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## Universities Act

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26.06.1996	RT I 1996, 51, 965	29.07.1996
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03.06.1998	RT I 1998, 57, 859	06.07.1998
13.01.1999	RT I 1999, 10, 150	15.02.1999
15.12.1999	RT I 1999, 102, 908	10.01.2000
07.03.2000	RT I 2000, 25, 140	07.04.2000
27.09.2000	RT I 2000, 78, 496	22.10.2000
17.01.2001	RT I 2001, 16, 71	16.02.2001
29.01.2002	RT I 2002, 21, 117	04.03.2002
05.06.2002	RT I 2002, 53, 336	01.07.2002
12.06.2002	RT I 2002, 56, 348	05.07.2002
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19.06.2002	RT I 2002, 61, 375	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
29.01.2003	RT I 2003, 20, 116	10.03.2003, partially according to § 57
Consolidated text in paper version of RT I 2003, 33, 206 Riigi Teataja		
07.08.2003	RT I 2003, 58, 387	01.09.2003
Correction notice, RT I 2004, 5		
13.05.2004	RT I 2004, 45, 316	27.05.2004
Correction notice, RT I 2004, 53		
28.06.2004	RT I 2004, 56, 404	01.09.2004
16.02.2005	RT I 2005, 13, 65	18.03.2005
05.05.2005	RT I 2005, 29, 215	05.06.2005
16.06.2005	RT I 2005, 38, 297	17.07.2005
20.10.2005	RT I 2005, 61, 475	27.11.2005
19.10.2006	RT I 2006, 49, 369	20.11.2006, partially 01.09.2007
19.06.2008	RT I 2008, 34, 208	01.09.2008, partially 01.01.2009, 01.01.2011 and 01.01.2014
17.12.2008	RT I 2009, 5, 35	01.07.2009
20.02.2009	RT I 2009, 15, 93	01.03.2009, implemented since 01.01.2009
24.09.2009	RT I 2009, 48, 324	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).
21.10.2010	RT I, 08.11.2010, 4	18.11.2010, partially 01.01.2011
16.02.2011	RT I, 03.03.2011, 4	01.01.2012
23.11.2011	RT I, 12.12.2011, 1	01.01.2012
10.05.2012	RT I, 30.05.2012, 1	01.01.2013
06.06.2012	RT I, 28.06.2012, 4	01.07.2012
13.06.2012	RT I, 10.07.2012, 2	01.04.2013
19.02.2014	RT I, 13.03.2014, 2	23.03.2014, partially 01.01.2015, 01.01.2017 and 01.01.2019
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially 23.03.2014

## Chapter 1 General Provisions

### § 1. Purpose of Act

The purpose of the Universities Act is to provide the procedure for the establishment, merger, division, and termination of the activities of universities, the bases for the activities, limits of autonomy and principles of management of universities, the forms of and conditions for acquiring higher education, the legal status of the assets of universities, the procedure for financing universities, the basic rights and obligations of teaching staff and students, and administrative supervision over the activities of universities.

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

### § 2. Definitions used in this Act

In this Act, the following definitions are used:

1) “credit point” means a unit in which study load is calculated. One credit point corresponds to 40 hours or one week of study by a student. The study load of one academic year is 40 credit points. Upon implementation of the European Credit Transfer and Accumulation System, ECTS, one credit point corresponds to 26 hours of study by a student which makes 1560 hours and 60 credit points per one academic year. A system of calculation of the study load different from the one set out in this clause may be applied with regard to a portion of a joint curriculum pursued in an educational institution of a foreign state;

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

2) “academic degree” means a Bachelor’s level degree, Master’s level degree or Doctoral level degree which is awarded by a university to a person who has completed the curriculum of the corresponding academic level and defended his or her final paper or passed the final examination and which is certified by a corresponding graduation document;

3) “institutional accreditation” means external assessment in the course of which compliance of the management, organisation of work, instruction and research, and the environment of teaching, learning and research of a university with the legislation, objectives and development plan of a university are assessed;

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

3<sup>1</sup>) “quality assessment of study programme group” means external assessment in the course of which the compliance of curricula as well as the study and study-related development based on the curricula with legislation, national and international standards and developments are assessed for the purpose of making recommendations for improvement of the quality of study;

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

3<sup>2</sup>) “attestation of teaching staff” means the periodical evaluation of compliance of teaching staff with the work results and requirements for the office, the purpose of which is to support the development and career opportunities of teaching staff and by which the suitability of the attested employee to the office is determined;

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

4) “study based on the integrated curricula of Bachelor’s and Master’s study” means study following the curricula of medical training, veterinary training, pharmacist training, dentistry training, architectural studies or civil engineering studies or teacher training for class teachers, upon the completion of which a person is awarded a Master’s level degree;

[RT I 2006, 49, 369 - entry into force 20.11.2006, partially 1.09.2007]

5) “occupational training” means the acquisition of knowledge, skills and experience for expert decision making and the execution of decisions in management, government and administration;

6) “professional training” means the acquisition of knowledge, skills and experience for operating as an expert in a particular field or area of specialisation;

7) “vocational training” means the acquisition of knowledge, skills and experience which is accompanied by ethical preparation for professional and occupational activities;

8) “qualification” means the required level of knowledge and skills which is documented;

9) “higher education” means education based on the scientific approach which is acquired on the basis of secondary education and which is certified by a corresponding graduation document;

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

10) [Repealed - RT I 2008, 34, 208 – entered into force 01.01.2009]

11) [Repealed - RT I, 30.05.2012 – entered into force 01.01.2013]

11<sup>1</sup>) “activity support” means the support allocated from the state budget through the budget of the Ministry of Education and Research to an educational institution for the provision of instruction at the level of higher education, the aim of which is to create equal possibilities for studying to all capable and motivated students and to ensure the financial resources necessary for an educational institution in order to achieve its mission, objective and functions;

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

12) “research degree” means a Doctoral level degree which is awarded by a university to a person who has completed the curriculum of Doctoral study to the full extent and defended a Doctoral thesis and which is certified by a corresponding graduation document, or a Master’s level degree in the case specified in subsection 56 (7) of this Act;

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

13) “curriculum” means the source document for study which sets out the objectives of the studies to be undertaken, the standard period and volume of study, the conditions for the commencement of studies, the extent of the list of subjects, short descriptions of subjects, the opportunities and conditions for choosing subjects, the opportunities for specialisation and the conditions for the completion of studies;

13<sup>1</sup>) “joint curriculum” means the source document for study on the basis of which instruction is provided in two or more educational institutions enabling the acquisition of higher education and which have developed and approved the joint curriculum together. Requirements established for curriculum in the legislation shall be applied to the joint curriculum, taking into account the specifications established for the joint curriculum;

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

13<sup>2</sup>) “joint curriculum cooperation contract” means the contract concluded between the educational institutions participating in the implementation of joint curriculum in which the details of the organisation of study based on the joint curriculum are agreed upon;

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

14) [Repealed - RT I, 30.05.2012, 1 – entered into force 01.01.2013]

15) [Repealed - RT I, 30.05.2012, 1 – entered into force 01.01.2013]

16) “study costs” means the expenses incurred by a university in order to finance a student place during a given academic year;

17) “field of study” means a part of the classification of education established in the Standard of Higher Education which belongs to a broad group of studies and which covers groups of curricula with similar theoretical bases;

17<sup>1</sup>) “study programme group” means the classification established in the Standard of Higher Education which covers fields of study or groups of curricula and on the basis of which an educational institution can apply for and the Government of the Republic can issue the educational institution the right to provide instruction on the level of higher education and issue the respective academic degrees and diplomas;

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

18) “broad group of studies” means a part of the classification of education established in the Standard of Higher Education which covers fields of study with similar content.

19) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

20) “semester” means five months of study or a longer period of time upon the decision of an educational institution, the volume of which in credit points makes one-half of the study load of an academic year.

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

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

(1) This Act regulates the activities of the University of Tartu, Tallinn Technical University, Tallinn University, the Estonian University of Life Sciences, the Estonian Academy of Arts and the Estonian Academy of Music and Theatre. This Act applies to the University of Tartu in so far as the University of Tartu Act does not provide otherwise.

[RT I, 03.03.2011, 4 - entry into force 01.01.2012]

(2) This Act applies to private universities in so far as the Private Schools Act does not provide otherwise.

(3) 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.

[RT I 2005, 61, 475 - entry into force 27.11.2005]

### **§ 4. University**

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(1) A university is an educational, creative, research and development institution where instruction corresponding to the Standard of Higher Education is provided at the three levels of higher education. Doctoral study is based on positively evaluated research and development.

[RT I 2008, 34, 208 - entry into force 01.01.2014]

(2) The mission of a university is to advance science and culture, to provide services to the society which are based on educational, research and other creative activities and to help students become responsible citizens who are able to demonstrate initiative.

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

(3) Upon accomplishing its mission, universities cooperate with each other as well as with the entire society by supporting the development of the society and the preservation of national culture by effective research, development or other creative activities and by creating and developing possibilities based on integrated instruction and research activities for international cooperation, acquisition of higher education based on scientific approach as well as for continuing education.

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

(4) The word *ülikool* or the equivalent thereof in a foreign language may be used in the name of a university which conducts positively evaluated research and development in several fields of science and which provides instruction in several broad groups of studies at all levels of higher education.

[RT I 2008, 34, 208 - entry into force 01.01.2014]

#### **§ 5. Establishment, merger, division, termination of activities and change of name of university**

(1) The establishment, merger, division, termination of activities and change of name of a university shall be decided by the Riigikogu on the proposal of the Government of the Republic.

(2) The establishment, merger, division, termination of activities and change of name of a university shall be organised by the Ministry of Education and Research on the basis of a resolution of the Riigikogu.

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

#### **§ 6. Establishment of university**

(1) The establishment of a university shall be initiated by the Government of the Republic on the proposal of the Minister of Education and Research.

(2) The mandatory requirements for the establishment of a university are as follows:

- 1) justification of the need to establish a new university;
- 2) a comprehensive development plan for the university which sets out the existence or the method of acquiring buildings, furnishings and material and financial resources which are necessary for education and research, and the curricula for the acquisition of academic higher education and the existence or the methods of recruiting teaching staff so that instruction can be provided pursuant to such curricula.

(3) The compliance of a university with the requirements provided for in subsection (2) of this section shall be inspected by the Ministry of Education and Research. The Minister of Education and Research shall submit the inspection results to the Government of the Republic.

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

(4) The establishment of a university shall be decided by the Riigikogu on the proposal of the Government of the Republic.

(5) [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]

(6) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

(7) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

#### **§ 7. Merger and division of universities**

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(1) Merger is the unification of universities into one university or the joining of one university to another university. Division is the division of a university into two universities or the separation of one university from another university.

(2) A proposal for the merger or division of universities shall be presented where such merger or division is necessary for the development of the research and education system and to increase the standard of education and research.

(3) A proposal for merger or division shall be submitted to the Government of the Republic by the Minister of Education and Research.

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

(4) The merger and division of universities shall be decided by the Riigikogu on the proposal of the Government of the Republic.

(5) The procedure for the establishment of a university prescribed in §§ 5 and 6 of this Act applies to a new university created as a result of a merger or division.

(6) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

### **§ 8. Dissolution of university**

(1) A university shall be dissolved by way of liquidation proceedings pursuant to the General Part of the Civil Code Act.

