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## Study Allowances and Study Loans Act<sup>1</sup>

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 RT I 2003, 58, 387  
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Amended by the following acts

Passed	Published	Entry into force
03.12.2003	RT I 2003, 78, 526	01.09.2004
21.04.2004	RT I 2004, 41, 275	16.05.2004
18.11.2004	RT I 2004, 84, 567	01.09.2005
16.12.2004	RT I 2004, 89, 615	01.01.2005
19.04.2006	RT I 2006, 21, 159	01.06.2006
12.10.2006	RT I 2006, 48, 359	09.11.2006
21.12.2006	RT I 2007, 4, 17	29.01.2007
19.06.2008	RT I 2008, 34, 208	01.09.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
18.06.2009	RT I 2009, 35, 232	01.07.2009
18.06.2009	RT I 2009, 35, 232	06.07.2009
24.09.2009	RT I 2009, 48, 325	23.10.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 - 26).
10.05.2012	RT I, 30.05.2012, 1	01.01.2013
06.06.2012	RT I, 28.06.2012, 4	01.07.2012
07.12.2012	RT I, 22.12.2012, 2	01.01.2013
12.06.2013	RT I, 02.07.2013, 1	01.09.2013, partially
12.06.2013	RT I, 02.07.2013, 2	01.01.2014
19.12.2013	RT I, 10.01.2014, 4	20.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially
19.06.2014	RT I, 29.06.2014, 109	23.03.2014
		01.07.2014, official titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
19.11.2014	RT I, 04.12.2014, 4	01.01.2015
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, date of entry into force amended 01.07.2016 [RT I, 17.12.2015, 1]
18.02.2015	RT I, 11.03.2015, 1	01.10.2015
18.02.2015	RT I, 23.03.2015, 5	01.07.2015

25.11.2015	RT I, 17.12.2015, 1	20.12.2015, partially 01.01.2016 and 01.07.2016
14.06.2017	RT I, 03.07.2017, 1	01.01.2018, partially 13.07.2017
15.11.2017	RT I, 28.11.2017, 2	01.01.2018
12.12.2018	RT I, 28.12.2018, 3	01.01.2019

## **Chapter 1**

# **GENERAL PROVISIONS**

### **§ 1. Scope of application of Act**

(1) This Act provides the bases, conditions and procedure for the grant of study allowances and study loans in order to ensure access to vocational education and higher education and motivate pupils completing vocational education (hereinafter pupils) and students acquiring higher education (hereinafter students) to study full time and successfully and to complete the curriculum in the nominal period.

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(2) If an international agreement entered into by the Republic of Estonia includes provisions concerning the bases, conditions and procedure for the grant of study allowances and study loans which are different from those of this Act, the international agreement applies.

(3) This Act does not apply to pupils and students for whom the bases, conditions and procedure for the grant of study allowances or study loans are prescribed by other legislation. This restriction does not apply to disabled pupils and students for whom the grant of study allowances is prescribed in the Social Benefits for Disabled Persons Act.

(3<sup>1</sup>) The provisions of this Act concerning application for and the grant and payment of study allowances apply also to joint curricula, whereas the functions of an educational institution shall be performed, according to its competence, by the educational institution agreed upon in the cooperation contract concerning the joint curriculum.

[RT I 2008, 34, 208 – entry into force 01.09.2008]

(4) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(5) The provisions of the general part of the Social Security Code apply to social protection prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

### **§ 2. Classes of study allowance**

For the purposes of this Act, study allowances are defined as follows:

1) “basic allowance” means a monetary allowance granted under the conditions provided for in this Act to pupils in order to cover expenses related to the acquisition of education;

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

2) [Repealed - RT I, 02.07.2013, 1 – entry into force 01.09.2013]

3) “Doctoral allowance” means a monetary allowance granted under the conditions provided for in this Act to persons enrolled in Doctoral study (hereinafter Doctoral candidates) in order to encourage engagement in Doctoral study and research and to cover expenses related to the acquisition of education;

4) “need-based study allowance” means monetary allowance based on the economic situation of the person and granted under the conditions provided for in this Act to students, except for Doctoral candidates, in order to cover expenses related to the acquisition of higher education.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

5) “need-based special allowance” means monetary allowance based on the economic situation of the person and granted under the conditions provided for in this Act to students, except for Doctoral candidates, in order to cover expenses related to the acquisition of higher education if the application for a need-based study allowance of a student has been declined.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

### **§ 3. Study loan**

A study loan is a loan guaranteed by the state which is granted to pupils and students in order to cover expenses related to the acquisition of education.

### **§ 4. Academic year and nominal period of studies according to curriculum**

(1) For the purposes of this Act, an academic year consists of ten study months and lasts from 1 September to 30 June.

(2) The nominal period of studies according to a curriculum is the period from admission of a pupil or student to an educational institution (matriculation) to the end of studies established by the curriculum. Any period of academic leave taken by a pupil or student shall not be included in the nominal period of studies according to the curriculum.

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

## **Chapter 2**

# **STUDY ALLOWANCES**

### **§ 5. Applying for study allowance**

(1) A pupil has the right to apply for a basic allowance if he or she:

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

1) is an Estonian citizen or is staying in Estonia on the basis of a long-term or temporary residence permit or on the basis of a permanent or temporary right of residence;

2) studies according to a curriculum of formal vocational education which foresees student training places formed on the basis of activity support;

[RT I, 28.12.2018, 3 - entry into force 01.01.2019]

3) studies according to a curriculum of formal vocational education in full-time study and has not exceeded the nominal period of studies according to the curriculum.

