynamic approach to EU.
 4. Tanel Kerikmäe 2001. Estonian Constitutional Problems in Accession to the EU. – A. E. Kellermann, J. W. de Zwaan, J. Czuczai (eds). *EU Enlargement. The Constitutional Impact at EU and National Level*, The Hague. T.M.C Asser Press, 291–300.
 - . The author analyses main theoretical discussions related to the compatibility of the constitution before the accession. The article makes an analytical overview of the proposed amendments.
 5. Tanel Kerikmäe 1998. Supranational Law as International Law and vice versa. – *Juridica International. Law Review University of Tartu. Tartu Ülikooli õigusteaduskond ja sihtasutus Iuridicum III*, 43–47.
 - . The article analyses the problems in uniform application of European Union Law from the perspective of distinction of supra- and international law that must both be applied by a member state. The article indicates that (as the position of international law on European Union legal system is not sufficiently clear),

there can be situations where the interpretation of supranational law cannot be predictable.

The purpose of the paper was to stimulate the debate and provide readers with a coherent overview of the problematics in the field in searching balance between European Union and Estonia's interests.

The following section is based on sub-paragraph 4.4. of the article, adapted for the purpose of this article to provide a perspective on the educational strategies of EU law in Estonia.

European Higher Education as a Pre-Requisite for Basis of Dynamic Legal Approach

In the „Globalisation and Higher Education from European Perspective.“³¹ article, based on presentation for European Community Studies Association colloquium 2008 in Coimbra, I have analysed the impact of protectionism in higher education in the context of globalization, and stated that the internationalization of education is a pre-condition for furthering competitiveness at European educational landscape. The new educational standards are necessary prerequisites to change the mentality of Estonian public officials, lawyers, politicians, and other decision makers. In the article, the obstacles for more effective implementation of the Bologna process are discussed and I have specifically analysed the protectionism in the field of legal education.

The rule of law requires legal professionals to be sufficiently aware of the methods of legal implementation in the context of multi-level governance.

As I have presented for the European Law Faculties Association in Leuven conference 2006 (XI): It seems often that developers of study atmosphere must play with double standards. The research presents a set of problems that might become obstacles for generating new legal ideology necessary for the capacity of the member state to have the constitutional dialogue as a method of balancing the interests of national and supranational levels that mainly concern

³¹ Kerikmäe, T. 2008. Globalisation and Higher Education from European Perspective. – Temas de Integracao 1 semestre de 2008 n 25. After Fifty Years: The Coming Challenges/Governance and Sustainable Challenges. Coimbra. Almedina, 39–49.

poor skills of professionals in understanding and using EU law. Maruste³² has indicated that the prevailing opinion³³ that in Estonian legal culture, a doctrinal approach has secondary, non-relevant position – is not justified and should be reviewed.

In Europe, higher education is not the subject of common European policy, and the Bologna declaration is not giving answers concerning how to develop curricula in the field of European integration studies. Competence for the content and the organization of studies remains at the national level.³⁴ The establishment of educational strategies is a relevant issue in Estonia today. Protectionism in education is not the only problem for Estonia. However, we could avoid the problems involved with jurisdiction of other member states and generate the new generation of lawyers, capable of developing commonly understandable and sustainable legal doctrine in relations with the European Union. This new generation can employ techniques of deliberative supranationalism which requires sufficient knowledge of the law and jurisprudence of the EU legal system. So far, EU legal professionals (e.g. judiciary) are not accustomed to shifting from the “normative” interpretation to the teleological (telos – purpose) interpretation. Representatives of the Estonian state can obtain knowledge not only of technical implementation procedures of EU laws, but they may also obtain knowledge concerning the legal reasoning that relates to the dynamic development of EU law. It is suggested that legal pluralism be constantly taken into account of those who apply or prepare the implementation of EU norms. As set by Director-General for Education and Culture of the European Commission: “the knowledge and skills we equip young Europeans with will help determine the course of the Union as a whole; because it is in education that we nurture our capacity to face the challenges of the future.”³⁵

Currently, the prevalent approach for implementation and techniques of interpretation of EU law in Estonia is automatic, based on technical-grammatical interpretation and rhetorical observations. Deliberative interpretation of the constitution is not preferred. Estonian legal professionals are not accustomed to shifting from the “normative” interpretation to the

³² Maruste, R 2004. *Konstitutsionalism ning põhiõiguste ja -vabaduste kaitse* (Constitutionalism and protection of fundamental rights and freedoms). Tallinn: Sihtasutus Eesti õiguskeskus. Juura, 77.