(2) A university shall be dissolved if:

- 1) the necessity for further activity has ceased to exist;
- 2) it is not possible to finance the university;
- 3) [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]
- 4) in other cases provided by the law.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(2<sup>1</sup>) [Repealed - RT I, 08.11.2010, 4 – entered into force 18.11.2010]

(3) A proposal to terminate the activities of a university shall be submitted to the Government of the Republic by the Minister of Education and Research.

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

(4) The dissolution of a university shall be decided by the Riigikogu on the proposal of the Government of the Republic.

### **§ 9. Legal status of university**

(1) A university is a legal person in public law which operates pursuant to this Act, other legislation and its statutes.

(2) The statutes of a university shall be adopted by the council of the university. The passive legal capacity of a university shall commence as of the moment of the adoption of its statutes.

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

(3) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]

(4) A university is autonomous to the extent provided for in this Act.

(5) A university has the rights of a legal person to the extent provided for in this Act. The list of such rights does not preclude other rights of legal persons which are in accordance with this Act, other Acts and the objectives of the university.

(6) The statutes of a university shall contain the following information:

- 1) the full name of the university in Estonian and in English and seat of the university;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 2) the purpose of the activities and the functions of the university, and the areas of activity of the university (education, research, development, etc.);
- 3) the conditions and procedure for studies and the procedure for the preparation of curricula;
- 4) members of the university and their rights and obligations;
- 5) the council of the university, the procedure for its formation and the bases for its activities;
- 6) the structure of the university, the development thereof, the procedure for amendment thereof, and the management of structural units;
- 7) reporting and auditing;
- 8) the procedure for the adoption of the statutes of the Student Body.

(7) A university and the institutions of a university shall be registered in the state register of state and local government agencies pursuant to the procedure provided for in the statutes of the register.

### **§ 10. Estonian Higher Education Quality Agency**

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

(1) Estonian Higher Education Quality Agency:

- 1) organises and implements institutional accreditation in educational institutions providing higher education;
  - 2) organises and implements the quality assessment of study programme groups on the level of higher education;
  - 3) performs other functions assigned thereto by legislation.
- [RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) The Estonian Higher Education Quality Agency is comprised of an office organising the assessment and an assessment council conducting assessment.

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

(3) The assessment council includes at least one expert from every broad group of studies. Candidates for the post of member of the council can be submitted by universities, institutions of professional higher education, research and development institutions, registered professional associations, associations of employers and associations of Student Bodies. No more than two members from the same university, institution of professional higher education, research and development institution, registered professional association, association of employers or association of Student Bodies may belong to the assessment council.

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

(4) In addition to the assessment council, the Estonian Higher Education Quality Agency shall involve experts in its activity, follows international principles in its activity, establishes and publishes the conditions and procedure for institutional accreditation and quality assessment proceeding from the differences of different types of educational institutions and undergoes periodic internationally recognised external evaluation.

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

(5) The Minister of Education and Research shall be entitled to authorise a foundation for the performance of functions specified in subsection (1) of this section with whom a corresponding contract under public law shall be concluded.

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

(6) If the functions specified in subsection (1) of this section are performed by a foundation, the conditions and procedure for the formation of an assessment council, taking into account for the requirements specified in subsections (2)-(4) of this section, shall be established, the number of members of the assessment council shall be determined and the members of the assessment council shall be appointed by the council of the foundation.

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

## **§ 11. [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]**

## **§ 12. Institutional accreditation**

(1) A university shall ensure that the Estonian Higher Education Quality Agency or a competent quality agency of a foreign state with its approval shall perform the institutional accreditation of a university at least once within seven years or within the term specified by the Estonian Higher Education Quality Agency in the case specified in clause (2) 2) of this section.

(2) As the result of institutional accreditation, the Higher Education Quality Agency shall:

- 1) give an assessment whether the management, administration, instruction and research, and the environment of teaching, learning and research of the university correspond to the requirements, and shall make a decision to accredit the university for seven years;
- 2) give an assessment that there are deficiencies in the management, administration, instruction and research, and in the environment of teaching, learning and research of the university, issue guidelines for the elimination thereof and shall make a decision to accredit the university for three years;
- 3) give an assessment that the management, administration, instruction and research, and the environment of teaching, learning and research of the university do not correspond to the requirements and shall make a decision not to accredit the university.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(3) In the case specified in clause (2) 3) of this section, the Minister of Education and Research shall:

- 1) give the university a deadline of up to two years for the elimination of deficiencies detected in the course of institutional accreditation and for participation in a new institutional accreditation, or
- 2) make a proposal to the Government of the Republic to declare the right of the university to provide instruction in study programme groups and to issue the respective academic degrees and diplomas invalid, and shall make a proposal to the Government of the Republic to initiate the merger, division or dissolution of a university.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(4) The costs related to institutional accreditation shall be covered from the state budget or, at the request of the university, through the budget of the university. If the university applies for the performance of accreditation from a quality agency of a foreign state, the costs related to accreditation shall be covered from the state budget in the extent of actual costs and in the amount which does not exceed the costs which would be covered in the case of a nationally conducted institutional accreditation.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(5) In the case specified in clause (3) 2) of this section, the Minister of Education and Research shall initiate, if possible, the transfer of the right to provide instruction in study programme groups and to issue the respective academic degrees or diplomas to another educational institution with the obligation to ensure the quality and resources necessary for the provision of instruction in the study programme group and the possibility to continue their studies to as many of the students of the study programme group as possible. The proceedings of transfer of the right to provide instruction in study programme groups under the aforementioned circumstances shall not be subject to subsections 22<sup>3</sup>(2) and (3) of this Act and the costs of expert assessment shall be covered from the state budget.

[RT I, 08.11.2010, 4 - entry into force 01.01.2011]

#### **§ 12<sup>1</sup>. [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]**

#### **§ 12<sup>2</sup>. Quality assessment of study programme group**

(1) A university shall ensure that the Estonian Higher Education Quality Agency or a competent quality agency of a foreign state with its approval assesses the quality of a study programme group at least once within seven years or within a shorter term set by the Estonian Higher Education Quality Agency.

(2) The costs related to the quality assessment of study programme group shall be covered from the state budget or, at the request of the university, through the budget of the university. If the university applies for the performance of quality assessment of study programme group from a quality agency of a foreign state, the costs related to assessment shall be covered from the state budget in the extent of actual costs and in the amount which does not exceed the costs which would be covered in the case of a nationally conducted quality assessment of study programme group.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

#### **§ 13. State recognition of graduation documents of universities**

(1) A university shall be entitled to issue only state graduation documents. A university issues graduation documents certifying higher education pursuant to the conditions and procedure specified in subsection 31 (4) of this Act.

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

(1<sup>1</sup>) [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]

(1<sup>2</sup>) [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]

(1<sup>3</sup>) A person who has completed a joint curriculum in full shall be issued a joint diploma as a state document certifying education upon conformity with the conditions specified in subsection (1) of this section.

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

(1<sup>4</sup>) In case part of a joint curriculum is implemented in an educational institution of a foreign state, the person having completed the joint curriculum in full shall be awarded:

1) a state document certifying education by Estonian educational institutions participating in the joint curriculum – a diploma according to subsection (1) of this section if one Estonian educational institution participates in the joint curriculum, or a joint diploma according to subsection (1<sup>3</sup>) of this section if at least two Estonian educational institutions participate in the joint curriculum;

2) another document certifying education by all educational institutions participating in the joint curriculum – a joint diploma pursuant to the conditions and procedure prescribed in the joint curriculum cooperation contract.

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

(2) [Repealed - RT I 1999, 10, 150 – entered into force 15.02.1999]

(3) State documents certifying education (diplomas) awarded by universities shall be entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act.

[RT I 2004, 56, 404 - entry into force 01.09.2004]

#### **§ 13<sup>1</sup>. State-commissioned education**

[Repealed - RT I, 30.05.2012, 1 – entered into force 01.01.2013]

## § 13<sup>2</sup>. Filling of student places

(1) A person who complies with the admission requirements specified in the terms for admission established by the council of a university shall be matriculated as a student. In reasoned cases, a university may establish the upper limit for students to be matriculated in the terms for admission by filling student places based on the ranking of the applicants.

[RT I 30.05.2012 – entered into force 01.01.2013]

(1<sup>1</sup>) Based on the prior qualifications or special needs of the applicants, a university may divide them into groups upon filling of student places and establish different admission requirements for different groups. Upon the establishment of admission requirements, persons shall not be divided into groups pursuant to whether or not the reimbursement of study costs can be demanded from them.

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

(1<sup>2</sup>) The terms for admission established by the council of a university are based on objective criteria which have been previously disclosed.

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

(2) [Repealed - RT I, 30.05.2012, 1 – entered into force 01.01.2013]

(3) [Repealed - RT I 2002, 56, 348 – entered into force 05.07.2002]

(4) Subsection 13<sup>3</sup>(1) shall not be applied to a person from whom the reimbursement of study costs has not been demanded during at least one-half of the standard period of the curriculum within a period equal to three times the standard period of the completed curriculum or in case of study based on the integrated curricula of Bachelor's and Master's study within a period equal to twice the standard period of study upon studying at the same academic level.

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

(5) The term specified in subsection (4) of this section shall begin as of the matriculation of the person to the university. Upon calculation of the standard period of study, the curriculum to which the person was matriculated shall be proceeded from.

(6) Upon the allocation of activity support, fields of study and curricula can be agreed with regard to studying in which subsection 133 (1) of this Act shall be applied to students specified in subsection (4) of this section.

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

(7) Professional higher education and Bachelor's study shall not be considered as the same levels of higher education for the purposes of subsection (4) of this section. For the purposes of subsection (4) of this section, study based on the integrated curricula of Bachelor's and Master's study shall be considered as a level of higher education equal to the Master's study.

[RT I 2006, 49, 369 - entry into force 20.11.2006]

## § 13<sup>3</sup>. Reimbursement of study costs

(1) A university is not entitled to demand the reimbursement of study costs from a student who:

- 1) studies full-time following a curriculum, the language of instruction of which is Estonian and who has by the starting semester cumulatively completed the study load subject to completion under the curriculum in the previous semesters;
- 2) studies in a field of study or following a curriculum for studying in which requirements other than specified in clause 1) of this subsection have been agreed upon the allocation of activity support.

(2) Unless agreed otherwise upon the allocation of activity support, a university is entitled to demand the partial reimbursement of study costs:

- 1) from a student who studies full-time following a curriculum, the language of instruction of which is Estonian and who has not by the starting semester cumulatively completed the study load subject to completion under the curriculum in the previous semesters;
- 2) from a student who studies part-time or following a curriculum, the language of instruction of which is other than Estonian;
- 3) from a student specified in subsection 13<sup>2</sup>(4) of this Act.

(3) A university is entitled to demand the partial reimbursement of study costs from a student who has been deleted from the matriculation register and matriculated again at the same curriculum within two years.

(4) The rate and conditions for the partial reimbursement of study costs of a person admitted to a university shall be established by the council of the university at least four months before the commencement of an academic year. Upon establishing the rate of partial reimbursement of study costs of a student specified in clause (2) 1) of this section, the council of a university shall take into account the upper limit established under subsection (5) of this section and the study load uncompleted by a student. The council of a university may increase the rate of partial reimbursement of study costs of a person matriculated at a university by up to ten per cent in comparison with the previous academic year.

(5) The Government of the Republic shall establish, by a regulation, the upper limits of partial reimbursement of study costs for studies at the level of higher education for credit points by academic levels and taking into account for the differences of the curricula, if necessary, and based on the possible additional expenditures related to the provision of instruction, including the expenditures on teaching aids and teaching staff.

