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# Organisation of Research and Development Act

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21.01.1999	RT I 1999, 10, 157	15.02.1999
14.03.2001	RT I 2001, 34, 187	10.04.2001
Consolidated text in paper version of RT I 2001, 43, 237 Riigi Teataja		
19.06.2002	RT I 2002, 61, 375	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
04.12.2002	RT I 2002, 105, 611	24.12.2002
12.11.2003	RT I 2003, 75, 495	13.12.2003
29.12.2003	RT I 2003, 88, 594	08.01.2004
16.12.2004	RT I 2004, 89, 615	01.01.2005
09.03.2006	RT I 2006, 14, 114	06.04.2006
24.01.2007	RT I 2007, 12, 66	01.01.2008
24.09.2009	RT I 2009, 48, 324	23.10.2009, in part 01.01.2010
25.11.2009	RT I 2009, 59, 389	20.12.2009
23.02.2011	RT I, 16.03.2011, 3	01.01.2012, in part 01.03.2012, 01.01.2013 and 01.01.2014
10.05.2012	RT I, 30.05.2012, 1	01.01.2013
06.06.2012	RT I, 28.06.2012, 4	01.07.2012
19.02.2014	RT I, 13.03.2014, 2	23.03.2014, in part 01.01.2015, 01.01.2017 and 01.01.2019
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
11.06.2014	RT I, 03.07.2014, 17	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 4 of § 107 <sup>3</sup> of the Government of the Republic Act..
19.11.2014	RT I, 04.12.2014, 4	01.01.2015
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.02.2019	RT I, 19.03.2019, 12	01.09.2019

## Chapter 1 GENERAL PROVISIONS

### § 1. Purpose of Organisation of Research and Development Act

The purpose of the Organisation of Research and Development Act is to provide the grounds for the organisation of research and development and to ensure legal means for the preservation and further development of scientific and technological creation as a component of Estonian culture and the Estonian economy.

## **§ 1<sup>1</sup>. Application of Administrative Procedure Act**

The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the variations provided for in this Act.  
[RT I 2002, 61, 375 – entry into force 01.08.2002]

## **§ 2. Definitions used in Act**

For the purposes of this Act, terms are used in the following meaning:

1) 'basic research' means theoretical or experimental work undertaken in order to acquire new knowledge of the underlying foundation of phenomena and observable facts, without any particular application or use in view;  
2) 'development' means work, drawing on existing knowledge gained from research and experience, that is aimed at producing new materials, products or devices, installing new processes, systems and services or improving substantially those already produced or installed;

3) 'baseline funding' means the financing of research and development for the purpose of attaining the development objectives of a research and development institution, including funding allocated for co-financing national and foreign projects, opening new fields of research, and for updating, improving and maintaining the infrastructure;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

4) [Repealed – RT I 2009, 59, 389 – entry into force 20.12.2009]

5) 'innovation' means the utilisation of new ideas and knowledge in order to implement innovative solutions, including development and modernisation of products and services (product innovation); conquering and expanding relevant markets (market innovation); creation and introduction of new methods of production, delivery and sale (process innovation); innovation in management and organisation of work (organisational innovation) and development of the working conditions and skills of the staff (staff innovation);

5<sup>1</sup>) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

6) 'applied research' means original investigation undertaken in order to acquire new knowledge and directed primarily towards a specific practical aim or objective to be achieved within a relatively short period of time;

7) 'research' means independent creative work of a person undertaken by means of scientific research in order to increase the stock of knowledge of man, nature and society and their interaction.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

7<sup>1</sup>) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

8) 'research funding' means funding allocated for funding a high level research and development project of a person or research group working in a research and development institution that has been positively evaluated, including support allocated to research carried out by a post-doctoral researcher.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 3. Research and development institutions**

(1) A research and development institution is a legal person or an institution in the case of which:

1) the principal activity is carrying out basic research, applied research or development, or several of the aforementioned activities;

2) the activity accompanying the principal activity is to spread knowledge through teaching, publication or technology transfer;

3) the membership includes academic staff engaged in basic research, applied research or development required for the principal activity as well as other staff involved in research and development;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

4) the rooms, buildings, furnishings and other property are sufficient and suitable for carrying out the principal activity;

5) the results of the principal activity financed from the state budget funds which do not involve intellectual property rights are public information;

6) any profit from the results of the activities specified in clauses 1 and 2 of this subsection, including from intellectual property rights, is invested in research and development, the spreading of the results thereof or in teaching;

7) the economic activity (offering of products and services on a certain market) and the activities specified in clauses 1 and 2 of this subsection which comply with the requirements set out in clauses 5 and 6 (non-economic activity), and the expenses and financing thereof are clearly separated in the accounting of the research and development institution.

(2) A research and development institution has the right to apply for financing of its research and development from the state budget on the basis of this Act in the case when its research and development activities have received a regular positive evaluation in at least one field.

[RT I 2009, 59, 389 – entry into force 20.12.2009]

## **§ 3<sup>1</sup>. Estonian Research Information System**

(1) The Estonian Research Information System is a database the purpose of which is to:

1) ensure the availability of data for making research policy and funding decisions;

2) provide research and development institutions and the public with reliable information on the organisation, system and parties of research and development;

- 3) provide reliable information for producing research and development statistics, carrying out studies and surveys of research development, and strategic management;
- 4) keep account of institutions and entities involved in research and development;
- 5) keep account of the research and development institutions' persons engaged in basic research, applied research or development, the staff administering research and development, and persons specified in funding or evaluation applications;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

- 6) ensure the availability of data for planning, financing and budgeting of institutions and entities involved in research and development;
- 7) ensure the availability of data needed for assessing the effectiveness of the activities of institutions and entities involved in research and development;
- 8) enable the evaluation of research and development;
- 9) document and process research and development funding applications.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The controller of the Estonian Research Information System is the Ministry of Education and Research and the processor of the database is specified in the statutes of the database.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2<sup>1</sup>) The functions of the processor of the Estonian Research Information System may be performed by a private legal entity under an administrative contract to the extent prescribed by the controller.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(3) [Repealed – RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4) The Estonian Research Information System is established and its statutes, including the composition and term of retention of data, are established by a regulation of the Government of the Republic.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(5) The classifications of the research fields of the Estonian Research Information system are approved by a directive of the minister responsible for the field.