³³ Narits, R. 2002. *Õiguse entsüklopeedia* (Encyclopedia of Law). Tallinn: Juura.

³⁴ Kerikmäe (2008), *supra nota* 18

³⁵ Quintin, O. 2009. Education as an Investment in the Future: A Europe of Achievements in a Changing Worlds. Visions of Leading Policymakers and Academics. Office for Official Publications of the European Communities, 19

teleological. The preferred, more dynamic approach would be implementation that is based on deliberative observations, teleological interpretation, and the doctrine of *effet utile*. Legal professionals must become aware of contemporary theories i.a deliberative supranationalism and methods such as argumentative dualism. Therefore, there is a need to review the curricula of Estonian universities related to the European Union and its legal system (content, teaching staff, interactive methods of teaching, interrelation of EU courses with other parts of the curricula). Estonian contemporary legal education needs to be in accordance with the need of a member state from the point of view of generating European legal thinking and reasoning.

4. TEACHING EU LAW IN ESTONIA

There are three universities that offer law programs in Estonia – Tallinn University of Technology (TalTech), Tallinn University, and University of Tartu. Each university’s program is different with varying degrees of focus on European Union Law. The following is an overview of the various courses on EU law from the different universities’ curricula, their study literature (if available), and the expected learning outcomes.

4.1. TalTech Law School

TalTech Law School provides a three-year Bachelor (BA) program with a specialisation in EU law and international law, and a two-year Masters (MA) program with specialisation in Law and Technology or Business Law. The study language in both programs is English.

The BA program is an otherwise classical law program that teaches the basics of law, covering legal theory, private and public law, it teaches the traditional branches of law like constitutional law, contract law, property law, criminal law, etc., through comparative analysis of different states’ laws, with a strong emphasis on law and technology and law and business. The MA program focuses on the connections between law, business, and technology, and sparks discussions on issues such as the EU digital market, regulating artificial intelligence and cyber security.

While all courses are taught from the perspective of EU law one way or another, several courses are specifically dedicated to providing students an in-depth knowledge and understanding of the functions and principles of European Union. The table below presents a list of a selection of such courses, with an indication of whether they are a compulsory course (C) or an elective course (E), and the amount of European credit points received for the course after completion of the course (1 ECTS = 26 hours).

Table 1. Selection of EU law courses taught in TalTech BA and MA programs.

Course	Course description	Study literature
BA - European Union Law (C) 6 ECTS	The objective of the course is to introduce the students to the basic institutional law and constitutional principles of the EU. It is meant to prepare	Compulsory: - Craig, Paul/ De Búrca, Gráinne, EU Law. Text, Cases, Materials, 6th edition (or 5th edition), Oxford: Oxford University Press, 2015 (GdB 2015)