(6) A university shall not be entitled to the reimbursement of study costs from a student who has not complied with the requirements specified in clause (1) 1) of this section if the student continues his or her studies according to the same curriculum and if:

- 1) he or she is a person with a moderate, severe or profound disability;
- 2) he or she is the parent or guardian of a child under 7 years of age or a disabled child.

(7) The requirement on the completion of study load specified in clause (1) 1) of this section shall not be applied in semesters during which a student is studying, for at least three months, in an educational institution of a foreign state, the studies completed in which shall be accounted for by an educational institution in the amount of at least fifteen credit points of the European Credit Transfer and Accumulation System as part of completing its curriculum, and in the semester following the studies in a foreign state.

(8) In the case specified in subsection (7) of this section, the standard period of a curriculum shall be extended by every semester during which a student studied in an educational institution of a foreign state.

(9) For the purposes of this Act, reimbursement of study costs means the reimbursement of study costs in the curricula of higher education which have been entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act.

(10) In the case specified in clause (1) 1) of this section, the study load completed with taking account of the previous studies and work experience shall not be included in the completed volume of a curriculum.

(11) A university shall not be entitled to demand a fee for matriculation of a person or for accomplishment of admission requirements if the student commences his or her studies without reimbursement of study costs.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

#### **§ 13<sup>4</sup>. Support for studies abroad**

The Ministry of Education and Research may support, out of the funds prescribed for activity support in the state budget, including on the basis of a joint curriculum, the studies of a student at a foreign university or a foreign educational institution of equal status in a speciality prioritised by the state. Support for the studies of a student abroad and the obligations of the student arising therefrom shall be formalised in a contract between the Ministry of Education and Research and the student, a person authorised by the Ministry of Education and the student or between the Ministry of Education and Research, the student and an employer or a person authorised by the Ministry of Education and Research, the student and an employer.

## **Chapter 2 Management and Structure**

#### **§ 14. Council of university**

(1) The collegial decision-making body of a university is the council of the university, the procedure for the formation of which and the bases for the activities of which are provided for in the statutes of the university.

(2) The following shall belong to the council of a university:

- 1) the Rector;
- 2) the Vice Rectors;
- 3) representatives of the teaching staff and the research staff;
- 4) representatives of the students, who shall make up at least one-fifth of the membership of the council of the university;
- 5) other persons prescribed by the statutes.

(3) The council of a university:

- 1) shall approve the statutes of the university and make amendments thereto;
  - 2) shall approve the statutes of structural units of the university and the statutes of the Student Body;
  - 3) shall adopt development plans for the university and submit them to the Minister of Education and Research for his or her information;
  - 4) shall approve the curricula of the university;
- [RT I 2003, 20, 116 - entry into force 10.03.2003]

- 4<sup>1</sup>) shall establish the qualification requirements for the teaching staff and the conditions and procedure for the assessment of compliance therewith and the conditions and procedure for taking account of the previous study results and work experience of students;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 4<sup>2</sup>) shall approve the joint curriculum and the conclusion of the joint curriculum cooperation contract;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 5) shall establish the procedure and conditions for the defending of degrees;
- 6) shall establish the conditions and procedure for the admission of students, including the minimum requirements for the language of instruction in order to assess the sufficient proficiency in a language of instruction of an alien according to subsection 168 (2) of the Aliens Act;  
[RT I, 08.11.2010, 4 - entry into force 18.11.2010]
- 6<sup>1</sup>) shall establish the conditions and procedure for dismissal of students from the university;
- 7) shall make proposals to the Minister of Education and Research concerning the contract for allocation of activity support;  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]
- 8) shall approve the fields and format of and procedure for in-service training provided at the university;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 9) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]
- 10) shall approve the budget and the annual report of the university;
- 10<sup>1</sup>) shall approve the financial plan of a university specified in subsection 3 (1) of this Act;  
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]
- 11) shall establish general rules concerning the administration of the university and concerning teaching and research;
- 12) shall make decisions on general issues pertaining to instruction and research which concern at least two structural units;
- 13) shall establish the rules of competitions for the employment of ordinary teaching staff and research staff;
- 13<sup>1</sup>) shall establish the conditions and procedure for the evaluation of teaching staff, research staff and Doctoral candidates;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 13<sup>2</sup>) shall establish the conditions and procedure for the competition of a director of the institution of a university;  
[RT I 2009, 48, 324 - entry into force 23.10.2009]
- 14) shall elect professors *ordinaria*;
- 15) may award the title of professor *emeritus* and docent *emeritus*;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 16) shall make decisions on issues relating to the assets of the university to the extent and pursuant to the procedure provided for in this Act;
- 17) shall hear the reports of the Rector, the Vice Rectors and the heads of the structural units;
- 18) may express no confidence in the Rector;
- 19) [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]
- 20) shall decide on other issues which are presented for an opinion by the Rector or members of the council of the university and which fall within the competence of the council according to this Act and the statutes of the university.

## § 15. Legislation of council of university

- (1) The council of a university shall adopt regulations and decisions within the limits of its competence.
- (2) An opinion of the council of a university which contains general rules shall be prepared as a regulation signed by the Rector or, in his or her absence, a Vice Rector and the secretary of the council of the university and it shall be communicated to the employees and students of the university.
- (3) An opinion of the council of a university on an individual matter shall be prepared as a decision signed by the Rector or, in his or her absence, a Vice Rector and the secretary of the council of the university.
- (4) [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]

## § 16. Rector

- (1) A university shall be directed by a Rector. The Rector is responsible for the general state and development of the university and for the lawful and expedient use of financial resources.
- (2) The Rector:
- 1) shall exercise the highest administrative and disciplinary authority in the university within the limits of his or her competence;
  - 2) shall approve the internal procedure rules of the university;
  - 3) shall approve the documentary procedure rules of the university;
  - 4) shall issue orders and directives with which compliance is mandatory for all members of the university;
  - 5) shall determine the number of Vice Rectors and their areas of activity;
  - 6) shall appoint the Vice Rectors and conclude employment contracts with them for up to five years;
- [RT I 2008, 34, 208 - entry into force 01.09.2008]

- 7) shall ensure that the regulations and decisions of the council of the university are implemented;
  - 8) has the right to a single veto with regard to a regulation or decision of the council of the university;
  - 9) may form a board of the university to manage the university effectively and may determine the bases and procedure for the activities thereof;
  - 10) shall ensure that teaching activities and research are organised in an expedient manner;
  - 11) shall ensure that the draft budget of the university is prepared;
  - 12) shall ensure that the budget is implemented and shall submit a report thereon to the council of the university;
  - 13) shall represent the university and conclude transactions on behalf of the university within the limits of the authorisation granted to him or her by this Act and the statutes of the university;
  - 14) shall resolve other issues placed within his or her competence pursuant to law and the statutes of the university;
  - 15) is accountable to the council of the university.
- [RT I 1999, 102, 908 - entry into force 10.01.2000]

### **§ 17. Appointment of Rector to office and release of Rector from office**

(1) A Rector shall be elected for five years pursuant to the procedure prescribed by the statutes of the university.

(2) The Rector shall assume office by taking an oath of office before the council of the university.

(3) The eldest member of the council of the university shall enter into a contract of employment with the Rector on behalf of the university and the contract of employment shall be in accordance with the provisions of the Employment Contracts Act and this Act.

[RT I 2009, 5, 35 - entry into force 01.07.2009]

(4) [Repealed - RT I 2009, 48, 324 – entered into force 23.10.2009]

(5) The Rector shall be released from office prior to the expiry of the term of contract by the council of the university:

1) on the grounds prescribed in the Employment Contracts Act;

[RT I 2009, 5, 35 - entry into force 01.07.2009]

2) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

3) if the council of the university has expressed no confidence in the Rector by a two-thirds majority of its membership.

(6) The authority of a Rector shall terminate on the date of the Rector being released from the performance of his or her duties if he or she resigns at his or her own request, or on the date of expiry of the term of his or her contract or on the date of his or her release from office prior to expiry of the term of the contract.

(7) Upon the termination of his or her authority, the Rector has the right to return to the position he or she occupied in the university prior to his or her election as Rector.

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

### **§ 18. Requirements for Rector candidates**

Any person who is or has been elected to the position of a professor may be a candidate for the position of Rector.

[RT I 2006, 49, 369 - entry into force 20.11.2006]

### **§ 19. Structure of university**

(1) The structure of a university, its development and the procedure for changes thereto shall be prescribed in the statutes of the university in accordance with this Act, the objectives of the university, the scope and specific characteristics of its activities, and regional needs, if possible.

[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

(2) The bases for the activities of structural units of a university shall be prescribed in statutes approved by the council of the university.

(3) Structural units specified in the statutes of a university shall be directed by collegial decision-making bodies and elected or appointed employees as provided for in the statutes of the university or the statutes of the structural unit.

(3<sup>1</sup>) The structure of a university may include university institutions which operate on the basis of statutes approved by the council of the university.

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

(3<sup>2</sup>) The director of a university institution shall be elected in the course of a public competition for up to five years pursuant to the conditions and procedure established by the council. The Rector shall conclude an employment contract with the director of a university institution.  
[RT I 2009, 48, 324 - entry into force 23.10.2009]

(4) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]

(5) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]

(6) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]

## **§ 20. Board of governors**

(1) A board of governors is an advisory body which serves as a link between a university and society.

(2) The Government of the Republic shall determine the number of members of a board of governors and their term of authority, appoint the members of a board of governors and approve the rules of procedure of a board of governors, after having heard the opinion of the university.

(3) A board of governors shall make proposals to the Minister of Education and Research and the council of the university on issues relating to the development of the university.

(4) A board of governors shall present its assessment of the university to the public at least once a year.

(5) An authorised representative of the board of governors shall participate in the sessions of the council of the university with the right to speak.

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

# **Chapter 3 Organisation of Studies**

## **§ 21. General requirements for admission to university**

(1) All persons with secondary education or foreign qualifications equal thereto have an equal right to compete to be admitted to a university.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(2) [Repealed - RT I 1999, 10, 150 – entered into force 15.02.1999]

(3) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

## **§ 21<sup>1</sup>. Standard of Higher Education**

(1) Uniform requirements for higher education studies shall be established by a regulation of the Government of the Republic in the Standard of Higher Education.

(2) The Standard of Higher Education shall set out the following:

- 1) requirements for curricula, including requirements for joint curricula and requirements for studies and graduation theses or final examinations;
- 2) goals and objectives of higher education studies, learning outcomes to be achieved, total volume of study, including the principles of taking into account previous studies and work experience;
- 3) general requirements for teaching staff and principles of establishment of special requirements, including principles of establishment of requirements for the research, pedagogical and professional qualifications of teaching staff;
- 4) list of broad groups of studies and fields of studies;
- 5) study programme groups where a specific educational institution has the right to provide instruction and issue respective academic degrees and diplomas.

[RT I 2008, 34, 208 - entry into force 01.01.2009]

## **§ 22. General requirements for organisation of studies**

(1) At a university, study may be undertaken in the form of full-time study, part-time study or external study.

(2) The provisions of the Adult Education Act concerning formal education acquired within the adult education system apply to students and to external students.

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

(3) The conditions and procedure for studies shall be established by the university and such conditions and procedures may vary in different fields of study.