[RT I 2009, 48, 324 – entry into force 23.10.2009]

(6) The following data is gathered to the Estonian Research Information System:

- 1) institutions and persons involved in research and development;
- 2) programmes and applications for funding research and development, their proceedings and results;
- 3) research and development evaluation applications, their proceedings and results;
- 4) successfulness and effectiveness of the research and development activities of institutions and persons involved in research and development.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(7) The statutes of the Estonian Research Information System may clarify the composition of the data specified in subsection 6 of this section and the procedure for the entry of the data in the database.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(8) Data entered in the Estonian Research Information System have an informative and statistical meaning.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

#### **§ 4. Estonian Academy of Sciences**

(1) The Estonian Academy of Sciences is an association of scientists with high scientific qualifications the function of which is to assist in the development of Estonian science and raising the standard thereof and in the implementation of research results in the interests of Estonia.

(2) The Estonian Academy of Sciences is a legal person in public law which operates in accordance with the Estonian Academy of Sciences Act, this Act, other legislation and its own statutes.

(3) The Estonian Academy of Sciences holds a public competition for electing an academy research professor based on the requirement that only a person who has held higher academic positions for at least ten years and under whose supervision Doctoral degrees have been defended can apply for the position of the academy research professor. The academy research professor is paid the academy research professor remuneration from the state budget via the budget of the Ministry of Education and Research or from other funds allocated to the Estonian Academy of Sciences for that purpose.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 4<sup>1</sup>. Research library**

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

# **Chapter 2 ORGANISATION OF ACTIVITIES OF RESEARCH AND DEVELOPMENT INSTITUTIONS**

## **§ 5. Legal status of research and development institutions**

(1) A research and development institution may be established as a state agency, a local authority agency, a legal person in public law, an agency of a legal person in public law, a legal person in private law or an agency of a legal person in private law.  
[RT I 2009, 48, 324 – entry into force 23.10.2009]

(2) The autonomy of a research and development institution consists of the right to:

- 1) determine its internal organisation and administration;
- 2) choose the manner and methods of research and development;
- 3) conclude, amend and terminate contracts on the grounds and in accordance with the procedure prescribed by legislation;

[RT I 2001, 34, 187 – entry into force 10.04.2001]

4) decide on the use of the results of its activities, unless making such decisions is restricted by law, legislation issued on the basis thereof or a contract.

(2<sup>1</sup>) Where a research and development institution is an agency of a legal person in public law:

- 1) its statutes are approved by the legal person in public law;
- 2) its directing bodies are a research council and a head elected on the conditions and in accordance with the procedure established by the legal person in public law;
- 3) its competence includes entry into, amendment and termination of contracts on the conditions and in accordance with the procedure established by the legal person in public law;
- 4) it is financed from the funds allocated to the legal person in public law from the statement budget on the conditions and in accordance with the procedure established by the legal person in public law and in accordance with requirements provided by legislation;
- 5) it is reorganised and its activities are terminated on the conditions and in accordance with the procedure established by the legal person in public law.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(3) Research and development institutions operate in accordance with this Act, other legislation and their articles of association or statutes.

(4) [Repealed – RT I 2001, 34, 187 – entry into force 10.04.2001]

(5) A research and development institution founded as a state agency, a legal person in public law or an agency thereof is registered in the national register of state agencies and local authority agencies in accordance with the procedure provided for in the statutes of the register.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

## **§ 5<sup>1</sup>. [Repealed – RT I 2009, 48, 324 – entry into force 01.01.2010]**

## **§ 6. Establishment, reorganisation, transformation and termination of activities of research and development institutions**

(1) A research and development institution which operates as a state agency is established and reorganised and its activities are terminated by the Government of the Republic. A research and development institution which operates as a local authority agency is established and reorganised and its activities are terminated by the council of the local authority.

[RT I 2001, 34, 187 – entry into force 10.04.2001]

(2) A research and development institution which operates as a legal person in public law is established and wound up by an Act. A research and development institution which operates as an agency of a legal person in public law is established and reorganised and its activities are terminated by the legal person in public law.

[RT I 2001, 34, 187 – entry into force 10.04.2001]

(3) A research and development institution which operates as a legal person in private law or an agency thereof is established, transformed and wound up in accordance with the procedure provided by law.

[RT I 2009, 48, 324 – entry into force 23.10.2009]

## § 7. Management of research and development institutions

(1) A research and development institution which operates as a state agency, a local authority agency or an agency of a legal person in public law is headed by a director who is responsible for the general state and development of the research and development institution and for the lawful and practical use of financial resources.

(2) The director is selected by way of a public competition conducted by the research council of the research and development institution. The director of a research and development institution to be founded or established is selected by way of a public competition conducted by an *ad hoc* committee formed by the minister who directs the ministry under whose area of government the research and development institution belongs, the rural municipality mayor, the city mayor or the head of a legal person in public law. On the basis of the results of the public competition, a contract of employment is concluded for five years with the director by the minister who directs the ministry under whose area of government the research and development institution belongs or by the rural municipality mayor, the city mayor or the head of a legal person in public law or their authorised representative.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(2<sup>1</sup>) The conditions of and procedure for organising a competition for the director of a research and development institution are established by the minister who directs the ministry under whose area of government the research and development institution belongs, the rural municipality government or city government or the corresponding body of a legal person in public law.

[RT I 2003, 75, 495 – entry into force 13.12.2003]

(2<sup>2</sup>) Upon conclusion or renewal of a fixed-term employment contract with the director, the employment relationship does not transform into that of an indefinite term.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(3) In order to resolve issues relating to the research and development activities of a research and development institution which operates as a state agency, a local authority agency or an agency of a legal person in public law to the extent prescribed by the statutes of the institution, a research council consisting of at least five members is formed, the membership of which is approved on the proposal of the director by the minister who directs the ministry under whose area of government the research and development institution belongs or by the rural municipality mayor, the city mayor or the head of the legal person in public law.