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(2) [Repealed - RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(2<sup>1</sup>) A student has the right to receive need-based study allowance if:

1) he or she is an Estonian citizen or is staying in Estonia on the basis of a long-term or temporary residence permit or on the basis of a permanent or temporary right of residence;

2) he or she studies full-time and has by the starting semester cumulatively completed at least seventy-five per cent of the study load subject to completion under the curriculum in the previous semesters or studies full-time in the first semester;

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

3) his or her average monthly income calculated on the basis of § 5<sup>1</sup> of this Act does not exceed the maximum average income calculated for the receipt of need-based study allowance established annually by the state budget.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(2<sup>2</sup>) A student whose application for need-based study allowance has been declined in the relevant semester due to not complying with the condition specified in clause (2<sup>1</sup>) 3) of this section shall have the right to apply for need-based special allowance if:

1) the average monthly income of the three months preceding the submission of an application for need-based study allowance of the student and his or her family members specified in subsection 5<sup>1</sup>(2) of this Act does not exceed the maximum average income calculated for the receipt of need-based study allowance established annually by the state budget, above all, if the given income has decreased in connection with registration of the student or his or her family member as unemployed or in connection with no work ability, or

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

2) the student complies with other conditions established by the educational institution which are related to the deterioration of the economic situation of the student or another difficult economic situation which hinders the student from continuing his or her studies.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(2<sup>3</sup>) A student shall not be entitled to simultaneous need-based study allowance and need-based special allowance.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(3) A Doctoral candidate has the right to receive a Doctoral allowance if he or she:

1) is an Estonian citizen or is staying in Estonia on the basis of a long-term or temporary residence permit or a permanent or temporary right of residence;

2) is enrolled in full-time Doctoral study or part-time Doctoral study in case the reimbursement of study costs is not demanded from him or her;

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

3) has not exceeded the nominal period of studies according to the curriculum;

4) has passed evaluation under the conditions and pursuant to the procedure established by the council of the university or is a first-year Doctoral candidate.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(4) Pupils and students who are on academic leave do not have the right to receive a study allowance.

(4<sup>1</sup>) A student does not have the right to receive a study allowance during the time he or she receives a study allowance from the government of a foreign country, an international or inter-governmental organisation or a representation of a co-operation programme.

[RT I 2008, 34, 208 – entry into force 01.09.2008]

(5) An educational institution shall establish a special allowance fund into which up to fifty percent of the resources of the basic allowance fund are entered. In addition, the surplus in the basic allowance funds shall be entered in the special allowance fund. If surplus is produced also in the special allowance fund, the educational institution has the right to divide the surplus between the funds. From the special allowance fund allowances can be granted disregarding the requirements specified in clauses (1) 2) and 3) of this section and taking into account other circumstances which hinder the pupil from continuing his or her studies. The procedure for the use of the special allowance fund shall be approved by the board of the educational institution.

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(6) Persons specified in subsections (1)-(3) of this section have the right to apply for a study allowance for a number of years which corresponds to the number of academic years foreseen for the nominal period of studies according to the curriculum.

(7) Pupils have the right to apply for a basic allowance for five study months twice during an academic year – in September (for September, October, November, December and January) and in February (for February, March, April, May and June) and first year pupils have that right once a year – in February (for February, March, April, May and June).

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(7<sup>1</sup>) The allocation of need-based study allowances is organised by the Ministry of Education and Research, a state authority administered by the Ministry of Education and Research or a public foundation authorised by the Ministry of Education and Research.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(7<sup>2</sup>) Application for the receipt of need-based study allowance shall be submitted by students to the organiser of allocation of need-based study allowances for up to five study months twice during an academic year – from September to January and from February to June. Study allowance shall be paid from the month of applying for the study allowance.

[RT I, 10.01.2014, 4 – entry into force 20.01.2014]

(7<sup>3</sup>) Doctoral candidates have the right to receive a Doctoral allowance in twelve calendar months starting from September or, if the nominal period of studies according to his or her curriculum ends during a calendar month, in the corresponding number of study months.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(7<sup>4</sup>) Students have the right to submit to the educational institution applications for the receipt of need-based special allowance for up to five study months at least twice during an academic year – from September to January and from February to June. Study allowance shall be paid from the month of applying for the study allowance.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(8) An educational institution shall establish the conditions of and procedure for applying for and the grant and payment of study allowances, except for need-based allowances, and shall inform the pupils and students thereof.

[RT I, 28.12.2018, 3 - entry into force 01.01.2019]

(9) If the minister responsible for the area authorises a public foundation to organise the allocation of need-based study allowances, the minister responsible for the area shall enter into a contract under public law with the public foundation for organising the allocation of need-based study allowances, including for processing of applications and grant of need-based study allowances.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(10) Supervision over performance of the contract under public law specified in subsection (9) of this section shall be exercised by the Ministry of Education and Research.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(11) If the contract under public law specified in subsection 9 of this section is terminated unilaterally or if other reason preventing the public foundation from continuing the performance of the administrative duty specified in subsection (9) of this section exists, the subsequent performance of the administrative duty shall be organised by the Ministry of Education and Research.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

## **§ 5<sup>1</sup>. Calculation of student's average income**

(1) The basis for calculation of the student's average income shall be the taxable income according to § 12 of the Income Tax Act of the student and his or her family members in the calendar year preceding the academic year of application for need-based study allowance, without taking account of the deductions provided for in Chapter 4 of the Income Tax Act, income specified in subsection 13 (4) of the Income Tax Act and received dividends and payments from equity.

(2) Upon the application for need-based study allowance, the family members of a student shall be deemed to be:

- 1) parents of an up to 24-year-old student if the student is not married or a parent or guardian of a child;
- 2) minor siblings and half-siblings of an up to 24-year-old student if the student is not married or a parent or guardian of a child;
- 3) up to 24-year-old siblings and half-siblings of an up to 24-year-old student, who is not married or a parent or guardian of a child, who acquire general secondary education in full-time study or vocational education in full-time study or higher education in full-time study and who have not exceeded the nominal period of curriculum; [RT I, 10.01.2014, 4 – entry into force 20.01.2014]
- 4) spouse of the student;
- 5) minor child whose parent or guardian the student is. [RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(2<sup>1</sup>) If a student has been referred to substitute home service or foster care until he or she attains the age of majority or a guardian has been appointed for the student until attainment of the age of majority and he or she has submitted the documents certifying thereof, the persons specified in clauses (2) 1)–3) of this section shall not be deemed to be his or her family members if the student is not married or a parent or guardian of a child. [RT I, 10.01.2014, 4 – entry into force 20.01.2014]

(3) If the applicant for a need-based study allowance is a non-resident or his or her family members include non-residents, the average income of the student shall be calculated based on the incomes of the persons which are similar to the types of income specified in subsection (1) of this section. Documents certifying such income shall be appended by the applicant to the application specified in subsection 5 (7<sup>2</sup>) of this Act.