(4) Study at a university shall enable the student to achieve the learning outcomes at higher education levels and the knowledge and skills described in the professional standard in case of existence thereof.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(5) [Repealed - RT I 1999, 10, 150 – entered into force 15.02.1999]

(6) [Repealed - RT I 2008, 10, 150 – entered into force 15.02.1999]

(7) [Repealed - RT I 2008, 34, 208 – entered into force 01.01.2011]

(8) The language of instruction at universities is Estonian. The use of other languages shall be decided by the council of a university.

(9) Students shall have at least eight weeks of holiday in an academic year.

(9<sup>1</sup>) A university shall enable a student to attend lectures or participate in studies in any other manner, pass examinations and assessments or complete the curriculum in any other manner pursuant to the procedure established by the council of a university.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

(10) Any period of academic leave taken by a student shall not be included in the standard period of study according to the curriculum. A student shall not be entitled to complete the curriculum during the period of academic leave except if:

- 1) he or she is a person with a moderate, severe or profound disability;
- 2) he or she is the parent or guardian of a child under 3 years of age or a disabled child;
- 3) he or she is on academic leave in connection with undergoing compulsory military service or alternative service.

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(11) In terms of completing a curriculum in Bachelor's study, Master's and Doctoral study and professional higher education, and studies based on the integrated curricula of Bachelor's and Master's study, a university may take account of the previous studies and work experience, taking into account the principles specified in the Standard of Higher Education and to the extent and pursuant to the procedure established by the council of the university.

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

## **§ 22<sup>1</sup>. Requirements for joint curriculum**

A joint curriculum shall meet the following requirements:

1) a joint curriculum shall be opened in the framework of the same academic level or in case of cooperation with an educational institution of a foreign state in the framework of a level which is equal to an Estonian academic level and all educational institutions participating in the joint curriculum shall have the right to provide instruction of the respective level;

2) all educational institutions participating in the joint curriculum shall have the right, except the right granted for a term of one to three years, to provide instruction in the study programme group on the basis of which they participate in the joint curriculum according to the joint curriculum cooperation contract, and to issue the respective academic degrees and diplomas. This clause shall not be applied to the part provided in an educational institution of a foreign state;

[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

3) at least one educational institution participating in the joint curriculum shall have the right, except the right granted for a term of one to three years, to provide instruction and issue the respective academic degrees and diplomas in the same study programme group as the joint curriculum. This clause shall not be applied to the part provided in an educational institution of a foreign state;

[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

4) if part of the joint curriculum is provided in an educational institution of a foreign state, the latter shall have the approval of a competent authority of the given foreign state and the graduation documents issued thereby must be approved in the given foreign state;

5) the joint curriculum corresponds to the Standard of Higher Education and if part of the joint curriculum is conducted in an educational institution of a foreign state, the parts of the joint curriculum conducted in different states shall correspond to the specific requirements of the given states;

6) a substantial part of the joint curriculum is implemented in the extent agreed in the joint curriculum cooperation contract at another educational institution participating in the joint curriculum whereas studying in any form of study is considered studying at another educational institution participating in the joint curriculum and a substantial part shall make in total at least twenty per cent of the volume of joint curriculum;

7) studies completed in educational institutions participating in the joint curriculum shall be recognised automatically and fully by the educational institutions participating in the joint curriculum;

8) the knowledge, skills and attitudes established as the objectives of study in the joint curriculum shall be achievable with the joint curriculum and the quality of study is ensured with the quality assurance system agreed in the joint curriculum cooperation contract;

9) the joint curriculum has been developed and approved jointly by all educational institutions participating in the joint curriculum.

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

## **§ 22<sup>2</sup>. Joint curriculum cooperation contract**

(1) In addition to the requirements established in the legislation, the organisation of studies based on a joint curriculum proceeds from the joint curriculum cooperation contract in which the following shall be set out:

1) the bases for joint organisation of studies, including the conditions and procedure for the admission of students, studying in different educational institutions, evaluation and determination of compliance in case of different evaluation systems, accounting for previous studies and work experience, exclusion, graduation, grant of qualification and issue of a graduation document and a duplicate thereof;

2) the language of instruction (languages of instruction);

3) joint bases for quality assurance, including the procedure for the development of curriculum and external evaluation;

4) the rights and obligations of students and teaching staff, counselling and support systems related to studying and teaching in different educational institutions and the procedure for resolving disputes;

5) in case of a tuition fee, the conditions and procedure for the establishment thereof, release therefrom, and grant of benefits and education allowances;

6) the division of liability between educational institutions participating in the joint curriculum, including the appointment of the Estonian educational institution which represents the parties of the joint curriculum cooperation contract in the performance of obligations arising from the legislation in Estonia, and the relation of rights and obligations of educational institutions in the performance of contract for allocation of activity support entered into with a university;

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

7) the conditions and procedure for the amendment of joint curriculum;

8) the bases and procedure for financing of studies and the related organisational activities, including the conditions and procedure for financing part of the studies conducted in an educational institution of a foreign state;

9) the conditions and procedure for continuation of studies in case one party waives the joint curriculum cooperation contract or the joint curriculum cooperation contract is amended significantly;

10) the conditions and procedure for termination of the joint curriculum cooperation contract, including the obligations of educational institutions in ensuring the continuation of studies of students.

(2) The joint curriculum cooperation contract is public pursuant to the procedure provided for in the Public Information Act.

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

## **§ 22<sup>3</sup>. Granting right to provide instruction**

(1) The basis for provision of instruction is curricula corresponding to the Standard of Higher Education, which have been approved by the council of university and registered in the Estonian Education Information System established on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act.

(2) The study programme groups where a university has the right to open curricula and the academic degrees and diplomas awarded in the university shall be specified by the Government of the Republic on the proposal of the Minister of Education and Research in the Annex to the Standard of Higher Education.

(3) For the purpose of opening a curriculum in a new study programme group, a university submits an application to the Ministry of Education and Research at least nine months before the start of the academic year. The following shall be annexed to the application:

[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

1) information about the curricula under which instruction is to be provided, including the objectives and learning outcomes of the curricula;

2) information about the ordinary teaching staff who are to provide instruction and of their qualifications;

3) information about the facilities and amenities required for teaching, learning and research, and about the sources of financing instruction;

4) reasons for the need to open a study, including information about the target group and proposals of the professional associations;

5) in case of the application for opening Doctoral study, information about the positive evaluation of research of the field of science being the basis for study.

6) [Repealed - RT I, 12.12.2011, 1 – entered into force 01.01.2012]

(4) The Ministry of Education and Research shall organise expert assessment of the application and enclosed information, thereby assessing whether the quality of instruction, including the qualification requirements for teaching staff established by the council of the university and the qualifications of the teaching staff involved in teaching and the resources required for provision of instruction are sufficient and whether the described learning outcomes can be achieved by the curriculum and whether they comply with the requirements for

provision of instruction at the level of higher education. The Ministry of Education and Research shall involve the Estonian Higher Education Quality Agency in the assessment of the quality of instruction. The costs of the expert assessment shall be borne by the applicant, except in the event specified in subsection 12 (5).  
[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

(5) On the proposal of the Minister of Education and Research the Government of the Republic has the right to:

- 1) grant a university the right to provide instruction in a study programme group and award academic degrees or diplomas following completion of the curriculum;
- 2) for a term of one to three years, grant a university the right to provide instruction in a study programme group and to award academic degrees or diplomas following completion of the curriculum.

(6) If the Minister of Education and Research makes the proposal specified in clause (5) 2) of this section, the Minister shall set a term for the university upon the expiry of which a repeat expert assessment of the study programme group will be carried out pursuant to the procedure provided for in subsections (3) and (4) of this section. The costs of the repeat expert assessment shall be borne by the applicant.

(7) If, based on the results of the expert assessment, the Minister of Education and Research rejects the application for opening a curriculum in the new study programme group, the Minister shall issue a directive rejecting the application.

(8) On the proposal of the Minister of Education and Research, the Government of the Republic has the right to revoke the right specified in subsection (2) of this section if:

1) in the course of administrative supervision, the unlawfulness of the operations of a university has been identified and a precept made for the purpose of stopping the infringement, prevention of further infringements and elimination of consequences caused by the infringement has not been complied with;

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

2) in the course of administrative supervision, it has been identified that the quality of the instruction assessed on the basis of clauses (3) 1)-3) of this section has considerably deteriorated or the management, work organisation, instruction and research, and the environment of teaching, learning and research in a university does not comply with the requirements;

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

3) an educational institution has failed to perform the duties provided for in subsection 12 (1) or subsection 12<sup>2</sup>(1) of this Act;

4) the research of a field of science being the basis for opening Doctoral study received a negative evaluation;

5) the Minister of Education and Research should, for the third time, make a proposal to the Government of the Republic regarding the same study programme group to grant the right to provide instruction and award respective academic degrees and diplomas in the study programme group for a term of one to three years.

(9) If the Government of the Republic revokes the right specified in subsection (2) of this section, the university shall terminate admission and teaching in the respective study programme group and, in cooperation with the Ministry of Education and Research, enable students to continue their studies in the same or another university in the same or similar field of study.

[RT I 2008, 34, 208 - entry into force 01.01.2011]

## **§ 22<sup>4</sup>. Opening of joint curriculum**

(1) In order to open a joint curriculum, the educational institution agreed upon in the joint curriculum cooperation contract shall submit an application to the Ministry of Education and Research at least nine months before the start of the academic year. The application shall include information on the compliance of the joint curriculum with section 22<sup>1</sup> of this Act and information on the compliance of the joint curriculum cooperation contract with section 22<sup>2</sup> of this Act.

(2) The Ministry of Education and Research shall inspect the compliance of the joint curriculum and joint curriculum cooperation contract with the requirements. A joint curriculum which complies with the requirements shall be registered in the Estonian Education Information System established on the basis of subsection § 36<sup>6</sup>(4) of the Republic of Estonia Education Act.

(3) If, upon the inspection of the joint curriculum application and the information annexed thereto it cannot be established whether the quality of instruction provided on the basis of joint curriculum is sufficient and whether the learning outcomes described in the joint curriculum can be achieved with the curriculum, the Ministry of Education and Research shall organise the expert assessment of the joint curriculum. The Ministry of Education and Research shall involve the Estonian Higher Education Quality Agency in the expert assessment.

(4) If the result of the expert assessment specified in subsection (3) of this section is negative, the joint curriculum shall not be entered in the Estonian Education Information System established on the basis of subsection § 36<sup>6</sup>(4) of the Republic of Estonia Education Act and the joint curriculum shall not be opened.

(5) If the result of the expert assessment specified in subsection (3) of this section is negative, the costs of the expert assessment shall be borne by the educational institutions participating in the joint curriculum pursuant to the procedure provided for in the joint curriculum cooperation contract.