(4) In a research and development institution which operates as a legal person in public law or a legal person in private law, the functions of the director are performed by the head of the legal person in public law or the legal person in private law and the functions of the research council are performed by the corresponding body of the legal person in public law or the legal person in private law.

(5) In a research and development institution which operates as an agency of a legal person in private law, the functions of the director of the research and development institution are performed by the person appointed by the legal person in private law and the functions of the research council are performed by the body appointed by the legal person in private law.

[RT I 2009, 48, 324 – entry into force 23.10.2009]

(6) The research council of a research and development institution operating as a legal person in public or private law:

- 1) approves the articles of association of the institution;
  - 2) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]
  - 3) adopts the development plan of the institution;
  - 4) approves the budget and annual report of the institution;
  - 5) approves the procedure for the distribution and use of funds allocated to the institution from the state budget;
  - 6) establish the conditions of and procedure for organisation of academic staff competitions;
- [RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 7) decides on other matters placed within its competence by law or the articles of association.
- [RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(7) The functions of the research council of a research and development institution operating as a state agency or a local authority agency are set out in the statutes of the institution.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

## § 7<sup>1</sup>. Members of research and development institution

Members of a research and development institution include the following:

- 1) persons who carry out basic and applied research or development – persons that hold an academic staff position or that of a research and development specialist or engineer, and heads of research and development

institutions and their structural units, who organise the planning and implementation of research and development;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

2) technical staff – persons that carry out basic and applied research or development under the supervision of research staff and who have the respective qualifications;

3) auxiliary staff – persons involved in carrying out basic and applied research or development and whose employment duties are not directly related to carrying out basic and applied research or development, and other persons supporting the performance of the functions of the research and development institution;

4) other persons specified in legislation.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

## **§ 8. Academic staff positions**

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(1) The provisions of the Higher Education Act governing academic staff apply to academic staff positions of research and development institutions, except for subsections 6 and 7 of § 34.

(2) The head of a research and development institution and the head of a structural unit of a research and development institution is deemed an academic staff member where they participate in the provision of education or in research and development or organises these.

(3) On the conditions and in accordance with the procedure established by the research council or by a corresponding body of a legal person in public law or a legal person in private law, the result of a public competition organised outside the research and development institution, which involves the financing of the research and development carried out by the person during the term of implementing the respective research project, may be deemed to be equivalent to winning the competition specified in subsection 2 of § 34 of the Higher Education Act.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 9. Filling research staff positions**

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

### **§ 9<sup>1</sup>. Academy research professor**

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

### **§ 9<sup>2</sup>. Evaluation of research staff**

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

# **Chapter 3 STATE ORGANISATION OF RESEARCH AND DEVELOPMENT**

## **§ 10. Government of Republic**

In organising research and development, the Government of the Republic:

1) develops a research and development policy which takes into consideration the potential, conditions and needs of Estonia, and prepares development plans that guide the research and development in the state;

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

2) at least once a year, the Prime Minister, on behalf of the Government of the Republic, submits to the *Riigikoguan* overview of the research and development situation and of the government policy in this field;

3) ensures cooperation between the ministries in the implementation of the research and development policy, taking into consideration the proposals of the Research and Development Council;

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

4) [Repealed – RT I, 16.03.2011, 3 – entry into force 01.03.2012]

4<sup>1</sup>) establishes the procedure for the formation and the rules of procedure of the Research Policy Committee and approves its membership for up to three years on the proposal of the minister responsible for the field;

[RT I 2004, 89, 615 – entry into force 01.01.2005]

4<sup>2</sup>) establishes the procedure for the formation of and the rules of procedure of the Innovation Policy Committee and approves its membership for up to three years on the proposal of the minister responsible for the field;

[RT I 2004, 89, 615 – entry into force 01.01.2005]

5) establishes and reorganises state research and development institutions and terminates their activities on the proposal of the ministry which administers them, after having considered the opinion of the Research and Development Council;

- 6) decides on Estonia's participation at state level in international cooperation in the field of research and development;
- 7) [Repealed – RT I 2009, 59, 389 – entry into force 20.12.2009]
- 7<sup>1</sup>) establishes the statutes for the national research awards;
- 7<sup>2</sup>) forms the national research awards committee and approve its membership on the proposal of the minister responsible for the field;
- 8) grants national research awards at the recommendation of the minister responsible for the field on the basis of the proposals made by the national research awards committee;
- 9) performs other functions in the field of research and development imposed on it by law.

## **§ 11. Research and Development Council**

- (1) The Research and Development Council is an advisory body to the Government of the Republic which:
  - 1) advises the Government of the Republic in matters relating to field development plans that guide research and development;  
[RT I, 13.03.2014, 2 – entry into force 23.03.2014]
  - 1<sup>1</sup>) advises the Government of the Republic in matters relating to international cooperation in research and development;  
[RT I 2004, 89, 615 – entry into force 01.01.2005]
  - 2) submits for approval to the Government of the Republic its opinion on national research and development programmes submitted to the Government of the Republic;  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]
  - 2<sup>1</sup>) advises the Government of the Republic in the initiation of research and development projects of national significance;  
[RT I 2004, 89, 615 – entry into force 01.01.2005]
  - 3) annually submits to the Government of the Republic a report on research and development in Estonia and the objectives of the research and development policy for the forthcoming period;
  - 4) advises the Government of the Republic in preparing the draft state budget in respect of the amounts to be allocated for research and development and with regard to the different ministries and types of financing for research and development;
  - 5) advises the Government of the Republic in the establishment and reorganisation of research and development institutions and termination of their activities;
  - 6) [Repealed – RT I 2009, 59, 389 – entry into force 20.12.2009]
  - 6<sup>1</sup>) [Repealed – RT I, 16.03.2011, 3 – entry into force 01.01.2012]
  - 7) performs other functions imposed on it by law or by the Government of the Republic.
- (2) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- (3) The members of the Research and Development Council include, by virtue of office, the Prime Minister, the ministers responsible for the fields as well as one member of the Government of the Republic appointed by the Prime Minister and members appointed by the Government of the Republic.  
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- (4) The Prime Minister is the chairperson of the Research and Development Council by virtue of office.
- (5) Administrative support to the Research and Development Council is provided by the Government Office.
- (6) The grounds for the activities and the rules of procedure of the Research and Development Council are provided for in its statutes which are approved by the Government of the Republic.
- (7) The Research Policy Committee advising the minister responsible for the field and the Innovation Policy Committee advising the minister responsible for the field advise the Research and Development Council in its work in accordance with the procedure provided for in this Act.  
[RT I 2004, 89, 615 – entry into force 01.01.2005]