(4) Upon calculation of the student's average income, the amount of income specified in subsections (1) and (3) of this section shall be divided by twelve and thereafter by the number of the student and his or her family members.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

## **§ 6. Documents to be submitted to apply for study allowance**

(1) When applying for a study allowance, a pupil shall submit to the educational institution an application in the format established by the latter to which the following documents are appended:

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

- 1) documents which certify the outstanding results of the pupil in a field of study, his or her activity in the community or his or her successful participation in competitions and contests related to the speciality; [RT I, 22.12.2012, 2 – entry into force 01.01.2013]
- 2) in the case specified in subsection 5 (5) of this Act, documents which certify the circumstances as a result of which the pupil is unable to continue his or her studies without a study allowance; [RT I, 22.12.2012, 2 – entry into force 01.01.2013]
- 3) other documents required by the educational institution.

(1<sup>1</sup>) When applying for a need-based special allowance, a student shall submit to the educational institution an application in the format established by the latter to which the documents certifying the compliance with the conditions provided for in subsection 5 (2<sup>2</sup>) of this Act are appended.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(2) An educational institution has the right to verify the correctness of documents and information submitted in order to be granted a study allowance, or to present the documents and information for inspection to competent authorities and persons.

(3) This section shall not be applied to applying for or receipt of need-based study allowance.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

## **§ 7. Grant of basic allowances**

(1) An educational institution shall make a decision on the grant of basic allowances to pupils not later than by 10 October of the corresponding year regarding those who submitted applications in September and not later

than by 10 March of the corresponding year regarding those who submitted applications in February, and shall involve representatives of the body of pupils in the decision-making process.  
[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(2) The order of merit lists for pupils who have submitted applications for a basic allowance and who meet the requirements provided for in subsection 5 (1) of this Act shall be prepared by curricula on the basis of the percentage to the extent of which the pupils have completed the study load to be completed according to the curriculum. In case of a joint curriculum the order of merit lists shall be prepared in common for pupils who meet the requirements provided for on subsection 5 (1) of this Act and study according to a joint curriculum.  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(3) If several applicants have equal results in the order of merit lists prepared pursuant to subsection (2) of this section, the applicant with the better study results shall be preferred. If the results are still equal, any applicant who has outstanding results in the field of study, is active in the community or has successfully participated in competitions or contests related to the speciality shall be preferred.

(4) If several applicants have equal results in the order of merit lists prepared pursuant to subsection (3) of this section, the applicant whose income during the year preceding the year of application was smallest shall be preferred. An educational institution has the right to demand that an applicant submit documents and information which allow his or her income during the year preceding the year of application to be assessed and to verify the correctness of the documents and information submitted or to present the documents and information for inspection to competent authorities and persons.

4<sup>1</sup>) An educational institution shall have the right not to grant study allowance for a pupil who fails to perform the obligation of a pupil to participate in studies specified in the Vocational Educational Institutions Act, observe the obligations established by laws, the statutes and internal procedure rules of the school, the rules for organisation of studies and other legislation.  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(5) Basic allowances shall be granted according to the order of merit lists within the limits of the funds prescribed therefor in the state budget and allocated to educational institutions.

#### **§ 8. Grant of supplementary allowances**

[Repealed - RT I, 02.07.2013, 1 – entry into force 01.09.2013]

#### **§ 9. Grant of Doctoral allowances**

An educational institution shall grant Doctoral allowances to Doctoral candidates, who meet the requirements specified in subsection 5 (3) of this Act, not later than by 10 October.  
[RT I 2008, 34, 208 – entry into force 01.09.2008]

#### **§ 10. Payment of study allowances**

(1) Study allowances shall be paid through educational institutions each study month for the corresponding study month.

(1<sup>1</sup>) Doctoral allowances shall be paid through educational institutions each calendar month for the corresponding calendar month.  
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(1<sup>2</sup>) Doctoral candidate enrolled in part-time study, who meets the requirements specified in this Act, shall be paid Doctoral allowance in an amount proportional to his or her study load from the size of Doctoral allowance established by the state budget.  
[RT I, 28.06.2012, 4 – entry into force 01.07.2012]

(2) An educational institution may pay study allowance for September in October of the same academic year and for February in March of the same academic year.

(3) An educational institution has the right to use up to three per cent of its basic allowance fund in order to cover expenses related to the grant and payment of study allowances.

(3<sup>1</sup>) An educational institution has the right to use up to ten per cent of the need-based special allowance fund in order to cover expenses related to the grant and payment of study allowances.  
[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(4) Need-based study allowance shall be paid from the state budget through the budget of the Ministry of Education and Research each study month for the corresponding study month to every student who meets the requirements specified in subsection 5 (2<sup>1</sup>) of this Act and who has applied for the need-based study allowance.  
[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(5) Need-based special allowance shall be paid through the educational institution each study month for the corresponding study month to every student who meets the requirements specified in subsection 5 (2<sup>2</sup>) of this Act within the limits of the need-based special allowance fund allocated to the educational institution for the corresponding academic year.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

#### **§ 11. Termination of payment and reclamation of study allowances**

(1) If it is established that a pupil or student did not meet the requirements for the grant of a study allowance upon application for the corresponding study allowance and that he or she was aware or ought to have been aware of not meeting the requirements, the educational institution or, in case of need-based study allowance, the organiser of allocation of need-based study allowances shall immediately terminate payment of the study allowance to the pupil or student and he or she shall lose the right to apply for and be granted a study allowance during the academic year in which payment of the study allowance to him or her is terminated and during the following academic year.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(2) In the case provided for in subsection (1) of this section, the educational institution has the right to reclaim the study allowance from the pupil and grant it to another pupil according to the order of merit lists.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

(2<sup>1</sup>) An educational institution has the right to terminate or suspend the payment of study allowance to a pupil if he or she violates the obligations of a pupil specified in the Vocational Educational Institutions Act to a considerable extent. The board of an educational institution shall establish the list of considerable violations.

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(3) An educational institution has the right to reclaim the Doctoral allowance from the Doctoral candidate in the case provided for in subsection (1) of this section and transfer it to the stipend fund.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

#### **§ 12. Size of study allowance**

(1) The size of the basic allowance, Doctoral allowance and need-based special allowance paid to a student each study month shall be established annually by the state budget.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(2) The need-based study allowance of students shall be established annually by the state budget in three sizes based on whether the average income of the student calculated pursuant to § 5<sup>1</sup> of this Act from the maximum average income calculated for the receipt of need-based income established by the state budget is

1) up to 25 per cent or

2) 26 up to 50 per cent or

3) 51 up to 100 per cent.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

#### **§ 13. Coefficients for study allowance funds**

(1) The coefficient for the basic allowance fund shall be established by a regulation of the minister responsible for the area.