(6) If the educational institution participating in the joint curriculum does not have the right to provide instruction in the study programme group to which the joint curriculum belongs and the joint curriculum and joint curriculum cooperation contract comply with the requirements, the Government of the Republic shall grant the educational institution the right to provide instruction in with regard to the part of the joint curriculum and issue the respective academic degrees and diplomas in the study programme group to which the joint curriculum belongs pursuant to the procedure provided for in subsection 22<sup>3</sup>(2) of this Act.  
[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

### **§ 23. Full-time study and part-time study**

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(1) In full-time study, a student shall cumulatively complete at least 75 per cent of the study load subject to completion according to the curriculum by the end of each academic year. The council of a university may specify curricula according to which only full-time study may be conducted and curricula regarding which higher requirements are set for full-time study conducted according thereto.  
[RT I 2003, 20, 116 - entry into force 10.03.2003]

(2) In part-time study, a student shall cumulatively complete 50 to 75 per cent of the study load subject to completion according to the curriculum by the end of each academic year.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

(3) When a student enrolls at a university, he or she shall designate whether he or she is to study full-time or part-time study in the first academic year, unless only full-time study may be conducted according to the curriculum. In the following academic years, the university shall base its determination of whether the student is studying full-time or part-time on the student's completion of the study load subject to completion according to the curriculum by the end of each academic year. The university shall transfer a student who does not meet the requirements of full-time study to part-time study without dismissing the student from the university.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

(3<sup>1</sup>) In case of studying on the basis of a joint curriculum, the volume of studies completed in all educational institutions participating in the joint curriculum shall be taken into account upon the determination whether the student is a full-time or part-time student.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

### **§ 24. Academic levels**

[RT I 2002, 56, 348 - entry into force 05.07.2002]

(1) At a university, higher education is acquired at three levels – professional higher education and Bachelor's study, Master's study and Doctoral study.  
[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

(2) Higher education acquired in study based on the integrated curricula of Bachelor's and Master's study is made up of two levels.  
[RT I 2002, 56, 348 - entry into force 05.07.2002]

### **§ 25. [Repealed - RT I 2002, 56, 348 – entered into force 05.07.2002]**

### **§ 26. Professional higher education**

[RT I 2002, 56, 348 - entry into force 05.07.2002]

(1) [Repealed - RT I, 12.12.2011, 1 – entered into force 01.01.2012]

(2) The provisions of the Institutions of Professional Higher Education Act concerning professional higher education apply to the implementation of curricula of professional higher education in universities.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

### **§ 27. Bachelor's study**

(1) Bachelor's study is study at the first level of higher education during which a student improves his or her general educational knowledge and acquires the basic knowledge and skills of a speciality and the knowledge and skills necessary for Master's study and to commence work.

(2) The standard period of Bachelor's study is three to four years.

(3) The pre-condition for the commencement of Bachelor's study is secondary education or a foreign qualification equal thereto.

(4) Bachelor's study ends with the taking of a Bachelor's degree examination or the defence of a Bachelor's thesis. A person who has completed Bachelor's study shall be awarded a Bachelor's level degree.

(5) A person who has completed Bachelor's study has the right to continue his or her studies in Master's study under the conditions and pursuant to the procedure established by the board of the educational institution.  
[RT I 2003, 20, 116 - entry into force 10.03.2003]

#### **§ 28. Master's study**

(1) Master's study is study at the second level of higher education during which a student improves his or her knowledge and skills in his or her speciality and acquires the knowledge and skills necessary for independent work and Doctoral study.

(2) The standard period of Master's study is one to two years. The standard period of Bachelor's and Master's study is at least five years in total.

(3) The pre-condition for the commencement of Master's study is a Bachelor's level degree, higher education acquired by completing a professional higher education curriculum or a qualification equal thereto.

(4) Master's study ends with the defence of a Master's thesis or the taking of a Master's degree examination. A person who has completed Master's study shall be awarded a Master's level degree.

(5) A person who has completed Master's study has the right to continue his or her studies in Doctoral study pursuant to the procedure established by the council of the university.  
[RT I 2003, 20, 116 - entry into force 10.03.2003]

#### **§ 29. Doctoral study**

[RT I 2002, 56, 348 - entry into force 05.07.2002]

(1) Doctoral study is study at the highest level of higher education during which a student acquires the knowledge and skills necessary for independent research, development or professional creative activity.

(2) The standard period of Doctoral study is three to four years.

(3) The pre-condition for the commencement of Doctoral study is a Master's level degree or a qualification equal thereto.

(3<sup>1</sup>) A Doctoral candidate shall pass periodical assessment pursuant to the conditions and procedure established by the council of the university.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(4) Doctoral study ends with the defence of a Doctoral thesis. A person who has completed Doctoral study shall be awarded a research degree – a Doctoral level degree.

(5) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

#### **§ 29<sup>1</sup>. Study based on integrated curricula of Bachelor's and Master's study**

(1) The standard period of medical training and veterinary training is six years. The standard period of pharmacist training, dentistry training, architectural studies, civil engineering studies and teacher training for class teachers is five years.

(1<sup>1</sup>) The clinical instruction of medical training shall be carried out at Tartu University Hospital.

(2) Secondary education or a foreign qualification equal thereto shall be the pre-condition for the commencement of study based on the integrated curricula of Bachelor's and Master's study.

(3) Teacher training for class teachers, pharmacist training and veterinary training ends with the taking of a final examination or the defence of a final paper. Medical training and dentistry training ends with the taking of a final examination. Architectural studies and civil engineering studies ends with the defence of a final paper. A person who has completed study based on the integrated curricula of Bachelor's and Master's study shall be awarded a Master's level degree. A person who has completed study based on the integrated curricula of Bachelor's and Master's study has the right to continue his or her studies in Doctoral study pursuant to the procedure established by the council of the university.

(4) Medical training and dentistry training shall be followed by residency in a medical or dentistry speciality with a duration of three to five years. Residency shall be completed and financed under the conditions and pursuant to the procedure established by the University of Tartu Act.

(5) The framework requirements for medical training, veterinary training, pharmacist training, dentistry training, architectural studies and civil engineering studies shall be established by a regulation of the Government of the Republic.

[RT I 2004, 45, 316 - entry into force 27.05.2004]

### **§ 30. [Repealed - RT I 1999, 10, 150 – entered into force 15.02.1999]**

#### **§ 30<sup>1</sup>. External students**

(1) In external study, it is possible for a person to take examinations and assessments according to a curriculum and to defend his or her final paper and take the final examination without participating in regular study, under the conditions and pursuant to the procedure established by the council of the university.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(2) Provisions concerning formal education acquired within the adult education system within the meaning of the Adult Education Act apply to external students.

(3) External students are not deemed to be students. The legal status of external students and participants in in-service training courses is determined by law, the statutes of universities and other legislation.

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

#### **§ 31. Graduation documents certifying higher education**

(1) A person who has completed Bachelor's study, Master's study or Doctoral study or study based on the integrated curricula of Bachelor's and Master's study shall, after completion of the curriculum to the full extent, be awarded a diploma certifying completion of the curriculum or the academic degree awarded together with an academic report.

(1<sup>1</sup>) A person who has completed joint curriculum in full shall be awarded a joint diploma or a diploma certifying completion of the curriculum and the awarded qualification together with a diploma supplement according to subsection 13 (1<sup>3</sup>) or (1<sup>4</sup>) of this Act.

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

(2) A person who has completed Bachelor's study or Master's study or study based on the integrated curricula of Bachelor's and Master's study may, under the conditions established by the Minister of Education and Research, be awarded a diploma *cum laude*.

(3) A university shall issue a diploma supplement in English to a person who has completed Master's study or Doctoral study or study based on the integrated curricula of Bachelor's and Master's study. With the decision of an educational institution, a diploma supplement in English shall be issued to a person who has completed Bachelor's study only on the basis of the corresponding request by the person. A person who has completed a joint curriculum in full shall be always issued a diploma supplement in English by educational institutions having agreed in the joint curriculum cooperation contract, regardless of the completed academic level.

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

(3<sup>1</sup>) Graduation documents certifying higher education shall be issued to a person by a university free of charge.

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

(4) The format and statute of the diploma and academic report shall be approved by a regulation of the Government of the Republic.

#### **§ 32. In-service training**

(1) In-service training is continuing vocational training as defined in the Adult Education Act which enables the acquisition and development of vocational, professional and specialist knowledge and skills, and also retraining.

(2) The fields and formats of and procedure for in-service training provided at a university shall be approved by the council of the university.

(3) In-service training shall be legally regulated and financed pursuant to the Adult Education Act.

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

## **Chapter 4**

# Members

## § 33. Members of university

Employees and students of a university, and other persons specified in legislation and statutes of the university comprise the members of the university.  
[RT I 2009, 48, 324 - entry into force 23.10.2009]

## § 34. Teaching staff and research staff

(1) The teaching staff of a university consists of professors, docents, lecturers, assistants and teachers. Teaching staff can be divided into ordinary teaching staff and visiting teaching staff.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) The research staff of a university may participate in the provision of instruction. The research staff of other research institutions and other persons having the required qualification participate in the conduct of Master's and Doctoral study pursuant to the conditions and procedure established by the council of the university.  
[RT I 2009, 48, 324 - entry into force 23.10.2009]

(3) A member of the ordinary teaching staff or research staff shall be elected to office by way of competition for up to five years.  
[RT I 2009, 48, 324 - entry into force 23.10.2009]

(4) The office of a member of teaching staff or research staff may be filled by a person who complies with the qualification requirements of a member of teaching staff or research staff for a specified term without a competition, if:

- 1) a competition for the election of a member of teaching staff or research staff has failed;
  - 2) an office of a member of teaching staff or research staff has become vacant before the prescribed time;
  - 3) the office of a member of ordinary teaching staff or research staff is filled with the appointment of a member of ordinary teaching staff or research staff for up to three years.
- [RT I 2008, 34, 208 - entry into force 01.09.2008]

(5) Under the conditions established by the council of the university, the Rector has the right to invite scientists or other distinguished creative persons or distinguished practitioners of one's speciality to provide instruction as a member of visiting teaching staff for up to five years without announcing a competition.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(6) The requirements for ordinary teaching staff and visiting teaching staff shall be established by the council of the university proceeding from the principles established in the Standard of Higher Education.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

## § 35. Professorship

(1) The professorship consists of professors and professors *emeritus*.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) A professor is a leading faculty member in his or her speciality who participates actively in research, development or other creative activity on an international level, who organises and conducts the teaching of his or her subject, directs research, development or other creative activity and instructs students, teaching staff and research staff involved in these activities in an efficient manner.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3) The title of professor *emeritus* may be awarded by the council of a university to a member of the teaching staff who has worked at the university as a professor for at least ten years or who has been elected as an ordinary professor at least twice and who has attained pensionable age. A professor *emeritus* is entitled to participate in the activity of a university whereas he or she does not fill the office of an ordinary professor, and to receive the remuneration of a professor *emeritus* pursuant to the procedure established by the council of the university.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(4) The payment of remunerations of professors *emeritus* shall be supported from the activity support allocated from the state budget.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

### **§ 36. Docents**

(1) A docent is a member of the teaching staff who provides instruction in his or her subject at a university, participates actively in research, development or other creative activities and instructs students and teaching staff involved in these activities in an efficient manner.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) The title of docent *emeritus* may be awarded by the council of a university to a member of the teaching staff who has worked at the university as a docent for at least fifteen years and who has attained pensionable age. Upon awarding the title of docent *emeritus*, the university may account employment as a professor or research professor into the length of employment of a docent. A docent *emeritus* is entitled to participate in the activity of a university whereas he or she does not fill the office of an ordinary docent, and to receive the remuneration of a docent *emeritus* pursuant to the procedure established by the council of the university.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3) The payment of remunerations of docents *emeritus* shall be supported from the activity support allocated from the state budget.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

### **§ 37. Lecturers, assistants and teachers**

(1) A lecturer is a member of the teaching staff who provides instruction at a university in the first two levels of higher education or in all levels of higher education if the lecturer has a research degree. A lecturer instructs students in the first and second level of higher education and may be involved in research and development.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) An assistant leads seminars, practical training classes and practice sessions in the first two levels of higher education at a university. An assistant may instruct students in the first and second level of higher education and may be involved in research and development.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3) A teacher leads seminars, practical training classes and practice sessions in the first two levels of higher education at a university, performs other practical teaching duties, may instruct students in the first level of higher education and may be involved in research and development.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

### **§ 38. Research staff**

Requirements for research staff are provided by the Research and Development Organisation Act.  
[RT I 1999, 10, 150 - entry into force 15.02.1999]

### **§ 39. Employment relationships of teaching staff and research staff**

(1) The positions of ordinary teaching staff and research staff at a university shall be filled for up to five years by way of public competition with equal conditions for all participants, except in the case specified in subsection 34 (4) of this Act.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) The conditions of a competition and the competition procedure shall be determined by the council of the university.