## **§ 12. [Repealed – RT I, 16.03.2011, 3 – entry into force 01.03.2012]**

### **§ 12<sup>1</sup>. Estonian Research Council**

- (1) The Estonian Research Council is a state foundation, which:
  - 1) organises and carries out assessment of applications for research funding;
  - 2) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]
  - 3) grants research funding;  
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
  - 4) organises the performance of the duties and obligations assumed for participating in research programmes, including in international research programmes;

- 5) analyses the effectiveness and impact of using research funding on society;  
6) monitors and analyses the availability of research information generated upon using research funding and the adherence to the principles of research ethics and to good research practices upon using research funding;  
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]  
7) performs other functions imposed on it by legislation.

(2) The Estonian Research Council:

- 1) involves competent experts in its activities and takes their assessments into account upon making decisions;  
2) acts in accordance with field development plans that guide research and development;  
[RT I, 13.03.2014, 2 – entry into force 23.03.2014]  
3) follows the ethical principles and good practice characteristic of research in its activities.

(3) The Estonian Research Agency has an Assessment Council comprising of recognised researchers of various fields of research and development, which consistently, professionally and independently assesses applications for research funding and adheres to the principles of research ethics and to good research practices.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(4) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(5) The procedure for the formation and the rules of procedure of the Evaluation Committee of the Estonian Research Council are established by a regulation of the minister responsible for the field.

(6) In the Estonian Research Council, the founder's rights of the state are exercised by the Ministry of Education and Research.

(7) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

### **§ 13. State organisation of research and development in ministries**

[RT I 2009, 59, 389 – entry into force 20.12.2009]

(1) All ministries perform the following functions in the field of research and development:

- 1) organisation of the required research and development in their areas of government and the financing thereof, taking into account the results of evaluation and the related assessments and recommendations;  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]  
2) drafting national research and development programmes and organising their implementation and drafting the research and development programmes of their area of government and organising their implementation;  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]  
3) approval of the statutes of state research and development institutions which belong under their area of government;  
4) justification and determination of the funds required for financing research and development in their area of government upon preparation of the draft budget for the area of government, and approval of the budgets of such research and development institutions to the extent of the amounts allocated for research and development in the area of government in the state budget.

(2) In addition to the provisions of subsection 1 of this section, the Ministry of Education and Research:

- 1) implements the national research policy and organises research and development activities;  
[RT I 2004, 89, 615 – entry into force 01.01.2005]  
2) prepares proposals concerning the research policy and submits them to the Government of the Republic;  
[RT I, 13.03.2014, 2 – entry into force 23.03.2014]  
3) organises the financing of research and development in research and development institutions;  
4) organises the financing of the acquisition of research information for research libraries;  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]  
5) coordinates international cooperation at state level in the field of research and organises the financing thereof;  
6) coordinates the preparation of a uniform collection development plan for research libraries;  
7) organises the evaluation of research and development or authorises a foundation founded by the state therefor by concluding a respective administrative contract, and exercises supervision thereover;  
[RT I 2009, 59, 389 – entry into force 20.12.2009]  
8) organises national competitions in the research field and establish the conditions of and procedure for conducting such competitions;  
[RT I 2009, 48, 324 – entry into force 23.10.2009]  
9) performs other functions in fields specified in clauses 1 to 8 of this subsection imposed on it by an Act or on the basis thereof.

(3) In addition to the provisions of subsection 1 of this section, the Ministry of Economic Affairs and Communications:

- 1) organises technological development and innovation policy;  
[RT I 2004, 89, 615 – entry into force 01.01.2005]  
2) prepares proposals concerning technological development and innovation policy and submits them to the Government of the Republic;  
[RT I 2004, 89, 615 – entry into force 01.01.2005]



- 3) organises the financing of applied research, development and innovation;
- 4) coordinates and organises international cooperation in the field of technology and, where necessary, organises Estonian financing thereof;
- 5) performs other functions in fields specified in clauses 1 to 4 of this subsection imposed on it by an Act or on the basis thereof.

(4) The list of fields of research and development is established by a regulation of the minister responsible for the field.

[RT I 2009, 59, 389 – entry into force 20.12.2009]

### **§ 13<sup>1</sup>. Research Policy Committee**

The Research Policy Committee is an advisory body to the minister responsible for the field which:

1) advises the minister responsible for the field in preparing topics submitted to the Research and Development Council for discussion and in performing the functions imposed on the minister responsible for the field by the Research and Development Council;

2) makes proposals for the development of Estonian research policy;

3) makes proposals for planning the principles and strategy of financing research and development institutions;

4) based on the evaluation results, makes proposals concerning the establishment or reorganisation of state research and development institutions or the termination of their activities and for the appointment of heads of state research and development institutions within the area of government of the Ministry of Education and Research;

5) in cooperation with the Innovation Policy Committee, makes proposals concerning field development plans that guide research and development in Estonia;

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

6) performs other functions imposed on it by legislation.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

### **§ 13<sup>2</sup>. Innovation Policy Committee**

The Innovation Policy Committee is an advisory body to the minister responsible for the field which:

1) advises the minister responsible for the field in preparing topics submitted to the Research and Development Council for discussion and in performing the functions imposed on the minister responsible for the field by the Research and Development Council;

2) makes proposals for the development of a policy supporting technological development and innovation in Estonia and participates in drafting the corresponding strategy documents;

3) makes proposals concerning the state budget strategy and the annual draft state budgets to support technological development and innovation;

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

4) makes proposals for the implementation or assessment of measures to support technological development and innovation;

5) assesses implementation of the policy to support technological development and innovation;

6) cooperates with the Research Policy Committee upon ensuring coordinated research policy and the policy to support technological development and innovation;

7) performs other functions assigned thereto by legislation.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