[RT I, 28.12.2018, 3 - entry into force 01.01.2019]

(2) [Repealed -RT I 2009, 35, 232 - entry into force 06.07.2009]

(3) [Repealed -RT I, 28.12.2018, 3 - entry into force 01.01.2019]

#### **§ 14. Study allowance funds**

(1) The size of the basic allowance fund allocated to an educational institution per study month shall be calculated by multiplying the size of basic allowance by the number of students having studied in full-time study on student training places formed on the basis of activity support and registered in the Estonian Education Information System as of 10 November of the previous year, and by the coefficient for the basic allowance fund.

[RT I, 28.12.2018, 3 - entry into force 01.01.2019]

(2) [Repealed - RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(3) The Doctoral allowance fund shall be allocated to a university among the funds allocated for the provision of instruction at the level of higher education.

(3<sup>1</sup>) The bases for the calculation of and the size of need-based special allowance fund shall be agreed in a contract entered into between the Ministry of Education and Research and an educational institution.  
[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(4) An educational institution shall divide the basic allowance fund between broad groups of studies proportionally on the basis of student training places formed on the basis of activity support in the relevant broad group of studies. The board of the educational institution shall approve the conditions of and procedure for dividing the fund between the curricula in a broad group of studies.  
[RT I, 28.12.2018, 3 - entry into force 01.01.2019]

(5) Basic allowance, Doctoral allowance and need-based special allowance funds shall be allocated to educational institutions or, in the case of a joint curriculum, to the educational institutions agreed upon in the cooperation contract concerning the joint curriculum, from the state budget through the budget of the Ministry of Education and Research.  
[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

## **Chapter 3**

### **STUDY LOAN**

#### **§ 15. Applying for study loan**

(1) An Estonian citizen or a person staying in the Republic of Estonia on the basis of a long-term residence permit or permanent right of residence, the duration of whose studies according to the curriculum is six calendar months or more, has the right to obtain a study loan if he or she:  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

1) is enrolled in full-time or part-time study at an Estonian university, at an institution of professional higher education or at a vocational educational institution, or  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

2) is a pupil having acquired secondary education studying according to a curriculum of formal vocational education at an Estonian vocational educational institution or at an institution of professional higher education, or  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

3) is studying abroad at an educational institution and in a form of study similar to those specified in clauses 1) or 2) of this subsection.

(2) [Repealed - RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(3) The person specified in subsection (1) of this section has the right to obtain a study loan for a number of years which corresponds to the number of academic years prescribed for the nominal period of studies according to the curriculum.  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(3<sup>1</sup>) If the person specified in subsection (1) of this section has during his or her former studies on the same level and within the same stage of education received study loan, the number of the allocations of loan the person is entitled to is reduced by the number of the allocations of loan made to the person during his or her former studies. In case of formal vocational education, studying according to pre-training and continuing training curricula and pre-training curricula corresponding to different levels are deemed to be different stages of education.  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(4) Pupils and students who are on academic leave do not have the right to obtain a study loan.

(5) Study loans to the extent of the maximum rate established by the Government of the Republic shall be granted once a year. Study loans to persons specified in subsection (1) of this section, the duration of whose studies according to a curriculum is less than nine calendar months shall be granted once per academic year in the extent of one-half of the maximum rate.  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(6) Pupils and students have the right to obtain a study loan from 15 September until 1 June of the following year. First year pupils and students have the right to obtain a study loan from 1 October until 1 June of the following year.  
[RT I 2006, 48, 359 – entry into force 09.11.2006]

#### **§ 16. Lenders of study loans**

(1) Credit institutions which grant study loans from the funds of their credit resources are deemed to be lenders of study loans.

(2) Lenders of study loans shall be selected by way of public competition. The minister responsible for the area shall announce the competition, make a decision on the competition results and enter into a contract for the



management of the grant of study loans with the credit institution selected by way of the competition on behalf of the state.

(3) The following are the mandatory conditions of contracts for the management of the grant of study loans:

- 1) the conditions and procedure for the grant of study loans;
- 2) the conditions and procedure for application of the state guarantee;
- 3) the conditions and procedure for payment of the difference between the commercial interest rate and the interest rate payable to the credit institution by the recipient of a loan;
- 4) the standard form of a study loan agreement;
- 5) the standard form of a contract of suretyship for a study loan;
- 6) the mutual notification obligation of the credit institution and the state;
- 7) the liability of the parties.

(4) The state shall secure the study loan of the recipient to the extent of the maximum rate established by the Government of the Republic and the interest to be paid to the credit institution on the amount of the study loan by the recipient (hereinafter state guarantee).

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(5) The commercial interest rate on the amount of a study loan secured by the state shall be twelve months Euribor + 2 per cent per year, but not less than 5 per cent per year. The interest rate shall be fixed for each subsequent interest period two banking days before 1 September. The basis for the calculation of interest is the actual number of days in a month and a year of 360 days. An interest period runs from 1 September to 31 August.

(6) The recipient of a study loan shall pay interest on the amount of the loan secured by the state to the credit institution on the basis of the commercial interest rate, but not more than 5 per cent per year. If the commercial interest rate is higher than 5 per cent per year, the state shall pay the credit institution the difference between the commercial interest rate and the interest rate payable by the recipient of the loan under the conditions prescribed by the contract for the management of the grant of study loans entered into by the state and the credit institution on the basis of subsection (2) of this section.

#### **§ 17. Submission of information to apply for study loan**

(1) In order to apply for a study loan, a pupil or student shall submit to a credit institution a loan application in the format established by the latter, to which the following documents are appended:

- 1) an identity document or an officially authenticated extract from the page of that document which contains personal data;
- 2) in the case of an alien, a document which contains a notation concerning his or her long-term residence permit or permanent right of residence or an officially authenticated copy of that document or, in the absence thereof, a certificate from a competent authority concerning any other legal basis for the alien to stay in the Republic of Estonia;
- 3) in the case of a student studying abroad, a certificate from the foreign educational institution concerning his or her enrolment in full-time study and the nominal period of studies according to a curriculum at the educational institution, in case of a pupil, the nominal period of studies according to the curriculum;  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]
- 4) information on the sureties or an immovable situated in Estonia which is to be encumbered with a mortgage or a building or a legal share of a building situated in Estonia which is to be encumbered with a pledge;
- 5) information on the loan commitments of the applicant for the study loan and the sureties or the rights encumbering the pledged object;
- 6) other information required by the credit institution.