(3) Professors shall be elected by the council of the university, and other members of the teaching staff and research staff shall be elected by the collegial decision-making body of the structural unit.

(4) The Rector shall enter into contracts of employment with persons who win a competition. Entry into a contract of employment may be refused if the conditions of the competition or the competition procedure have been violated.

(5) [Repealed - RT I 2008, 34, 208 – entered into force 01.09.2008]

(6) An employment contract of a member of a university teaching staff may not terminate during an academic semester due to redundancy caused by termination of work.  
[RT I 2009, 48, 324 - entry into force 23.10.2009]

(7) Members of the ordinary teaching staff of a university have the right to a sabbatical semester with pay once every five years in order to supplement their professional skills or for other creative activity.

### **§ 39<sup>1</sup>. Specifications for conclusion of fixed-term employment contracts**

(1) Upon consecutive conclusion or renewal of fixed-term employment contracts with a Rector, Vice Rector or faculty member, the employment relationship shall not turn into an employment relationship established for an unspecified term.

(2) An employment contract shall be made for an unspecified term with a person who is currently employed in the same university and has worked as a professor for at least eleven years and who has been evaluated on the conditions and pursuant to the procedure established by the council of the university.  
[RT I 2009, 48, 324 - entry into force 23.10.2009]

#### **§ 40. Other employees of universities**

The rights and obligations of other employees of a university shall be determined in the legislation regulating employment relationships.  
[RT I 2009, 5, 35 - entry into force 01.07.2009]

#### **§ 41. Student**

(1) A student is a person who has been admitted (matriculated) to a university in full-time or part-time professional higher education, Bachelor's, Master's or Doctoral study or study based on the integrated curricula of Bachelor's and Master's study.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) In case of a joint curriculum, a person specified in subsection (1) of this section shall be admitted (matriculated) to every educational institution providing instruction on the basis of a joint curriculum in which he or she undergoes study.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

#### **§ 42. Rights and obligations of students**

- (1) Students have the right to:
- 1) choose subjects for their curricula outside their field of study pursuant to the procedure established by the council of the university, regardless of their speciality;  
1<sup>1</sup>) acquire higher education without the reimbursement of study costs, unless prescribed otherwise in this Act;  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]
  - 2) attend lectures, practical training classes and seminars and take examinations and assessments outside their curricula whereas members of the teaching staff may restrict the participation of students from outside their curricula if the study conditions (workplaces, teaching aids, etc.) do not allow for it;  
2<sup>1</sup>) in case of studies in a joint curriculum, complete a significant part of the joint curriculum at an educational institution participating in the joint curriculum whereas studying in every form of study shall be deemed to be studying at another educational institution participating in the joint curriculum;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
  - 3) use lecture halls, laboratories, computer rooms, libraries, equipment and other assets free of charge pursuant to the procedure established in the university;
  - 4) continue their studies pursuant to another curriculum or at another university should the university or any of its curricula be closed;
  - 5) elect their representatives and be elected to the collegial decision-making bodies of the university;
  - 6) submit a reasoned request to the Rector for the removal of a member of the teaching staff from teaching activities;
  - 7) obtain a study allowance and a study loan under the conditions and pursuant to the procedure provided for in the Study Allowances and Study Loans Act;
  - 8) take academic leave, generally of up to one year, once at each academic level pursuant to the procedure established by the council of the university, and additional academic leave of up to two years for health reasons, of up to one year in the case of undergoing compulsory military service or alternative service, and to care for a child until the child attains three years of age;  
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]
  - 9) obtain the study programmes, study modules and other information necessary for their studies;  
9<sup>1</sup>) receive academic affairs and career advice;  
[RT I 2008, 34, 208 - entry into force 01.09.2008]
  - 10) request the opportunity to take an examination or assessment before a board;
  - 11) obtain a student identification card pursuant to the procedure established by the Minister of Education and Research;
  - 11<sup>1</sup>) student self-government under the conditions and pursuant to the procedure provided for in § 43;
  - 12) exercise other rights provided for students by law, the statutes and internal procedure rules of the university and other legislation.

(2) Students shall fulfil the obligations provided for students by this Act, the statutes and internal procedure rules of the university and other legislation and be liable for any violation thereof.  
[RT I 2003, 58, 387 - entry into force 01.09.2003]

#### **§ 43. Student Body and student council**

[RT I 1999, 10, 150 - entry into force 15.02.1999]

(1) The students of a university form the Student Body.  
[RT I 1999, 10, 150 - entry into force 15.02.1999]

(2) The Student Body is an institution which exercises the right of the students to self-government – to decide on and manage independently, pursuant to law and legislation issued on the basis thereof, issues of student life based on the interests, needs, rights and obligations of students.  
[RT I 1999, 10, 150 - entry into force 15.02.1999]

(3) Student Bodies have the right to:  
[RT I 1999, 10, 150 - entry into force 15.02.1999]

1) form representative, executive and supervisory bodies according to the legislation and associations and organisations with other Student Bodies without having the status of a legal person specified in § 5 of the Non-profit Associations Act and subsection 5 (2) of the Foundations Act;

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

2) become members of corresponding international organisations or to develop co-operation with such organisations;

[RT I 1999, 10, 150 - entry into force 15.02.1999]

3) elect their representatives to the council of the university;

[RT I 1999, 10, 150 - entry into force 15.02.1999]

3<sup>1</sup>) make proposals for the improvement of the organisation of studies and management of a university and participate in the respective activities of the university in a consistent manner;

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

4) decide on and manage all other issues of student life which, pursuant to law and legislation issued on the basis thereof, are within the competence of a Student Body and which have not been awarded on the same grounds to any other person to decide or manage.

[RT I 1999, 10, 150 - entry into force 15.02.1999]

(4) Student Bodies have statutes in which the procedure for the formation of students' representative, executive and supervisory bodies and the rights, obligations, liability and rules of procedure thereof are provided as well as the bases for student initiative and organisation of student voting, and other functions necessary for the achieving the objectives specified in subsection (2) of this section. A Student Body shall adopt the statutes of the Student Body and submit the statutes to the council for approval pursuant to the procedure provided for in the statutes of the university. The council shall approve the statutes of the Student Body if the statutes comply with law, legislation issued on the basis of law and internationally recognised democratic principles.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(5) The responsible representative body which governs a Student Body is the democratically elected student council which all the students of the university have the right to elect. A student council and the executive bodies of the Student Body formed by the student council pursuant to the statutes of the Student Body shall represent the Student Body in relations with the university, Estonian and international organisations, agencies and persons.

[RT I 1999, 10, 150 - entry into force 15.02.1999]

(6) The statutes of the Student Body formed as the result of foundation, merger or division of a university shall be adopted by the Student Body and the Rector shall approve the rules for election of the first membership of the Student Body and organise the elections on the basis of democratic principles.

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

(7) A student council shall control the funds specified in subsection 51 (5) of this Act independently on the basis of an authorisation issued by the Rector and pursuant to the procedure established by the Student Body.

[RT I 1999, 10, 150 - entry into force 15.02.1999]

## **Chapter 5**

### **University as Subject of Civil Law**

#### **§ 44. Assets of university**

(1) A university is the owner of its assets and it shall possess, use and dispose of its assets pursuant to the procedure prescribed by this Act. A university is only entitled to own assets which are necessary for the performance of its functions.

(2) The assets of a university shall be comprised of the following:

1) assets transferred into the ownership of the university by the state pursuant to law upon the establishment of the university;

2) assets transferred into the ownership of the university later pursuant to law and at the request of the university;

3) assets transferred by another person for the benefit of the university;

4) assets acquired by the university in the course of its activities.

[RT I 1999, 10, 150 - entry into force 15.02.1999]

(3) A university shall transfer assets which are not necessary for the performance of its mission, proceeding from the principle to increase the benefit which the university may gain from these operations or transactions by avoiding losses and ensuring that the transactions made with the assets are in conformity with the legislation, are transparent and controllable.

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

(4) [Repealed - RT I 2002, 53, 336 – entered into force 01.07.2002]

(5) A university has the right to own property which was in the ownership of the university before 16 June 1940.

#### **§ 45. Use of assets**

(1) A university shall use its assets to attain the mission of the university.

(2) A university may grant the use of its assets to another person for a specified term provided that the council of the university agrees that such assets are necessary to attain the mission of the university but it is impossible or impractical to use such assets at the time.

#### **§ 46. Disposal of assets**

(1) Immovable property belonging to a university may be transferred or encumbered with a limited real right or a right of superficies with the decision and pursuant to the conditions and procedure established by of the council of the university.

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

(2) The amounts of assets which the Rector, Vice Rectors and heads of structural units may dispose of shall be determined by the council of the university.

[RT I 1996, 51, 965 - entry into force 29.07.1996]

#### **§ 47. Active legal capacity of university**

(1) A university does not have the right to secure the obligations of other persons with its assets.

(2) [Repealed - RT I 2002, 53, 336 – entered into force 01.07.2002]

(3) A university has the right to obtain credit with the permission of the council of the university.

[RT I 1996, 51, 965 - entry into force 29.07.1996]

#### **§ 48. Other restrictions on civil rights**

(1) A university shall not provide sponsor support, grant loans or credit or make donations to foundations.

(2) [Repealed - RT I 1999, 10, 150 – entered into force 15.02.1999]

(3) Universities may found legal persons in private law for the performance of the functions specified in their statutes pursuant to the procedure provided by law.

(3<sup>1</sup>) Legal persons in private law specified in subsection (3) of this section, with the exception of foundations where one of the founders is the state, shall not found private schools or research and development institutions in private law.

(4) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]

(5) A university has the right to accept property, including securities, as a pledge pursuant to the procedure established by the Government of the Republic.

(6) A university has the right to provide services related to the main activities of the university for a charge (in-service training for a charge, contractual research, professional consultations, etc.) to other persons and any revenue received therefrom shall accrue to the budget of the university.

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

(7) The provisions of this section do not restrict the passive legal capacity of a university.

[RT I 2002, 53, 336 - entry into force 01.07.2002]

## Chapter 6 Procedure for Financing

### § 49. Financing of universities

(1) The revenue of a university is comprised of money allocated from the state budget, money received to reimburse study costs, revenue from the provision of services related to the main activities for a charge, revenue from research and development activities and other income.

(2) Legal and natural persons have the right to apply for the opening of student places at a university out of their own funds and the filling of student places shall be based on the provisions of § 13<sup>2</sup> of this Act.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

(3) [Repealed - RT I, 30.05.2012, 1 – entered into force 01.01.2013]

### § 50. [Repealed - RT I 1997, 42, 678 – entered into force 01.07.1997]

### § 50<sup>1</sup>. Designation of funds from state budget prescribed for educational institutions for provision of instruction at level of higher education and allocation of activity supports for universities

(1) Upon the designation of funds from state budget prescribed for educational institutions for provision of instruction at the level of higher education, 70–75 per cent shall be calculated for the support of activities connected with the extent, quality and efficiency of provision of instruction and 25–30 per cent from the amount of allocated funds shall be calculated for the support of activities supporting the provision of instruction of national importance.