	<p>students for the study of the more specific topics of EU law as the issues covered underlie each and every area of Community competence. Main attention is given to the composition and activity of the EU institutions, general principles of EU law, legal sources, legal effect of Community law, and the methods of law enforcement in EU law.</p>	<p>Suggested</p> <ul style="list-style-type: none"> - Barnard, C. The Substantive Law of the EU : The Four Freedoms, 6th edition, Oxford: Oxford University Press, 2020 - Chalmers, D., Davies, G., Monti, G. European Union law: text and materials, Cambridge University Press, 2019
<p>BA - EU Internal Market Law (C) 6 ECTS</p>	<p>The course aims to provide a comprehensive overview of the economic freedoms in the internal market, i.e., the freedom of movement for goods, persons, services, and capital, which are at the heart of the European Community's economic constitutional law. In this context, understanding of the case law of the European Court of Justice (ECJ) will play an instrumental role in interpretation of the relevant EC Treaty and other legislative provisions aimed at removing the obstacles to those freedoms.</p>	<p>Compulsory:</p> <ul style="list-style-type: none"> - Textbook: Craig, Paul/ De Búrca, Gráinne, EU Law. Text, Cases, Materials, 6th ed., Oxford: Oxford University Press, 2015. - Founding Treaties of the European Union as amended by the Lisbon Treaty of 2009. -Secondary law materials and judgments of the Court of Justice of the EU, relevant for the course topics, will be listed among the reading materials for individual topics and can be found on the following Web sources: http://eur-lex.europa.eu/de/index.htm - database of all official documents of the EU institutions. <p>Suggested:</p> <ul style="list-style-type: none"> -Weiss Friedl and Kaupa, Clements, European Union Internal Market Law, Cambridge University Press, 2014. -Chalmers, Damian/ Garreth, David/ Monti, Giorgio, European Union Law: Text and Materials, 3rd ed., Cambridge: Cambridge University Press, 2014. -Barnard, Catherine, The Substantive Law of the EU: The Four Freedoms, 5th edition, Oxford: Oxford University Press, 2016.
<p>BA - Foundations of European Contract Law (C) 6 ECTS</p>	<p>The purpose of this course is to obtain general knowledge of the main features of the European contract law systems, understand the main concepts of the Civil Law's conception of a contract law, to be able to orientate in European private law systems, legal sources and literature, and to obtain basic skills of drafting legal opinions in a sound and thorough method in the field of contract law.</p>	<ul style="list-style-type: none"> - Principles, definitions, and model rules of European private law: draft common frame of reference (DCFR) prepared by the Study Group on a European Civil Code -Contract I: pre-contractual obligations, conclusion of contract, unfair terms, Volume 1 prepared by the Research Group on the Existing EC Private Law, Research Group on the Existing EC Private Law (Acquis Group) -Contract II: general provisions, delivery of goods, package travel and payment services, Volume 2 prepared by the

		<p>Research Group on the Existing EC Private Law, Research Group on the Existing EC Private Law (Acquis Group)</p> <ul style="list-style-type: none"> - Principles of European Law (series) edited by Study Group on a European Civil Code - Bronsword/Micklitz/Niglia/Weatherhill, <i>The Foundations of European Private Law</i>, Oxford: Hart Publishing 2011 - Zweigert/Kötz. <i>Introduction to Comparative Law</i>. Oxford University Press. 3rd ed., 1996, ISBN 3161465482 - Reimann/Zimmermann (eds.). <i>The Oxford Handbook of Comparative Law</i>. Oxford University Press 2008, ISBN 0199535450
<p>BA - EU Competition Law and Policy (C) 6 ECTS</p>	<p>The aim of the course is to provide a comprehensive overview of the European Union competition law and policy as enforced by the Commission and the European Court of Justice at the Community level, and by the competent courts and authorities at Member State level. The course presents four main areas of EU competition law (cartels, abuses of dominant position, mergers and state measures to protect firms from competition) as well as private and public enforcement of those laws.</p>	<p>Compulsory</p> <ul style="list-style-type: none"> - Craig Paul and Grainne de Burca. "EU Law: Text, Cases, and Materials" 4th edition, Oxford UP: 2007. <p>Suggested</p> <ul style="list-style-type: none"> - Alison Jones and Brenda Sufrin. "EC Competition Law: Text, Cases, and Materials" 3rd edition, Oxford UP: 2007. - Korah, Valerie. "An Introductory Guide to EC Competition Law and Practice" Hart Publishing: 2007. - Whish Richard. "Competition Law", 6th ed, Oxford UP: 2008. Faull, Jonathan, and Ali Nikpay. "The EC Law of Competition", 2nd ed. Oxford UP: 2007. <p>Journals:</p> <p>European Competition Law Review, Common Market Law Review, World Competition, European Competition Journal</p>
<p>BA - EU Justice and Home Affairs Law (E) 3 ECTS</p>	<p>The course covers the current issues in EU immigration and asylum policy and law, Schengen visa system and border control, judicial cooperation in criminal matters and police cooperation. The student will orientate in the current developments of the EU justice and home affairs politics and legislation, know the main legal acts and political decisions and can analyse the developments and make suggestions.</p>	<ul style="list-style-type: none"> - Balzacq, Thierry (2016). <i>Securitization: Understanding the Analytics of Government</i>. In: Raphael Bossong and Mark Rhinard (eds.) <i>Theorizing Internal Security in the European Union</i>. Oxford: Oxford University Press, pp. 45–63. - Bergström, Maria and Cornell, Anna Jonsson (eds.) (2014). <i>European Police and Criminal Law Co-operation</i>. Swedish Studies in European Law, Vol. 5. Oxford: Hart Publishing. - Bigo, Didier (2016). <i>International Political Sociology: Internal Security as</i>

