

Estonia

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1. What is the understanding or definition of AI in your jurisdiction?

Estonia's Ministry of Economic Affairs and Communications, Ministry of Justice and Ministry of Education and Research have recently jointly published the *AI and Data White Paper for 2024–2030* (the 'White Paper')³²⁸ and *AI Action Plan for 2024–2026* (the 'Action Plan').³²⁹ Both documents use the Organisation for Economic Cooperation and Development's (OECD) 2023 definition of artificial intelligence (AI):

'A machine-based system that generates outputs such as predictions, content, recommendations, or decisions based on given inputs to achieve explicit or implicit objectives, which can affect physical or virtual environments. Different AI systems exhibit varying levels of autonomy and adaptability after deployment. Unlike automation, which performs specific tasks based on predefined rules, AI-based systems are capable of learning and adapting to new situations to varying degrees.'³³⁰

2. In your jurisdiction, besides legal tech tools (ie, law firm or claim management, data platforms etc), are there already actual AI tools or use cases in practice for legal services?

Several case or document management, productivity and other information technology (IT) tools that are used in law firms claim to be using AI. In our opinion, the usability of many AI tools is still modest or hindered by regulatory (client confidentiality, General Data Protection Regulation (GDPR), etc) and cybersecurity reasons.

3. If yes, are these AI tools different regarding: • independent law firms; • international law firms; and • in-house counsel and what are these differences?

328 *AI and Data White Paper for 2024–2030* (Ministry of Economic Affairs and Communications, Ministry of Justice and Ministry of Education and Research) www.mkm.ee/media/10154/download?ref=tehisintellekt.co (in Estonian) accessed 3 July 2024.

329 *AI Action Plan for 2024–2026* (Ministry of Economic Affairs and Communications, Ministry of Justice and Ministry of Education and Research) www.mkm.ee/media/10151/download?ref=tehisintellekt.co (in Estonian) accessed 3 July 2024.

330 'Digital' (OECD) www.oecd.org/digital/artificial-intelligence accessed 3 July 2024.

We do not think the AI tools are advanced enough yet to justify the higher implementation cost for larger firms. However, we deem AI tools a threat to independent mid-sized firms.

4. What is the current or planned regulatory approach on AI in general?

The Estonian government, like all other EU governments, is preparing for the entry into force of the recently adopted EU Artificial Intelligence Act. The Act will serve as the foundation for any potential national regulatory actions regarding AI.

5. What are the current or planned regulations on the general use of AI or machine learning systems?

We are not aware of any specific planned national regulatory actions regarding AI. However, the Action Plan envisages several regulatory initiatives to maintain trust in AI, to establish an effective oversight network, and to increase transparency over the use of algorithms. It is yet to be seen how the initiatives will be implemented after the EU Artificial Intelligence Act has entered into force.

6. Is free data access an issue in relation to AI?

Due to Estonia's long-time ambition to become a digital nation, Estonia is Europe's open data pioneer.³³¹ The White Paper and Action Plan (the latter is already in its third version) stress the importance of continuing the open data policy to enable the adoption of AI. The strategy acknowledges and addresses increasing privacy and security concerns (eg, by anonymising data and sandboxing).

7. Are there already actual court decisions on the provision of legal services using AI or decisions concerning other sectors that might be applicable to the use of AI in the provision of legal services?

We are not aware of any court rulings in Estonia that specifically address AI in the legal services industry. There have been several disputes regarding automated decisions in forestry. Claimants have argued that AI should not make discretionary decisions; however, the courts have consistently found that automated decision-making is not the same as AI decision-making because, for automated decisions, humans enter the parameters themselves.

³³¹ 'Open data in Europe 2023' (European Union) <https://data.europa.eu/en/publications/open-data-maturity/2023> accessed 3 July 2024.

8. What is the current status – planned, discussed or implemented – of the sectorial legislation in your jurisdiction on the use of AI in the legal profession or services that are traditionally provided by lawyers?

The EU Artificial Intelligence Act will affect the legal profession. We are not aware of any specific plans to regulate the use of AI in the legal profession or in rendering legal services in Estonia.

9. What is the role of the national bar organisations or other official professional institutions?

The Estonian Bar Association has not yet released any regulations or guidelines specifically relating to AI. Attorneys and law firms are expected to adapt the Code of Conduct and other existing guidelines on situations involving the use of AI. However, the Bar is weighing the need for special AI guidelines; until then, it offers training on AI topics to its members.