(2) Upon the designation of funds from the state budget to educational institutions for the provision of instruction at the level of higher education, the following shall be taken into account:

- 1) the number of students admitted, the number of students studying at educational institutions of foreign states, the number of foreign students studying at the university, the number of external teaching staff employed as ordinary teaching staff and the number of full-time students as the extent of provision of instruction;
- 2) achievement of objectives established in the previous performance agreements, previous study results of matriculated students, continuation of studies at the next academic level and the employment of graduates as the quality of provision of instruction;
- 3) number of graduates from a university and number of graduates in broad groups of studies of national importance as the efficiency of provision of instruction;
- 4) performance of obligations arising from the legislation, specifications for provision of instruction according to curricula and broad groups of studies and other activities the support of which shall be agreed upon the allocation of activity support to a university as the activities supporting the provision of instruction of national importance.

(3) The specific conditions for designation of funds for the provision of instruction at the level of higher education and the rate of performance pay of Doctoral study shall be established by a regulation of the Government of the Republic.

(4) For allocation of activity support to a university, a contract under public law based on the mission, objectives and functions of a university shall be entered into, for three years, between the university or, in case of a joint curriculum, an educational institution agreed in the joint curriculum cooperation contract and the Ministry of Education and Research. The contract shall specify the rights and obligations of the parties, liability and procedure for the allocation of activity support. For the implementation of the contract under public law, a performance agreement shall be concluded each year as an annex to the contract under public law.

(5) The performance agreement shall set out the following:

- 1) basic obligations arising from the mission, objectives and functions of a university and necessities of the state, including the obligations regarding the extent, quality and efficiency of provision of instruction at the level of higher education and the conditions of financing thereof;
- 2) exceptions according to which a university is not entitled to demand the partial reimbursement of study costs from students who are studying in a field of study or following a curriculum, the language of instruction of which is other than Estonian or who have not, by the starting semester cumulatively completed the study load subject to completion under the curriculum in the previous semesters or from students specified in subsection 13<sup>2</sup>(4) of this Act;
- 3) curricula on the basis of which a university is allowed to conduct only part-time study;
- 4) upon financing Doctoral study, the bases of calculation of Doctoral allowance fund and the bases for calculation of remuneration fund of employment as a junior research fellow, the volume of Doctoral allowance fund and remuneration fund of employment as a junior research fellow, the number of student places in Doctoral study which the university is required to create in the corresponding academic year, and the expected number of graduates which a university is required to ensure in the corresponding year;
- 5) activities of national importance supporting the provision of instruction at a university and the conditions of financing thereof;

- 6) bases and volume of allocation of student scholarship fund with the aim of ensuring the extent, quality and efficiency of provision of instruction at the level of higher education;
- 7) format of reporting on the performance agreement.

(6) For the conclusion of the performance agreement and contract under public law entered into for the allocation of activity support to a university, the Minister of Education and Research shall negotiate with the university, based on the mission, objectives and functions of the university, predicted need for specialists with higher education in the labour market, on the proposals of ministries, local government associations, registered professional associations and universities, and on the funds designated for the provision of instruction at the level of higher education in the state budget.

(7) The Government of the Republic shall, on the proposal of the Minister of Education and Research, approve the drafts of the performance agreement and contract under public law entered into for the allocation of activity support drawn as the result of the negotiations specified in subsection (6) of this section and authorise the Minister of Education and Research to sign the contracts.

(8) After the end of the standard period of Doctoral study, the Ministry of Education and Research shall cover the costs of Doctoral study of a university to the extent of the amount which is obtained by multiplying the number of Doctoral level degrees defended within that term (but not more than the total number of graduates with a Doctoral level degree as specified in the contract for allocation of activity support) by the performance pay of Doctoral study.

(9) The types and amounts of student scholarships and the general terms for the grant thereof shall be established by a regulation of the Government of the Republic.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

#### **§ 51. Budget of university**

(1) A balanced budget shall be prepared concerning all revenue and expenditure of a university. The budget of a university specified in subsection 3 (1) of this Act shall comply with the financial plan, budget balance rules provided for in § 6 of State Budget Act, net debt rules provided for in § 10 and the restrictions established under § 11 of State Budget Act.  
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]

(3) A report on the implementation of the budget of a university shall be prepared and the report shall be approved by the council of the university.

(4) The draft budget of a university shall be approved by the council of the university.

(5) Funds shall be prescribed in the budget of a university which the student council shall use for the performance of functions arising from law and the statutes of the Student Body in order to exercise student self-government.  
[RT I 1999, 10, 150 - entry into force 15.02.1999]

#### **§ 51<sup>1</sup>. Financial plan of university**

(1) A university specified in subsection 3 (1) of this Act shall prepare a financial plan each year which serves as the basis for the establishment of the budget of a university.

(2) The financial plan shall be prepared and submitted according to the requirements provided for in § 12 of State Budget Act.  
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

## **Chapter 7 Auditing, Supervision and Reporting**

#### **§ 52. Auditing**

(1) The State Audit Office shall audit the activities of universities pursuant to the State Audit Office Act.

(2) The economic activities of a university shall be monitored by regular and special audits prescribed by the council of the university.  
[RT I 2002, 21, 117 - entry into force 04.03.2002]

**§ 53. Administrative supervisory authority**  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Administrative supervision over the legality of the activities of universities is exercised by the Ministry of Education and Research (hereinafter state supervisory agency). The administrative supervisory agency has the right to involve experts in the exercise of administrative supervision.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

**§ 53<sup>1</sup>. Competence of state supervisory agency**

(1) In order to achieve its objectives, the state supervisory agency has the right to:

- 1) examine the evidence and information at the disposal of a university on the basis of which it is possible to establish facts essential to the performance of the functions of the state supervisory agency, and to obtain copies of or extracts from documents;
- 2) issue precepts for termination of violations of the requirements provided for in this Act or legislation established on the basis thereof, prevention of further violations and elimination of the consequences of a violation.

(2) In the performance of its functions, the state supervisory agency shall be impartial in its assessments and base its decisions on legislation and reliable information.

(3) In the event of failure to comply with a precept, the state supervisory agency may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 640 euros.

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

**§ 53<sup>2</sup>. Precept**

(1) A precept shall contain:

- 1) the bases for the issue of the precept together with a reference to the relevant provisions of legislation;
- 2) the date of preparation of the precept;
- 3) the term for compliance with the precept;
- 4) the names, positions and signatures of the officials who carried out administrative supervision;

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

- 5) the possibilities, term and procedure for contestation of the precept.

(2) The Ministry of Education and Research shall send a precept to the Rector of the university by post or using electronic means within ten days as of the making of the precept.

(3) If the Rector of the university does not agree with the precept, he or she has the right to file a challenge with the Ministry of Education and Research within one month as of the receipt of the precept.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

**§ 54. Reporting**

(1) A university shall report on its activities to the extent and pursuant to the procedure provided by law or on the basis thereof.

(2) A university shall submit a statistical report on its activities and a report on the implementation of its budget pursuant to the procedure and within the terms prescribed by law.

(3) A university shall report on the spending of targeted financing to the financier at the latter's request.

[RT I 1996, 51, 965 - entry into force 29.07.1996]

## **Chapter 8 Implementation of Act**

**§ 55. Accreditation and status**

(1) Any person who, before 1 June 2002, graduates from a university in public law on the basis of a curriculum which is entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act but which has not been accredited shall be issued a document certifying state education by the university, until the entry into force of an accreditation decision concerning the university.

(2) [Repealed - RT I 1996, 51, 965 – entered into force 29.07.1996]

(3) A university has the right to apply for the extension of an accreditation decision before the expiry of the period of validity thereof concerning a curriculum which has been entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act before

1 June 2002 to a curriculum in the same field of study which has been approved by the council of the university and which has been entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act as of 1 June 2002. The extension of an accreditation decision concerning a curriculum to curricula in the same field of study which have been approved by the council of the university and which have been entered in the register of curricula at the Ministry of Education and Research shall be approved by the Minister of Education and Research on the proposal of the Higher Education Quality Assessment Council.

(4) If, by 30 June 2003, less than three years have passed since the entry into force of a negative accreditation decision concerning a curriculum, the university may request a second accreditation of the curriculum within one year as of 1 September 2003. If the university does not request a second accreditation, the university shall terminate the admission of students and the provision of education pursuant to the curriculum and, in co-operation with the Ministry of Education and Research, ensure that the students have the opportunity to continue their studies at the same or another university in the same or a similar field of study.

[RT I 2005, 38, 297 - entry into force 17.07.2005]

### **§ 55<sup>1</sup>. Implementation of state-commissioned education**

(1) Contracts for state-commissioned education entered into between the Ministry of Education and Research and universities before 1 June 2002 shall be valid until the parties to such contracts have performed their contractual obligations.

(2) Until the admission of students for the academic year 2005/2006, the Ministry of Education and Research may determine the provision of state-commissioned education at a university in the training of teachers pursuant to a teacher training curriculum which follows Bachelor's study and the standard duration of which is one year by financing the number of student places specified in the contract for state-commissioned education to the extent of the calculated cost of a student place on the teacher training during the standard period of study for teacher training.

(3) The Ministry of Education and Research may exercise the right to decrease the financing of state-commissioned education by deducting that part of the expenditure which was made from the state budget for state-commissioned education which was not provided as of determining state-commissioned education for the academic year 2009/2010.

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

### **§ 55<sup>2</sup>. Specifications for restrictions on reimbursement of study costs**

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

(1) Subsections 13<sup>2</sup>(4)–(6) of this Act shall not be applied to the studies of a person for the completion of which a person has been matriculated to university before 29 July 1996.

(2) Subsections 13<sup>2</sup>(4)–(6) of this Act shall be applied to persons who have been matriculated to university after 29 July 1996 but before 10 March 2003 upon the following conditions:

- 1) the person has completed studies in connection with the completion of curriculum in full, or
- 2) the person has been deleted from the matriculation register of a university after 10 March 2003 on a ground other than the completion of curriculum in full.

(3) For the purpose of subsection 13<sup>2</sup>(4) of this Act, higher vocational education and Bachelor's study as well as Diploma study and Bachelor's study are not considered the same levels of higher education.

[RT I 2006, 49, 369 - entry into force 20.11.2006]

### **§ 56. Transition**

(1) Collegial decision-making bodies and employees elected at universities prior to the entry into force of this Act shall act until the end of the election cycle unless statutes which have entered into force in the meantime prescribe otherwise.

(2) A Rector shall ensure that the statutes of the university are brought into conformity with the requirements of this Act within six months as of the entry into force of this Act.

(3) Graduation documents certifying higher education acquired prior to the entry into force of this Act grant the right to commence Master's study and Doctoral study pursuant to the procedure established by the council of a university.

(4) The Government of the Republic shall form the Higher Education Quality Assessment Council within six months as of the entry into force of this Act.

(5) The Government of the Republic shall appoint the members of the boards of governors not later than by 1 January 1997.

(6) Universities shall bring their curricula into conformity with the requirements of this Act by 1 September 2002. The curricula shall apply to students matriculated at universities as of the academic year 2002/2003. A university has the right to apply the curricula to students matriculated at the university before the academic year 2002/2003 if a student so requests.