		<p>Transnational Power Fields. In: Raphael Bossong and Mark Rhinard (eds.) <i>Theorizing Internal Security in the European Union</i>. Oxford: Oxford University Press, pp. 64–85.</p> <p>- Bossong, Raphael and Rhinard, Mark (2016). Next Steps in Theorizing Internal Security Cooperation in the EU. In: Raphael Bossong and Mark Rhinard (eds.) <i>Theorizing Internal Security in the European Union</i>. Oxford: Oxford University Press, pp. 179–199.</p> <p>- Loik, Ramon (2016). Integration Trends of EU Internal Security and Law Enforcement: How Legal, Technological and Operational Advancements Matter. <i>BJES – Baltic Journal of European Studies</i>, 6 (2, 21), pp. 3–27.</p> <p>10.1515/bjes-2016-0010</p>
<p>MA- Selected Actual Topics from European Union Personal Data Protection Law (C) 6 ECTS</p>	<p>This subject focuses on the most important and up-to-date selected topics in the area of personal data protection. The course focuses on EU law ja and EU data protection reform</p>	<p>Compulsory</p> <p>- Andra Giurgiu; Tine A. Larsen, Roles and Powers of National Data Protection Authorities, <i>European Data Protection Law Review</i>, pp 342-352 (2016) (available @ Moodle);</p> <p>- Lilian Edwards, Privacy, Security and Data Protection in Smart Cities: A Critical EU Law Perspective, <i>European Data Protection Law Review</i> pp 28-58 (2016) (available @ Moodle);</p> <p>- Cesare Bartolini, Lawrence Siry, The right to be forgotten in the light of the consent of the data subject, <i>Computer Law and Security Review</i>, Volume 32, Issue 2 (2016), pp 218-237(available @ Moodle);</p> <p>- Van der Auwermeulen, B, How to attribute the right to data portability in Europe: A comparative analysis of legislations, <i>Computer Law and Security Review</i>, Volume 33 (2017), pp 57-72(available @ Moodle);</p> <p>Suggested</p> <p>- The EU general data protection regulation (GDPR): a commentary / edited by Christopher Kuner ... [et al.] (available @ TalTech Library);</p> <p>- DPO handbook: data protection officers under the GDPR / Thomas J. Shaw (available @ TalTech Library);</p> <p>- Determann's field guide to data privacy law: international corporate compliance / Lothar Determann (available @ TalTech Library);</p>

		- European Data Protection Board guidelines: https://edpb.europa.eu/our-work-tools/our-docum
MA - Case Studies of EU Internal Market and Competition Law (C) 6 ECTS	The course aims to provide an understanding of the forms and techniques of European integration and the limits of integration; the free movement of goods, services, capital, workers and the freedom of establishment etc will be scrutinized through the case law of the European courts. Additionally, a comprehensive overview of the European Union competition law and policy as enforced by the Commission and the European Court of Justice at the Community level, and by the competent courts and authorities at Member State level.	- Craig Paul and Grainne de Burca. EU Law: Text, Cases, and Materials, 5th edition, Oxford UP: 2011. - Paul Craig. The Lisbon Treaty Law, Politics, and Treaty Reform, Oxford University Press 2010. - Emmert, F. European Union Law cases, Eleven International Publishing, 2007. - Maduro, Azoulai. The past future of EU law, Hart Publishing, 2010. - Cases identified by the professor. EU law cases from http://curia.europa.eu

Source: TalTech Study Information System

4.2. Tallinn University

Tallinn University's BA law program is taught in English, and covers the areas of legal theory, the history of law, private law, public law, and international law, with a specialisation in European and International law. Additionally, the school offers the possibility to study Finnish law in Helsinki, Finland. The MA law program in Tallinn University is also in English and specialises in Human Rights in the Digital Society, in which a few courses are EU legal studies specific.