(2) A credit institution shall refuse to grant a study loan if a pupil or student does not meet the requirements provided for in § 15 of this Act, if no guarantee specified in subsection 19 (1) of this Act is granted regarding the study loan or if the pupil or student is a study loan debtor.

[RT I 2006, 48, 359 – entry into force 09.11.2006]

#### **§ 18. Repayment of study loan**

(1) The recipient of a loan shall commence repayment of the loan amount not later than twelve months after finishing his or her studies due to completing the curriculum to the full extent or for other reasons if, during that time, the recipient of the loan has not begun to continue his or her studies at an educational institution or in a form of study specified in subsection 15 (1) or (2) of this Act. If the recipient of the loan is continuing his or her studies, he or she has the right to receive a study loan on the basis of the existing study loan agreement to the extent provided in subsection 15 (3) of this Act.

(2) The recipient of a loan shall undertake to repay the amount of the loan together with interest if:

1) the recipient of the loan finished his or her studies due to completing the curriculum to the full extent, over the course of double the nominal period of studies prescribed for completion of the curriculum as of the beginning of repayment of the loan amount;

2) the recipient of the loan finished his or her studies for a reason other than those specified in clause 1) of this subsection, over the course of a period that equals one and a half times the period the person spent pursuing his or her studies at the educational institution, but is not shorter than six months and not longer than one and a half times the nominal period of studies according to the curriculum, as of the beginning of repayment of the loan amount.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(3) If the recipient of a loan continues his or her studies at an educational institution and in a form of study specified in subsection 15 (1) or (2) of this Act within twelve months after having finished his or her previous studies, he or she shall undertake to repay the entire loan amount together with interest over the course of a period that equals the sum of the periods calculated pursuant to the provisions of subsection (2) of this section, but is not longer than twenty years, as of the beginning of repayment of the loan amount.

(4) The running of the term for repayment of a study loan shall be suspended and the obligation to pay the interest does not arise for the duration of any period during which the recipient of the loan is serving compulsory military service and for one parent until the child attains 3 years of age and for a resident physician until completion of residency as of the moment of receipt of a corresponding certified request. During the period specified in this subsection, the state shall pay the credit institution the interest payable on the balance outstanding on the amount of the study loan balance to the extent of the commercial interest rate under the conditions provided for in the contract entered into between the state and the credit institution on the basis of subsection 16 (2) of this Act.

(5) A person, who has completed his or her studies at an educational institution set out in subsection 15 (1) or (2) of this Act before 1 July 2009 due to completing the curriculum to the full extent, who has been employed in a state or local government authority or has been employed at a legal person in public law for at least twelve months and has submitted an application for writing off the principal amount of a study loan, the valid study loan agreement together with all the annexes thereto and a document certifying the exmatriculation of the recipient of a student loan due to completing the curriculum to the full extent or completion of his or her studies due to completing the curriculum to the full extent, has the right to have the part of the amount of his or her study loan secured by the state which has not yet been repaid written off by the authority or legal person in public law. The conditions and procedure for writing off of study loans shall be established by the Government of the Republic.

[RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>1</sup>) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>2</sup>) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>3</sup>) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>4</sup>) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>5</sup>) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>6</sup>) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>7</sup>) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(5<sup>8</sup>) The state does not write off a study loan or terminates the writing off of a study loan of a person, concerning whom the provisions of subsection 21 (1) or subsections 28 (9) or (10) of this Act apply, on the basis of subsection (5) of this section.

[RT I 2009, 35, 232 – entry into force 01.07.2009]

(6) The conditions and procedure for repaying and writing off study loans shall be established by a regulation of the Government of the Republic.

[RT I 2006, 48, 359 – entry into force 09.11.2006]

## **§ 19. Securing study loan**

(1) Surety provided by at least two Estonian citizens or persons staying in Estonia on the basis of long-term residence permits or permanent right of residence, or by a mortgage on an immovable situated in Estonia shall secure the obligations of the recipient of a study loan arising from the loan agreement.

(2) The state shall secure the obligations of the recipient of a student loan arising from the loan agreement on the bases and pursuant to the procedure provided for in this Act.

[RT I 2006, 48, 359 – entry into force 09.11.2006]

## **§ 20. Extent of state guarantee**

(1) The maximum size of the amount paid to a credit institution by the state to perform the obligations of the recipient of a study loan is equal to the loan amount taken by the recipient together with interest but shall not exceed the amount of the maximum rates for study loans secured by the state together with interest, as prescribed for the years in which the study loan is taken.

(2) The maximum rate for study loan secured by the state per applicant per academic year shall be established by the Government of the Republic annually not later than by 1 July.

(3) Upon the application of state security, the state shall perform the obligations of the recipient of the study loan arising from the loan agreement to the credit institution to the extent of the unrepaid part of the loan actually received by the recipient and the interest payable, which shall not exceed the rate provided for in subsection (1) of this section.

## **§ 21. Application of state guarantee on request of credit institution**

(1) If the a recipient of a study loan fails to commence repayment of the loan within the term specified in § 18 of this Act and the recipient or his or her sureties or the owner of the immovable encumbered with a mortgage or the owner of the building or the legal share of a building encumbered with a pledge (hereinafter pledgor) fail to not perform the obligations arising from the study loan agreement, the credit institution has the right to demand that the state perform the obligations of the recipient of the loan, his or her surety or the pledgor to the extent of the state guarantee provided for the loan.

(2) If the state has performed the obligation of the recipient of a loan to a credit institution to the extent set out in subsection (1) of this section, the state has the right of claim against the recipient of the loan and his or her sureties or the pledgor in the entire amount paid by the state to the credit institution.

(3) On an amount paid to a credit institution by the state, the recipient of a loan, his or her surety or a pledgor shall, provided that a new payment schedule has been agreed on, pay the interest set out in subsection 16 (5) of this Act to the state on the unpaid balance of the loan amount paid to the credit institution by the state.  
[RT I, 11.03.2015, 1 – entry into force 01.10.2015]

(4) At the reasoned request of the recipient of a loan, his or her surety or the pledgor, the state may, upon collection of the amount paid to a credit institution and the interest prescribed in subsection (3) of this section, agree with the recipient of the loan, his or her surety or the pledgor on payment by instalments.