## **Chapter 4 FINANCING AND ADMINISTRATIVE SUPERVISION**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

### **§ 14. General principles of financing**

(1) Research and development is financed from the state budget, a rural municipality budget or a city budget, earmarked donations, profit generated by the economic activities of the research topics of research and development institutions, and other sources.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

(2) Research and development is financed from the state budget through the following measures:

1) baseline funding;

2) research funding;

3) earmarked research and development funding;

4) other research and development funding measures.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(3) The acquisition of research information for research libraries is financed from the state budget through the budget of the Ministry of Education and Research.  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(4) The minister responsible for the field:

1) establishes the principles for the preparation of a uniform collection plan for research libraries and the procedure for application for financing the acquisition of research information for research libraries, for the purpose of review of applications and making financing decisions;

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

2) by a directive, approves the amount of the financing of the acquisition of research information for research libraries;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

3) establishes the requirements for research collections and the conditions of and procedure for application for financing research collections, for the purpose of review of applications and making financing decisions;

[RT I 2009, 48, 324 – entry into force 23.10.2009]

4) by a directive, approves the amount of the financing of research collections.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(5) Where justified, the conditions of application for funding for research and development may stipulate that applications must be submitted in English.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(6) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(7) The following is financed from the measures provided for in this Act:

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

1) direct expenditure relating to research and development, including salary and wages of the academic staff;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

2) indirect expenditure relating to research and development, including the maintenance, updates and modification of the infrastructure required for research and development.

[RT I, 16.03.2011, 3 – entry into force 01.01.2014]

(8) Funding is ensured to a state research and development institution or a research and development institution in public law to the extent of at least 85 per cent of the average total amount of the baseline funding and research funding in the preceding three years. More detailed conditions of and procedure for the application of this security are provided for in a regulation adopted on the basis of subsection 4 of § 15<sup>1</sup> of this Act.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 15. [Repealed – RT I, 16.03.2011, 3 – entry into force 01.03.2012]**

### **§ 15<sup>1</sup>. Baseline funding**

[RT I 2004, 89, 615 – entry into force 01.01.2005]

(1) Baseline funding for research and development institutions is granted from the state budget via the budget of the Ministry of Education and Research.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

(2) Baseline funding is allocated to research and development institutions the research and development activities of which have received a regular positive evaluation.

[RT I 2009, 59, 389 – entry into force 20.12.2009]

(3) The allocation of baseline funding is based on the following criteria:

[RT I 2004, 89, 615 – entry into force 01.01.2005]

1) the number of high level publications in internationally recognised journals, the number of high level research monographs and the number of registered patents and patent applications;

[RT I 2009, 48, 324 – entry into force 23.10.2009]

2) the amount of financing of research and development under the conditions and in accordance with the procedure provided by a regulation specified in subsection 4 of this section;

[RT I 2009, 48, 324 – entry into force 23.10.2009]

3) participation of the institution in Doctoral study;

4) the needs for the development of research of national importance.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

(4) The conditions of and procedure for baseline funding are approved by a regulation of the minister responsible for the field.

[RT I 2009, 48, 324 – entry into force 23.10.2009]

(5) The annual amount of baseline funding is approved by a directive of the minister responsible for the field.

[RT I 2009, 48, 324 – entry into force 23.10.2009]

## **§ 15<sup>2</sup>. Institutional research funding**

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 15<sup>3</sup>. Earmarked research and development funding**

The earmarked research and development funding is additional funding allocated from the state budget where necessary for the purpose of research and development arising from the strategic goals of the state and for related activities.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 16. Development funding**

[RT I, 16.03.2011, 3 – entry into force 01.03.2012]

(1) [Repealed – RT I, 16.03.2011, 3 – entry into force 01.03.2012]

(2) The funds prescribed for development funding in the state budget are allocated via the budget of the Ministry of Economic Affairs and Communications to the appropriate foundation established by the state.

(3) Foundations established by the state allocate funds prescribed for development funding to projects submitted by way of public competition.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

## **§ 16<sup>1</sup>. Research funding**

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(1) Research funding is applied for in a public competition on the conditions and in accordance with the procedure established by the Estonian Research Agency and approved by the Ministry of Education and Research.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) The Estonian Research Agency organises the assessment of applications for research funding and the assessment is carried out by the Assessment Council of the Estonian Research Agency.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(3) The Estonian Research Agency decides the granting of research funding.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(4) Funds allocated for research funding are allocated to the Estonian Research Agency via the Ministry of Education and Research.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(5) Research scholarships of master's students and doctoral candidates granted in accordance with the procedure provided for in this section are national scholarships.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 17. National research and development programmes**

(1) The purpose of drawing up and implementing national research and development programmes is to promote fields of importance specified in field development plans that guide research and development and fields of importance in terms of socio-economic and cultural development and to organise surveys and research required for making and implementing the respective sectoral policy of the state.

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

(2) The national research and development programme is drawn up between ministries and the leading ministry of the programme is appointed by an order of the Government of the Republic.

(3) The leading ministry organises the drafting of the national research and development programme, submission of the programme to the Government of the Republic for approval, and the management, implementation and reporting of the approved programme.

(4) Upon organisation of the drafting, management, implementation and reporting of the national research and development programme, the leading ministry takes into account the decisions, conclusions and recommendations of evaluations, accreditations and other surveys and research.

(5) The activities set out in the national research and development programme are financed from the state budget via the budgets of the involved ministries based on the activities specified in the programme.  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

### **§ 17<sup>1</sup>. Centres of excellence**

(1) A centre of excellence is a union of multiple research groups that have earned international recognition in their field, which aims at raising the level and effectiveness of research through cooperation between the high-level research groups.

(2) The conditions of and procedure for designation and financing of centres of excellence are established by a regulation of the minister responsible for the field.

(3) The minister responsible for the field designates centres of excellence by a directive for seven years.

(4) The activities of centres of excellence are financed from the state budget via the budget of the Ministry of Education and Research on the conditions and in accordance with the procedure established in the regulation of the minister responsible for the field specified in subsection 2 of this section.  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

### **§ 18. Infrastructure expenses**

(1) Infrastructure expenses of a state research and development institution, which are not covered from baseline funding and research funding, are covered from the state budget through the budget of the ministry under whose area of government the research and development institution belongs.