The table below contains a list of courses with a focus on EU law, with an indication of whether they are a compulsory course (C) or an elective course (E), and the amount of European credit points received for the course after completion of the course (1 ECTS = 26 hours).

Table 2. EU law courses taught in Tallinn University BA and MA programs.

Course	Course description	Study literature
BA- European Union Law (C) 6 ECTS	The aim of the course is to give an overview of European Union law, thereby creating the basis for students to understand the place of EU law in the system of international law and the ability to analyse current	Compulsory - Graig, P. De Burca. G., EU Law: Text, Cases and Materials. 5ed, New York, Oxford University Press. 2011 - Julia Laffranque. <i>Euroopa Liidu õigussüsteem ja Eesti</i>

	<p>questions regarding EU law. The course will address the following issues: the foundational treaties of the EU and the system of EU institutions, legislative process, free movement of goods, persons, services and capital, EU citizenship, competition law, equal treatment, external relations, law enforcement methods and the enforcement of EU law.</p>	<p><i>õiguse koht selles.</i> (European Legal System and the place of Estonian law in it.) Tallinn: Juura, 2006. 536 pp.</p> <p>Suggested</p> <ul style="list-style-type: none"> - Chalmers D., Davies, G., Monti G., European Union Law: Cases and Materials. Cambridge. Cambridge University Press. 2010 - Graig, P. De Burca. G., The Evolution of EU Law, second ed. Oxford University Press. USA. 2011 - Katrin Nyman-Metcalf. <i>Mõningad vaatekohad Euroopa õiguse ja põhiseaduse vahekorrale. Kas Euroopa Liit on riik?</i> (Some viewpoints on the relationship of the Constitution and European Law. Is EU a country?) Juridica 2010/V, pp 346-353.
BA - History and Future of the European Union (C) 3 ECTS	<p>The objectives of the course are to provide a general overview of the history of European integration, the formation of the European Union (EU) and its role in the world politics and economy, to describe the goals and main achievements of the EU, to describe the history of EU enlargement, and the EU's main economic, foreign and security policies, and propose future scenarios for the EU.</p>	<p>Compulsory</p> <p><i>Euroopa integratsiooniteooria</i> 3 ed. (European Integration Theory). Antje Wiener, Tanja A. Borzel, Thomas Risse Oxford (2019)</p> <p>Suggested</p> <p><i>Euroopa integratsiooni lõpetamata ajalugu</i> (European intergration's unfinished history). Wim van Meurs, Tobin de Bruin, Liesbeth van de Grift, et al. Ulikool Amsterdam (2018)</p>
BA - European Union Competition Law (E) 4 ECTS	<p>Introduction to aims of competition law and competition theory. Role of competition law in the EU. Substantive competition law: competition-restricting contracts, abuse of a dominant market position, merger control. Enforcement systems, relationship of EU competition law and national law. Overview and goals of competition laws. The economics of competition law; Markets and market power.</p>	-

BA - European Union Constitutional and Administrative Law (E) 6 ECTS	The EU constitution in historical context; Conferral, Competences, and the Choice of legal basis; Legal aspects of EU legislative processes; Sources, hierarchy and key doctrines; Fundamental rights between EU and national constitutions; EU administrative procedure; Forcing EU law ; Current issues in EU constitutional law; the future of the EU constitution	-
BA - European Union Intellectual Property Law (E) 3 ECTS	This course covers intellectual property rights within the European Union. IPR is a crucial contributor to economic growth and competitiveness within the EU. This course covers EU intellectual property law and policy, covering copyright, patents, designs, trademarks and the enforcement of rights. Aspects of the free movement of goods and services, competition law, and anti-counterfeiting efforts are emphasised.	Compulsory <i>ELi intellektuaalomandi seadus ja poliitika.</i> (EU intellectual property law and policy). Catherine Seville. Elgar (2016) Suggested: <i>ELi intellektuaalomandi seadus</i> (EU Intellectual Property Law). Trevor M. Cook Oxford (2010)
MA- The Law of the Digital Single Market (E) 6 ECTS	This course will examine the fundamental principles of EU internal market law with special focus on the digital environment. It is designed to accommodate students both with and without prior knowledge EU law or internal market law, who will have to complete more introductory reading in order to successfully complete the course. Students will gain an understanding of how the EU legal systems transposes international laws and how national and EU systems ensure EU rules are applied in context. The course considers the development of the digital single market in detail.	-