(5) If, upon the grant or collection of a study loan secured by the state, the credit institution fails to observe the conditions provided for the grant and collection of study loans in this Act, legislation issued on the basis thereof or the contract entered into between the state and the credit institution, the state has the right to refuse to apply the state guarantee.

## **§ 22. Waiver of claim for performance of obligations of recipient of loan upon death or no work ability of recipient of loan or establishment of severe or profound disability of child of recipient of loan**

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(1) In the event of the death of the recipient of a study loan, the claims of the credit institution arising from the loan agreement terminate to the extent of the state guarantee and the credit institution has the right to demand that the state perform the obligation of the recipient of the loan to the specified extent.

(2) In the event of establishment that a the recipient of a study loan has no work ability, the credit institution shall waive the demand that the recipient of the loan, his or her sureties or the pledgors perform the obligations arising from the loan agreement which arose before the establishment of no work ability of the recipient of the loan to the extent of the state guarantee for the loan and the credit institution has the right to demand that the state perform the obligation of the recipient of the loan to the specified extent.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

(3) In the event of establishment of severe or profound disability of the child of the recipient of a study loan, the credit institution shall waive the demand that the recipient of the loan, his or her sureties or the pledgors perform the obligations arising from the loan agreement which arose before the establishment of severe or profound disability of the child of the recipient of the loan to the extent of the state guarantee for the loan and the credit institution has the right to demand that the state perform the obligation of the recipient of the loan to the specified extent. Waiver of the claim for performance of the obligations of the recipient of loan shall be applied to the study loan of one parent who constantly cares for a child with severe or profound disability.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(4) In the event of the death of the recipient of a loan or establishment that the recipient of a loan has no work ability or the establishment of severe or profound disability of the child of the recipient of a loan, the state shall waive the right of claim provided in subsection 21 (2) of this Act.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

### § 23. Application of state guarantee

(1) In order for the state to perform the obligations arising from a study loan agreement, the credit institution shall submit a corresponding written request to the Ministry of Finance or an authority appointed by the minister responsible for the area within one month as of the date on which the credit institution becomes aware of the circumstances specified in subsection 21 (1) or subsection 22 (1) of this Act.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(1<sup>1</sup>) In order for the state to perform the obligations arising from a study loan agreement based on subsections 22 (2) and (3) of this Act, the person shall submit a corresponding written request to the Social Insurance Board. Upon submission of the request, the person grants consent to the credit institution for the communication of information to the Social Insurance Board.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(1<sup>2</sup>) A person may submit the request specified in subsection (11) of this section to the Social Insurance Board through the credit institution.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(1<sup>3</sup>) Upon application of the state guarantee in the cases provided for in subsections 22 (2) and (3) of this Act, the following information shall be set out in the request:

- 1) name, date of birth and sex or personal identification code, contact information;
- 2) information of the credit institution having issued the study loan.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(1<sup>4</sup>) Upon application of the state guarantee in the case provided for in subsection 22 (3) of this Act, the person shall confirm in the request that the other parent is aware and consents that the deletion of study loan is applied for by the person signing the request.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(2) Upon application of the state guarantee in the case provided for in subsection 21 (1) of this Act, the credit institution shall append the following documents to the request:

- 1) copies of the study loan agreement and all the annexes thereto;
- 2) copies of the contract of suretyship or the pledge contract and all the annexes thereto;
- 3) a document which certifies that the recipient of the study loan has received the loan;
- 4) copies of documents certifying that the credit institution has demanded that the recipient of the study loan perform the obligations arising from the loan agreement;
- 5) other information necessary for application of the state guarantee.

(3) Upon application of the state guarantee in the case provided for in subsection 22 (1) of this Act, the credit institution shall append the following documents to the request:

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]:

- 1) copies of the study loan agreement and all the annexes thereto;
- 2) copies of documents certifying the circumstances which are the basis for application of the state guarantee (death certificate, a court ruling concerning the declaration of the person as dead, etc.);

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

- 3) other information necessary for application of the state guarantee.

(3<sup>1</sup>) Upon application of the state guarantee in the cases provided for in subsections 22 (2) and (3) of this Act, the credit institution shall send the following information to the Social Insurance Board:

- 1) copy of the study loan contract and all the annexes thereto;
- 2) information on the study loan: date of loan application and payment, amount of the loan, loan balance at the time of requesting the application of loan guarantee;
- 3) notification if state guarantee has applied on the basis of subsection 21 (1) of this Act.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(4) The Ministry of Finance or the minister responsible for the area has the right to demand that a credit institution submit documents not specified in subsections (2) and (3) of this section if they may prove the circumstances which are the basis for the claim of the credit institution.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(5) If a credit institution complies with the requirements provided for in this Act for application of the state guarantee, the loan amount owed by the recipient of the loan shall be paid to the credit institution within one month as of the date of submission of the request provided for in this section and all the required documents.

[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(6) If the state guarantee has applied to the obligation of the recipient of loan upon the application of the credit institution according to subsection 21 (1) of this Act, but the person submits the request specified in subsection (1<sup>1</sup>) of this Act to the Social Insurance Board, the request shall be transferred, with the person's consent, to the relevant authority with the information forming the basis of the claim.  
[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

#### **§ 24. Management of state guarantee**

(1) In the legal relationships arising from subsections 21 (2) and (4) of this Act, the state shall be represented by the authority appointed by the minister responsible for the area and in the legal relationships arising from subsections 22 (2) and (3) of this Act, the state shall be represented by the Social Insurance Board.  
[RT I, 03.07.2017, 1 – entry into force 01.01.2018]

(2) The Ministry of Education and Research shall maintain records of persons entitled to obtain a study loan and persons who have obtained a study loan. Universities, institutions of professional higher education and vocational educational institutions, in the case of a joint curriculum the educational institution agreed upon in the cooperation contract concerning the joint curriculum, shall forward information on their pupils, students, Master's candidates and Doctoral candidates to the Ministry of Education and Research twice a year – by 1 February and 1 October.  
[RT I 2008, 34, 208 – entry into force 01.09.2008]

## **Chapter 4 STATE SUPERVISION**

#### **§ 25. State supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]  
The Ministry of Education and Research (hereinafter the law enforcement agency) shall exercise state supervision over the intended and lawful use of funds allocated for study allowances.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 26. Special state supervision measures**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]  
For the execution of state supervision provided for in this Act, the law enforcement agency may apply the special state supervision measures provided for in § 30 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 26<sup>1</sup>. Limit of penalty payment**

In the event of failure to comply with a precept, the upper limit of penalty payment imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act shall be 640 euros.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 27. Precepts**

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

## **Chapter 5 IMPLEMENTING PROVISIONS**

#### **§ 28. Application of Act**

(1) The provisions of this Act concerning study loans apply to pupils and students who, upon the entry into force of this Act, have not entered into loan agreements to obtain study loans secured by the state or who no longer have the right to obtain study loans secured by the state on the basis of study loan agreements entered into prior to the entry into force of this Act.