(2) Infrastructure expenses of a municipal research and development institution, which are not covered from baseline funding and research funding, are covered from the budget of the respective rural municipality or city.

(3) The covering of the infrastructure expenses of a research and development institution which operates as a legal person in public law or as an agency of a legal person in public law is supported using funds earmarked in the state budget for such purpose.

(4) The infrastructure expenses of a research and development institution which operates as a legal person in private law or as an agency of a legal person in private law are covered by the legal person in private law. A research and development institution operating as a legal person in private law or as an agency thereof may receive earmarked funding from the state or municipal budget for covering infrastructure expenses.  
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

### **§ 19. Reporting and administrative supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) The procedure for reporting on the use of the funding received via the measures specified in clauses 2–4 of subsection 2 of § 14 of this Act is established in the conditions of the measure.  
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) The Ministry of Education and Research (hereinafter *administrative supervisory authority*) exercises administrative supervision over the activities of research and development institutions, except those belonging under the area of government of the Ministry of Education and Research, in the performance of the requirements provided for in this Act and legislation established on the basis thereof.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The administrative supervisory authority has the right to involve experts in exercising administrative supervision.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) For the purpose of performance of its functions, the administrative supervisory authority has the right to:  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

1) access the evidence and data which are at the disposal of a research and development institution and which allow for identifying circumstances of relevance for performing the functions of the administrative supervisory authority and get copies or extracts of documents;  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

2) make precepts aimed at stopping a violation of the requirements provided for in this Act and legislation established on the basis thereof, preventing further violations and eliminating the consequences caused by a violation.

(5) In performing its functions, the administrative supervisory authority is required to be impartial in assessments and rely on legislation and reliable information in its decisions.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) A precept made as a result of administrative supervision must contain the following:

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 1) the grounds for making the precept along with the reference to the respective provisions of law;
- 2) the date of making the precept;
- 3) the term for complying with the precept;
- 4) the name, position and signature of the official who exercised administrative supervision;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 5) the possibilities, term and procedure for appealing against the precept.

(7) In the event of failure to comply with the precept, the administrative supervisory authority may impose a non-compliance levy pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act. The maximum limit of the non-compliance levy is 640 euros.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(8) The ministry or local authority under whose area of government the research and development institution belongs exercises supervisory control over the activities of the institution in accordance with the procedure provided by law.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

## **§ 20. Evaluation**

(1) Evaluation means external evaluation of research and development which is carried out either as a regular evaluation for assessing the level of the corresponding field of research and development at a research and development institution or as a targeted evaluation for developing the research policy and for obtaining the information necessary for organisation of research and development.

(2) The results of evaluation and the accompanying assessments and recommendations are public, unless otherwise provided by law.

[RT I 2009, 59, 389 – entry into force 20.12.2009]

## **§ 20<sup>1</sup>. Regular evaluation**

(1) Upon a regular evaluation, the level of the research and development fields of the research and development institutions is assessed in periodical rounds, comparing it with the internationally recognised criteria. A regular evaluation round is carried out once every seven years simultaneously in all the research and development institutions that applied for evaluation.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) The specific conditions of and procedure for application for, carrying out and approving the result of a regular evaluation of research and development are established by a regulation of the minister responsible for the field.

(3) A research and development institution or, in the event where evaluation of research and development of a research and development institution belonging to the structure of a legal person is applied for, the legal person in public law or the legal person in private law applies for a regular evaluation.

(4) A regular evaluation is carried out by an evaluation committee that consists of foreign experts of different fields each of whom is a researcher recognised in their field and has experience in the evaluation of research and development. The evaluation committee is formed and its rules of procedure are established by the minister responsible for the field.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(5) Upon a regular evaluation, the evaluation committee takes into account the application, the data concerning the academic staff of the corresponding field, the results of research and development, targeted financing and research grants, the research environment and, where any, the Doctoral study of the research and development institution, and the results of a visit to the research and development institution.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(6) The minister responsible for the field approves, on the basis of a reasoned proposal of the evaluation committee, the decision of the regular evaluation to grant positive or negative evaluation to the research and development in the corresponding field at the research and development institution.

(7) The period of validity of a positive decision of a regular evaluation is seven years but not longer than until approval of the decisions of the next regular evaluation round. Where a new regular evaluation has been applied for at least one year before expiry of the period of validity of a positive decision of a regular evaluation, but the evaluation has not been carried out for reasons independent of the applicant, the period of validity of the positive decision of the regular evaluation is extended until the entry into force of the new regular evaluation decision.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(8) The costs related to a regular evaluation are covered from the state budget via the budget of the Ministry of Education and Research, except in the events where:

- 1) research and development in the corresponding field at a research and development institution that operates as a legal person in private law or an agency thereof is being evaluated;
- 2) the applicant's research and development in the corresponding field was given a negative evaluation in the last regular evaluation;
- 3) the regulation evaluation was applied for and carried out between regular evaluation rounds.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(9) Where an applicant withdraws an application for a regular evaluation after the formation of the evaluation committee specified in subsection 4 of this section, the applicant covers the costs related to the next regular evaluation of the corresponding field of research and development.

[RT I 2009, 59, 389 – entry into force 20.12.2009]

## **§ 20<sup>2</sup>. Targeted evaluation**

(1) The Ministry of Education and Research has the right to organise, on its own initiative or on proposal of other ministries, targeted evaluations for preparing field development plans that guide research and development or other research policy decisions and measures, or for assessing and analysing the impact and implementation thereof.

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

(2) A targeted evaluation is organised in one or several fields of research and development.

(3) The themes and participants of a targeted evaluation, the persons who carry out the targeted evaluation and the specific procedure for the targeted evaluation are approved by a directive of the minister responsible for the field and, in the event where the targeted evaluation concerns the area of administration of another ministry, in coordination with the corresponding ministry.

(4) Research and development institutions whose research and development activities have been financed from state budget funds in the year preceding the targeted evaluation participate in the targeted evaluation in accordance with the directive specified in subsection 3 of this section, and other research and development institutions may also participate.