Source: Tallinn University Website

4.3. University of Tartu

University of Tartu School of Law has educated lawyers in Estonia since its founding in 1632. Its Bachelor's Law program is offered only in Estonian and focuses on Estonian law with some elective courses on European Union Law. The PhD and Master's programs can be completed in both Estonian or English with an option to specialise in either Technology Law or International Law and Human Rights.

The table below lists courses with a focus on EU law, with an indication of whether they are a compulsory course (C) or an elective course (E), and the amount of European credit points received for the course after completion of the course (1 ECTS = 26 hours).

Table 3. EU law courses taught in University of Tartu BA and MA programs.

Course	Course description	Study literature
BA- European Union Law (C) 6 ECTS	The basic course discusses the creation, legal nature and legal foundations of the EU, the interactions of the EU with international and regional organizations, relationship between the EU law and national law, institutions of the EU and the representation of Estonia therein, the decision making and law making procedures of the EU and Estonia's participation thereof, the implementation of the EU law in Member States including Estonia and the problems that might arise, the responsibility of a Member State in case of being in breach with the EU law, the judicial system of the EU and actions and procedure in the European Court of Justice, the fundamental rights and freedoms in the EU law, the general principles of EU law.	Craig, Paul/ De Búrca, Gráinne, EU Law. Text, Cases, Materials, 5th edition, Oxford: Oxford University Press, 2011
BA – EU Punishment Law (E) 3 ECTS	The course focuses on the creation, development and main problems of EU criminal law, its legal nature and legal foundations, decision making and legislative process, main	-

	issues of substantive and procedural law and the future developments of the area.	
BA- EU Law Moot Court Competition (E) 6 ECTS	Students prepare written memorials, practice oral pleading and participate in a European law moot court competition. The objective is to give an opportunity to gain additional theoretical knowledge in the field of European law.	-
MA – European Contract Law (E) 3 ECTS	The course will explore the shared principles of contract law which has been defined in the international restatements such as the Vienna Convention on Sales of Goods (CISG), the Principles of European Contract Law, the draft Common Frame of Reference, the European Commission's proposed Common European Sales Law.	-
MA- European Human Rights Law (E) 6 ECTS	Main aspects of international protection of human rights: where in this system is situated the European Convention on Human Rights, what is the position of European Convention on Human Rights in the legal systems of Convention member states, in particular in Estonia; how does the European Court of Human Rights work: structure and functions of this Court; main principles that the Court applies in its work.	Compulsory European Convention on Human Rights; Factsheets of the European Court of Human Rights Suggested Case-law Guides by Article, European Court of Human Rights

Source: University of Tartu Website

It can be observed that all universities teaching law in Estonia include EU legal studies specific courses in their curricula or teach specific subjects in the context of European law. A graduating student, already at the Bachelor's level, is expected to know and understand the basic functions and principles of the European legal system and its institutions, be able to locate and understand European case-law and navigate and be able to comparatively analyse the differences in the national systems. While many national and international students stay in Estonia to continue their education or careers, a strong background in EU law helps numerous students pursue studies and career opportunities around the world.

5. CONCLUSION

The concept of constitutional dialogue is not uniformly adopted by all the Estonian law schools but mainly by TalTech law school. The home department of the author is also more market oriented and advises stakeholders both in public and private sector. This benefits the quality of studies provided and bridges the academia with the real world. One of the keys for success is certainly close relationship of competitive research and teaching. Taking part of research world class consortia is a ground for contemporary and balanced study process.

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