(2) Instead of the requirement for enrolment in full-time study [ *täiskoormusega õpe* ], students admitted to higher education before the academic year 2003/2004 are required to have enrolled in full-time study [ *statsionaarne õppevorm* ].

(3) Instead of the requirement for enrolment in full-time study [ *täiskoormusega õpe*], pupils who have commenced the acquisition of vocational secondary education before the academic year 2004/2005 are required to have enrolled in daytime study [ *päevane õppevorm*].

(4) In 2003, funds shall be allocated to educational institutions and study allowances shall be paid only if funds are allocated therefor in the state budget.

(5) Allowances granted for December 2003 shall be paid in January 2004.

(6) The minister responsible for the area shall establish the regulation specified in subsection 13 (1) of this Act by the time this Act enters into force in 2003.

(7) [Repealed - RT I 2009, 35, 232 – entry into force 01.07.2009]

(8) Upon calculation of the size of the supplementary allowance fund provided for in subsection 14 (2) of this Act, the student training places for the acquisition of secondary vocational education on the basis of secondary education formed before 1 January 2006 formed on the basis of state commissioned education at the educational institution for the corresponding academic year shall also be taken into account.  
[RT I 2007, 4, 17 – entry into force 29.01.2007]

(9) A study loan of a person specified in subsection 18 (5<sup>1</sup>) in force until 1 July 2009 concerning whom the Social Insurance Board has made a decision to write off a study loan partially before 1 July 2009 shall be written off under the conditions provided for in the decision.  
[RT I 2009, 35, 232 – entry into force 01.07.2009]

(10) An application for partial writing off of a study loan of a person specified in subsection 18 (5<sup>1</sup>) in force until 1 July 2009 submitted to a credit institution before 1 July 2009 shall be processed and the study loan of such a person shall be written off pursuant to the procedure in force at the time of submission of the application.  
[RT I 2009, 35, 232 – entry into force 01.07.2009]

(11) Instead of the requirement for enrolment in full-time study [ *statsionaarne õppevorm*], pupils admitted to an educational institution before 1 September 2013 are required to have enrolled in full-time study [ *täiskoormusega õpe*].  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(12) The right to apply for basic allowance specified in subsection 5 (1) of this Act on the conditions established in the given provision shall be extended to pupils studying according to a curriculum of vocational training on the basis of secondary education, basic education, without the requirement of basic education or according to a curriculum of vocational secondary education.  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(13) The right to receive a study loan specified in subsection 15 (1) of this Act on the conditions established in the given provision shall be extended to pupils enrolled in full-time vocational training on the basis of secondary education.  
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(14) Students matriculated at an educational institution since the academic year 2013/2014 have the right to apply for need-based special allowance since 1 February 2015.  
[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(15) In the academic year 2014/15, an educational institution shall establish the conditions and procedure for applying for and the grant and payment of need-based special allowance by 1 February 2015 and shall inform the students and the Ministry of Education and Research thereof.  
[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(16) In case the permanent incapacity for work of a person has been established to the extent of 80–100 per cent on the basis of the State Pension Insurance Act, the condition of no work ability provided for in clause 5 (2<sup>2</sup>) 1) and subsections 22 (2) and (4) of this Act shall be deemed to be complied with.  
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

## **§ 29. Validity of contracts for management of grant of study loans**

(1) Upon the entry into force of this Act, contracts for the management of the grant of study loans entered into between the state and credit institutions shall remain valid and they shall apply to the management of study loans secured by the state which are granted on the basis of study loan agreements entered into prior to the entry into force of this Act.

(2) In order to manage the grant of study loans secured by the state as of the entry into force of this Act, the minister responsible for the area shall conduct a competition for lenders of study loans such that new contracts for the management of the grant of study loans in order to grant study loans secured by the state on the basis of this Act can be entered into not later than on 1 September 2004.

### **§ 30. Validity of study loan agreements**

(1) Persons who, by the date of the entry into force of this Act, have entered into a study loan agreement to obtain a study loan secured by the state pursuant to the Republic of Estonia Education Act shall be granted the study loan and repay the loan under the conditions and pursuant to the procedure in force prior to the entry into force of this Act and under the conditions and pursuant to the procedure established in the study loan agreement until the entire loan amount is repaid.

[RT I 2009, 35, 232 – entry into force 01.07.2009]

(2) A study loan of the persons specified in subsection (1) of this section secured by the state which has not been repaid shall be written off on the basis of subsection 36<sup>1</sup>(6) of the Republic of Estonia Education Act in force until 1 September 2004, on the condition that the person meets the criteria for writing off a study loan and submits, before 1 July 2009, an application for writing off the principal amount of study loan, the valid study loan agreement together with all the annexes thereto and a document certifying the exmatriculation of the recipient of a student loan due to completing the curriculum to the full extent or completion of his or her studies due to completing the curriculum to the full extent.

[RT I 2009, 35, 232 – entry into force 01.07.2009]

### **§ 31. Application of state guarantee**

The state guarantee applies to study loans granted on the basis of study loan agreements entered into prior to the entry into force of this Act under the conditions and pursuant to the procedure in force prior to the entry into force of this Act.

**§ 32.–§ 39.**[Omitted from this text.]

### **§ 39<sup>1</sup>. Application for, grant and payment of Doctoral allowance in 2005**

(1) In 2005, Doctoral candidates who meet the requirements provided for in subsection 5 (3) of this Act have the right to apply for a Doctoral allowance in February, in addition to September.