(5) The costs relating to a targeted evaluation are covered from the state budget via the budget of the Ministry of Education and Research.

[RT I 2009, 59, 389 – entry into force 20.12.2009]

# **Chapter 5 IMPLEMENTATION OF ACT**

## **§ 21. Transition**

(1) The articles of association and statutes of research and development institutions are brought into compliance with this Act within six months as of the entry into force of this Act.

(1<sup>1</sup>) The articles of association and statutes of research and development institutions are brought into compliance with § 2, subsections 2 and 2<sup>1</sup> of § 7, subsection 2 of § 8, subsection 4 of § 14, subsection 3 of § 15 and subsections 1, 2, 4, 6 and 7 of § 20 of this Act by 1 January 2004.

[RT I 2003, 75, 495 – entry into force 13.12.2003]

(2) The Government of the Republic has the right, on the proposal of a government agency which administers a state research and development institution, to permit the institution to merge with a university in public law or the Estonian Academy of Sciences. The merger is set out in a corresponding contract concluded by the government agency which administers the institution and the university in public law or the Estonian Academy of Sciences.

(3) Within six months as of the entry into force of this Act, the Government of the Republic presents to the *Riigikogu* the draft Acts regulating the activities of research and development institutions which are to retain the status of a legal person in public law.

(4) Until 1 January 2004, the research and development activities of research and development institutions which are registered with the Ministry of Education and Research and which passed the evaluation by the Royal Swedish Academy of Sciences in 1991 or the Research and Development Council in 1995 are deemed to have been positively evaluated.

(5) Subsection 4<sup>1</sup> of § 9 of this Act applies to Doctoral candidates matriculated in a university as of 1 January 2012.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(6) Research and development institutions must bring their activities into compliance with subsection 2<sup>1</sup> of § 5 and subsections 6 and 7 of § 7 of this Act not later than by 1 September 2012.  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(7) Subsection 6 of § 14 and subsection 1 of § 19 of this Act apply to allocations applied for and contracts made as of 1 March 2012.  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(8) Subsections 2 to 5 of § 17 of this Act apply to national research and development programmes drafted and approved as of 1 January 2012.  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(9) A research and development institution must bring its operations into compliance with § 9<sup>2</sup> of this Act by 1 January 2016.  
[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

### **§ 21<sup>1</sup>. Application for targeted financing, baseline funding and for residence permit for research or exploratory research in 2009**

(1) Where the requirement of a new evaluation of the research and development at a research and development institution which operates as a state agency, a local authority agency, a legal person in public law or an agency of a legal person in public law arises from the term provided for in subsection 1 of § 20 of this Act, but the activity of the institution has not been re-evaluated, the institution has the right to apply for targeted financing and baseline funding in 2009 on the conditions and in accordance with the procedure provided for in this Act.

(2) Where the period of validity of the evaluation decision of a research and development institution which operates as a legal person in private law has expired, but the activities of the institution have not been re-evaluated, the institution has the right to apply for targeted financing and baseline funding in 2009 on the conditions and in accordance with the procedure provided for in this Act.

(3) A research and development institution specified in subsections 1 and 2 of this section is deemed to comply with the requirements provided for in clause 3 of subsection 12<sup>1</sup> of § 13<sup>3</sup> of the Aliens Act until 31 December 2009.  
[RT I 2009, 48, 324 – entry into force 23.10.2009]

### **§ 21<sup>2</sup>. Application of regulation of regular evaluation and targeted evaluation**

(1) Regular evaluations and targeted evaluations are carried out on the conditions and in accordance with the procedure provided for in this Act as of 1 January 2010.

(2) The results of evaluations carried out before 1 January 2010 remain in force for eight years as of approval thereof.

(3) Unless provided otherwise, the requirement of a positive evaluation of the research and development activities of a research and development institution is deemed to be fulfilled where the research and development activities at the research and development institution have received a regular positive evaluation in the corresponding field.  
[RT I 2009, 59, 389 – entry into force 20.12.2009]

### **§ 21<sup>3</sup>. Research funding granted before 1 September 2019**

Personal research funding and institutional research funding granted in accordance with the procedure established in this Act is financed on the conditions and in accordance with the procedure in force at the time of granting it until the end of the period of research funding specified in the decision.  
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

### **§ 21<sup>4</sup>. Holding of regular evaluation in 2024**

(1) The first regular evaluation round is held in 2024.

(2) A positive decision made in a regular evaluation of 2015–2017 remains in force until the approval of the results of the regular evaluation round of 2024.  
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

## **§ 22. Recognition of foreign diplomas and academic degrees**

(1) The Republic of Estonia recognises foreign diplomas and academic degrees unless otherwise provided for by an international agreement.

(2) The Republic of Estonia recognises academic degrees and diplomas defended in the territory of the former Union of Soviet Socialist Republics before 20 August 1991 as foreign academic degrees and diplomas.

(3) It is permitted to use the title Doctor of Philosophy, abbreviation Ph.D. or any other title of a doctorate used in the corresponding field as the English equivalent of the candidate's degree of the Union of Soviet Socialist Republics.

[RT I 2001, 34, 187 – entry into force 10.04.2001]

## **§ 22<sup>1</sup>. Research and development institutions registered with Ministry of Education and Research**

(1) Research and development institutions registered with the Ministry of Education and Research whose principal activity according to their statutes or articles of association is not research and development are deleted from the register of research and development institutions as of 1 January 2002.

(2) Research and development institutions which bring their activities into compliance with the requirements of § 3 of this Act by 1 January 2002 submit the following documents to the authorised processor of the register of research and development institutions at the Ministry of Education and Research by that time:

1) the articles of association or statutes of the research and development institution with the relevant amendments;

2) where the research and development institution operates as a legal person in private law, a copy of the register card of the commercial register or the non-profit associations and foundations register.

[RT I 2002, 90, 521 – entry into force 01.01.2003]

## **§ 22<sup>2</sup>. Validity of concluded employment contracts**

(1) Employment contracts concluded with persons who do not meet the requirements provided for in subsection 2 of § 8 of this Act are valid until expiry of the term specified in the employment contract.

(2) Employment contracts concluded with persons on the conditions and in accordance with the procedure provided for in § 9<sup>1</sup> of this Act are valid until expiry of the term specified in the employment contract.

[RT I 2004, 89, 615 – entry into force 01.01.2005]

(3) A fixed-term employment contract concluded on the basis of subsection 4<sup>1</sup> of § 9 of this Act in force until 1 July 2012 for the purpose of employment of an early-stage researcher terminates upon expiry or termination of the employment contract.

[RT I, 28.06.2012, 4 – entry into force 01.07.2012]

(4) The authorised person of a research and development institution, without announcing a competition, concludes for the standard term of the Doctoral curriculum a fixed-term employment contract of an early-stage researcher with a Doctoral candidate who has, before 1 July 2012 and based on subsection 4<sup>1</sup> of § 9 of this Act in force until 1 July 2012, submitted to the research and development institution that matriculated the Doctoral candidate a request for the conclusion of the employment contract of an early-stage researcher. The employment contract terminates upon expiry or termination of the employment contract.

[RT I, 28.06.2012, 4 – entry into force 01.07.2012]

(5) A fixed-term employment contract concluded with a member of research staff before 1 January 2015 remains in force on the conditions and in accordance with the procedure established therein until the expiry of the term specified in the employment contract.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(6) Where an employment contract is concluded with a member of research staff after 1 January 2015 and at least two consecutive fixed-term employment contracts for the performance of similar work have been concluded with the same person or a prior fixed-term employment contract has been renewed more than once within five years, the employment relationship is deemed as one of unspecified term from the beginning. The conclusion of fixed-term employment contracts is deemed consecutive where the time between the expiry of one employment contract and the conclusion of the next employment contract does not exceed two months.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

## **§ 22<sup>3</sup>. List of academic staff positions and application of variations of academic staff employment contract**

(1) Provisions applicable to academic staff are brought into compliance with this Act by 1 September 2020.

(2) Employment contracts of junior research fellows, senior research fellows and research professors remain in force until their date of expiry or until the termination of the employment contract following an evaluation. If an employee is evaluated positively, the research and development institution gives the employee, based on the assessment given upon evaluation, an opportunity to commence work in another academic staff position. If



a positively evaluated employee does not accept the opportunity to work in another academic staff position, the employment contract is terminated on the ground specified in subsection 1 of § 89 of the Employment Contracts Act.

(3) By 1 March 2020, the employer establishes the duration of the annual holiday of a member of academic staff, listing in which positions the annual holiday is 42 calendar days and in which positions it is 56 calendar days.

(4) The holiday arrangement specified in subsection 3 of this section applies to the academic staff with whom an employment contract is concluded after the establishment of this arrangement. The academic staff with whom an employment contract was concluded before the establishment of the holiday arrangement specified in subsection 3 of this section have the right to receive a holiday on the conditions and in accordance with the procedure provided for in the employment contract concluded with them.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

### **§ 23. Transformation of Estonian Science Foundation and Estonian Innovation Foundation**

The Estonian Science Foundation and the Estonian Innovation Foundation is transformed by an order of the Government of the Republic in accordance with § 509 of the Commercial Code.

### **§ 23<sup>1</sup>. Application for registration as research and development institution in connection with reorganisation, merger, division or transformation of research and development institution**

(1) Where entry in the sub-register of research and development institutions is applied for in connection with the reorganisation, merger, division or transformation of a research and development institution the research and development activities of which have been evaluated, clauses 2 and 3 of subsection 3 of § 5<sup>1</sup> of this Act do not apply to the applicant.

(2) In the events specified in subsection 1 of this section, the time and results of the evaluation are indicated upon applying for registration regarding the research and development activities of a reorganised, merged, divided or transformed research and development institution, which continue in the agency or legal person applying for registration as a research and development institution.

[RT I 2006, 14, 114 – entry into force 06.04.2006]

### **§ 23<sup>2</sup>. Bringing activities of research and development institution into compliance with requirements**

Research and development institutions must bring their activities into conformity with the provisions of § 3 of this Act not later than by 1 January 2010.

[RT I 2009, 48, 324 – entry into force 23.10.2009]

### **§ 24. [Omitted from this text.]**

### **§ 24<sup>1</sup>. Termination of authority of Research Competency Council and assignment of functions to Estonian Research Council**

(1) The authority of the Research Competency Council terminates on 28 February 2012.

(2) Not later than by 1 March 2012, the authority exercising the founder's rights of the state must bring the articles of association of the state foundation which is to perform the functions of the Estonian Research Council into compliance with the functions specified in subsection 1 of § 12<sup>1</sup> of this Act.

[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

### **§ 24<sup>2</sup>. Targeted financing decisions made and research funding granted before 1 March 2012**

(1) A research topic that has been granted targeted financing before 1 March 2012 is financed on the conditions and in accordance with the procedure in force at the time of making the financing decision until the end of the targeted financing period specified in the decision.

(2) As of 1 March 2012, the basis for continuing targeted financing on the conditions and in accordance with the procedure in force at the time of making a decision to target finance a research topic is an evaluation of the results of the work by the Estonian Research Council. The research topics of a research and development institution are evaluated for the first time after the expiry of a half of the period of targeted financing indicated in the application for targeted financing and for the second time after termination of financing the research topic from the state budget.

(3) Research funding granted before 1 March 2012 is allocated on the conditions and in accordance with the procedure in force at the time of granting them until the end of the period of research funding.  
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

## **§ 25. Entry into force**

(1) Section 4<sup>1</sup>, clauses 4 and 6 of subsection 2 of § 13 and subsection 3 of § 14 of this Act enter into force on 1 January 2002.

(2) Research and development institutions which have been entered in the register of research and development institutions of the Ministry of Education and Research and whose research and development has not been evaluated submit the information specified in clauses 2 and 3 of subsection 3 of § 5<sup>1</sup> of this Act not later than by 1 January 2006.

(3) Research and development institutions which have been entered in the sub-register of research and development institutions of the Ministry of Education and Research and whose research and development activities have not been evaluated apply for evaluation not later than by 1 January 2007.  
[RT I 2006, 14, 114 – entry into force 06.04.2006]