(2) Doctoral candidates who apply for a Doctoral allowance in February 2005 shall be granted a Doctoral allowance for five study months (February, March, April, May and June).

(3) An educational institution shall decide on the grant of Doctoral allowances to Doctoral candidates who submitted an application in February 2005 not later than by 10 March 2005 within the limits of the funds prescribed therefor in the state budget and allocated to educational institutions.

(4) Persons who applied for a Doctoral allowance in February 2005 shall be paid a Doctoral allowance pursuant to the procedure provided for in § 10 of this Act.

(5) Doctoral candidates who were granted a Doctoral allowance prior to 1 January 2005 shall be paid a Doctoral allowance under the conditions and pursuant to the procedure (including in the amount) which were in force at the time of the granting of the Doctoral allowance until the end of the period of payment of the Doctoral allowance granted, except if the Doctoral candidate is granted a Doctoral allowance as a result of the application round which took place in February 2005.

(6) Doctoral candidates who apply for a Doctoral allowance in September 2005 shall apply for, be granted and be paid a Doctoral allowance pursuant to the procedure provided for in this Act.

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

### **§ 39<sup>2</sup>. Calculation and allocation of study allowance funds to be allocated in 2013**

The provisions of § 14 of this Act shall not be applied to the calculation of study allowance funds of higher education to be allocated in 2013 and the study allowance funds of 2013 shall be calculated and allocated to educational institutions in the extent having applied in 2012.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

### **§ 40. Entry into force of Act**

(1) This Act enters into force on 1 September 2003.

(2) Sections 15–24, subsection 28 (1) and §§ 29–32 of this Act enter into force on 1 September 2004.

#### **§ 41. Application for, grant and payment of Doctoral allowance to Doctoral candidates matriculated at university before 1 January 2012**

(1) A Doctoral candidate matriculated at a university before 1 January 2012 has the right to apply for a Doctoral allowance if he or she:

1) is an Estonian citizen or is staying in Estonia on the basis of a long-term or temporary residence permit or permanent or temporary right of residence;

2) is enrolled at a university in public law or a private university in full-time Doctoral study;

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

3) studies in a student place formed on the basis of state commissioned education unless otherwise agreed in the contract for state-commissioned education or is enrolled in Doctoral study without the reimbursement of study costs since the academic year 2016/2017;

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

4) has not exceeded the nominal period of studies according to the curriculum;

5) has passed evaluation under the conditions and pursuant to the procedure established by the council of the university or is a first-year Doctoral candidate.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(2) The order of merit lists for Doctoral candidates who have submitted applications for a Doctoral allowance and who meet the requirements provided for in subsection (1) of this section shall be prepared by curricula on the basis of the results of evaluation or, in the case of first-year Doctoral candidates, on the basis of compliance with the entrance requirements.

(3) Doctoral candidates have the right to apply for a Doctoral allowance for twelve calendar months starting from September or, if the nominal period of studies according to the curriculum ends during a calendar month, for the corresponding number of study months.

(4) An educational institution shall decide on the grant of Doctoral allowances to Doctoral candidates, who have submitted applications, on the basis of the order of merit lists not later than by 10 October.

(5) Doctoral allowances shall be paid through educational institutions each calendar month for the corresponding month.

(6) Subsection 11 (1), § 12 and subsection 14 (3) of this Act apply respectively to termination of payment and reclamation of Doctoral allowances, establishment of the amount of Doctoral allowances and allocation of a Doctoral allowance fund to a university.

[RT I 2008, 34, 208 – entry into force 01.09.2008]

#### **§ 42. Application for, grant and payment of study allowance until academic year 2015/16 in case of students matriculated before academic year 2013/14 and study allowance funds allocated to educational institutions**

(1) The provisions concerning the application for and receipt of need-based study allowance and need-based special allowance shall not be applied to students matriculated before the academic year 2013/14 until the end of academic year 2015/16.

[RT I, 04.12.2014, 4 – entry into force 01.01.2015]

(2) Students matriculated before the academic year 2013/14, except for Doctoral candidates, have the right to, until the end of academic year 2015/16, apply for:

1) basic allowance if he or she is an Estonian citizen or is staying in Estonia on the basis of a long-term or temporary residence permit or permanent or temporary right of residence and is enrolled in full-time study and has not exceeded the nominal period of the curriculum;

2) supplementary allowance if he or she meets the requirements for the receipt of basic allowance specified in clause 1) of this section and his or her residence according to the data in the Estonian population register is located outside the local government in which the educational institution at which he or she studies is located or outside the bordering local governments.

(3) Study allowances specified in subsection (2) of this section can be applied for five study months twice during an academic year – in September (for September, October, November, December and January) and in February (for February, March, April, May and June).

(4) In the academic years 2013/14, 2014/15 and 2015/16, educational institutions shall be issued the following funds for payment of study allowances to students, except for Doctoral candidates, matriculated before the academic year 2013/14:

1) basic allowance fund, the size of which per study month shall be calculated by multiplying the size of the basic allowance by the number of students, except for Doctoral candidates, enrolled in full-time study in the academic year prior to the allocation of the fund, and by the coefficient for the basic allowance fund;

2) supplementary allowance fund, the size of which per study month shall be calculated by multiplying the size of the supplementary allowance by the number of students, except for Doctoral candidates, enrolled in full-time study in the academic year prior to the allocation of the fund, and by the coefficient for the supplementary allowance fund.



(5) The provisions of subsections 5 (4)–(6) and (8), §§ 6–8, subsections 10 (1)–(3), subsections 11 (1) and (2), subsection 12 (1), § 13 and subsections 14 (4) and (5) of this Act apply to the establishment of the amount, application for, grant, payment, termination of payment and reclamation of basic allowance and supplementary allowance in case of students, except for Doctoral candidates, matriculated before the academic year 2013/14, and to the allocation of basic allowance fund and supplementary allowance fund to educational institutions and to the establishment of special allowance fund and to the application for allowances therefrom.

(6) The provisions concerning application for and the grant and payment of basic allowance and supplementary allowance in case of students, except for Doctoral candidates, matriculated before the academic year 2013/14 shall also apply to joint curricula, whereas the functions of an educational institution shall be performed, according to its competence, by the educational institution agreed upon in the cooperation contract concerning the joint curriculum.

[RT I, 22.12.2012, 2 – entry into force 01.01.2013]

<sup>1</sup>Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.04.2004, pp. 0077–0123).