(7) Until 1 September 2005, universities also have the right to create student places on the basis of the curricula of Master's study and Doctoral study which have been entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act before 1 June 2002 and on the basis of teacher training curricula which follow Bachelor's study and the standard duration of which is one year for students matriculated at a university as of the academic year 2002/2003. Persons who graduate from a university on the basis of the specified curricula of Master's study or Doctoral study shall be awarded a Master's level degree or Doctoral level degree as a research or professional degree.

(8) In order for students matriculated in diploma study before 30 June 2002 to undergo their studies, diploma study may continue at universities until 1 September 2007.

(9) Subsection 31 (3) of this Act applies to students who graduate as of the academic year 2002/2003. Persons who graduated before the academic year 2002/2003 have the right to obtain a diploma supplement in English pursuant to the procedure established by the council of the university.

(10) Universities shall bring their statutes into conformity with the requirements of this Act by 1 September 2003.

(11) Universities shall bring their activities into conformity with subsection 4 (1) of this Act by 1 September 2005. If, after 1 September 2005, Bachelor's study, Master's study and Doctoral study are not carried out in several fields of study at a university, the Government of the Republic shall make a proposal to the Riigikogu to terminate the activities of the university.

(12) Full-time and part-time study shall apply to students admitted to universities as of the academic year 2003/2004.

(13) The European Credit Transfer and Accumulation System shall be applied to curricula as of the academic year 2009/2010. The calculation of European Credit Transfer and Accumulation System shall be applied to the issue of diploma supplements as of 1 January 2010 whereas the credit points used to calculate the volume of study before the academic year 2009/2010 shall be recalculated into credit points of the European Credit Transfer and Accumulation System.

(14) Universities shall establish the conditions and procedure for assessing the qualifications of teaching staff and for taking account of the previous study results and professional experience of students as specified in clause 14 (3) 4<sup>1</sup>) of this Act not later than by 1 September 2004. Universities shall, not later than by 1 September 2003, establish the conditions and procedure for taking account of the previous study results and professional experience of students who study in a field of study or according to a curriculum agreed upon in the contract for state-commissioned education and on the basis of which the university has formed student places for part-time study for the provision of state-commissioned education.

(15) The reimbursement of study costs shall apply to students admitted to universities as of the academic year 2003/2004. A university has the right to demand that students admitted to the university before the academic year 2003/2004 reimburse study costs under the conditions and pursuant to the procedure applied with regard to them before the academic year 2003/2004.

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

(16) The regulation of partial reimbursement of study costs specified in § 13<sup>3</sup> of this Act shall apply to students matriculated at a university as of the academic year 2013/2014.

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

(17) A university has the right to demand that students matriculated at a university before the academic year 2013/2014 reimburse study costs under the conditions and pursuant to the procedure applied with regard to them before the academic year 2013/2014 until the end of the academic year 2015/2016. As of the academic year 2016/2017, the provisions of § 13<sup>3</sup> of this Act shall be applied to the reimbursement of study costs of students matriculated at a university before the academic year 2013/2014.

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

(18) The basic cost of Doctoral study in 2013–2015 shall be established in the state budget of the respective year.

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

(19) The regulation specified in subsection § 22 (10) of this Act according to which a student may not complete a curriculum during his or her stay on academic leave shall be applied to students matriculated at a university as of the academic year 2013/2014.

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

(20) Students matriculated at a university before the academic year 2013/2014 shall be entitled to complete a curriculum during their stay on academic leave under the conditions and pursuant to the procedure established by the council of the university until the end of the academic year 2015/2016. As of the academic year 2013/2014, a student matriculated at a university before the academic year 2013/2014 shall be entitled to complete the curriculum during his or her stay on academic leave if he or she is a person with a moderate, severe or profound disability; he or she is the parent or guardian of a child under 3 years of age or a disabled child; he or she is on academic leave in connection with undergoing compulsory military service or alternative service. As of the academic year 2016/2017, the provisions of subsection 22 (10) of this Act shall be applied to students matriculated at a university before the academic year 2013/2014.

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(21) Upon allocation of funds from the state budget in 2013 to educational institutions for the provision of instruction at the level of higher education, the volume of state-commissioned education requested of the educational institution in 2012 shall be accounted for to the extent of at least 80 per cent, and indicators related to students who reimburse study costs, conduct of Doctoral study and activities supporting studies which are of national importance to the extent of up to 20 per cent. Upon allocation of funds from the state budget in 2014 and 2015 to educational institutions for the provision of instruction at the level of higher education, the proportional volume of activity support allocated to the educational institution in the previous year shall be accounted for to the extent of at least 80 per cent, and the extent, quality and efficiency of provision of instruction at educational institutions, conduct of Doctoral study and activities supporting studies which are of national importance to the extent of up to 20 per cent.

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

#### **§ 56<sup>1</sup>. Extension of standard period of study**

If, while acquiring higher education, a student who is not proficient in Estonian studies the official language in depth under the conditions and pursuant to the procedure established by the Minister of Education and Research, the standard period of study shall be extended by up to one academic year.

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

#### **§ 56<sup>2</sup>. Persons serving internship**

Pursuant to the University of Tartu Act, persons matriculated in medical training, dentistry training or pharmacist training before the academic year 1997/1998 who continue their studies in the form of an internship are also students.

[RT I 1999, 102, 908 - entry into force 10.01.2000]

#### **§ 56<sup>3</sup>. Persons serving residency**

(1) Pursuant to the University of Tartu Act, students matriculated in medical training or dentistry training before the academic year 1997/1998 shall complete a residency with a standard duration of two to five years.

(2) Persons matriculated in residency before the academic year 2001/2002 are students.

[RT I 2001, 16, 71 - entry into force 16.02.2001]

#### **§ 56<sup>4</sup>. Persons matriculated at university**

(1) Persons matriculated in full-time or distance diploma study, architecture-engineering studies or a teacher training which follows diploma or Bachelor's study at a university before 30 June 2002 are students.

(2) Persons admitted before 30 June 2003 to full-time or distance study at a university or, on the basis of subsection 56 (7) of this Act, to a teacher training at a university with a standard duration of one year are students.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

#### **§ 56<sup>5</sup>. Continuation of studies**

(1) Students matriculated at a university before 30 June 2002 have the right to continue their studies until 1 September 2007 under the conditions and pursuant to the procedure applied to them before 30 June 2002. Students matriculated in medical training before 30 June 2002 have the right to continue their studies until 1 September 2008 under the conditions and pursuant to the procedure applied to them before 30 June 2002.

(2) A person who has completed diploma study has the right to continue his or her studies in Master's study under the conditions and pursuant to the procedure established by the council of the educational institution.

(3) A university may consider the Bachelor's studies and Bachelor's thesis of a person who completed Bachelor's study before 1 June 2002 on the basis of a curriculum entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act as part of Master's study under the conditions and pursuant to the procedure established by the council of the university.

(4) A university may consider the Master's studies and Master's thesis of a person who completed Master's study before 1 June 2002 on the basis of a curriculum entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act as part of Doctoral study under the conditions and pursuant to the procedure established by the council of the university.  
[RT I 2004, 56, 404 - entry into force 01.09.2004]

(5) The requirement on the study load subject to completion according to the curriculum in part-time study specified in subsection 23(2) of this Act shall be applied to students matriculated at a university before the academic year 2013/2014. If the minimum study load subject to completion according to the curriculum in part-time study established by the council of the university has been less than 50 per cent in the academic year preceding the academic year 2013/2014, the students having studied part-time before the academic year 2013/2014 are entitled to study part-time in the academic year 2012/2013 and 2013/2014 if they have completed the curriculum less than 75 per cent but at least to the extent of minimum study load in part-time study established by the educational institution.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

### **§ 56<sup>6</sup>. Teaching staff**

The requirements established by law for teaching staff shall apply as of the first election of teaching staff after 1 September 2003.  
[RT I 2003, 20, 116 - entry into force 10.03.2003]

### **§ 56<sup>7</sup>. Transition to assessment of study programme groups of educational institutions as of 1 January 2009**

(1) § 22<sup>3</sup> of this Act shall enter into force on 1 January 2011.

(2) The Estonian Higher Education Quality Agency shall be formed no later than by 1 January 2009.

(3) The authority of the Higher Education Quality Assessment Council shall terminate on 31 December 2008.

(4) If the Minister of Education and Research authorises a foundation to perform the functions specified in subsection 10 (1) of this Act, the contract under public law specified in subsection 10 (5) shall be concluded no later than by 1 January 2009.

(5) Until 31 December 2011 the Estonian Higher Education Quality Agency shall assess the study programme groups of educational institutions in addition to the functions specified in clauses 10 (1) 1) and 2) of this Act.

(6) As of 1 January 2012 a university may provide instruction only if, on the basis of the university's application, the Government of the Republic has granted the university the right to provide instruction at the level of higher education in the respective study programme group and award respective academic degrees and diplomas.

(7) In order to obtain the right to provide education in a study programme group and for the purpose of awarding the respective academic degrees and diplomas, a university or, in the event of a joint curriculum, the educational institution specified in the joint curriculum cooperation contract shall submit an application accompanied by the details of the positive accreditation decisions of the curricula belonging in the study programme group and of the positive institutional accreditation decision in force and:

- 1) data of the curricula under which instruction is to be provided, including the objectives and learning outcomes of the curricula;
- 2) data of the ordinary teaching staff who are to provide instruction in the study programme group and of their qualifications;
- 3) information about the facilities and amenities required for teaching, learning and research, and about the sources of financing instruction;
- 4) development plan of the university;
- 5) a positive decision on the evaluation of research and development of the field or data of research and development in case of lack thereof;
- 6) at the discretion of the applicant, other data available in the Estonian Education Information System and in the Estonian Research Information System, which indicates the quality, resources or sustainability required for provision of instruction;

7) in the event of a joint curriculum, information about the compliance of the joint curriculum with § 22<sup>1</sup> of this Act and information about the compliance of the joint curriculum cooperation contract with § 22<sup>2</sup> of this Act.

(8) The Estonian Higher Education Quality Agency shall, with the help of experts involved, assess on the basis of a proper application, enclosed data, the Standard of Higher Education and other legislation, whether the applicant has the required quality, resources and sustainability for provision of instruction and, in the event of a joint curriculum, whether the joint curriculum and the joint curriculum cooperation contract comply with the requirements of §§ 22<sup>1</sup> and 22<sup>2</sup> of this Act, and, based on the results of the assessment, make a proposal to the Minister of Education and Research:

1) to grant the university the right to provide instruction in the study programme group and award the respective academic degree or diploma after completion of the curriculum and submit the said proposal to the Government of the Republic for approval in the Annex to the Standard of Higher Education (positively accredit the study programme group);

2) to grant the university the right to provide instruction in the study programme group and award the respective academic degree or diploma after completion of the curriculum for a term of one to three years and submit the said proposal to the Government of the Republic for approval in the Standard of Higher Education (positively accredit the study programme group for a fixed term);

3) not to grant the university the right to provide instruction or issue respective academic degrees and diplomas if it appears from the data given in subsection (7) of this section that high-quality instruction at the level of higher education cannot be provided (negatively accredit the study programme group).

(9) If the Estonian Higher Education Quality Agency makes the proposal specified in clause 8 2) of this section, it shall set a term upon the expiry of which a repeat assessment of the study programme group will be carried out pursuant to the procedure provided for in subsections (7) and (8) of this section.

(10) The study programme groups where a university has the right to provide instruction in and the academic degrees and diplomas to be awarded upon completion of studies shall, on the proposal of the Minister of Education and Research, be specified by the Government of the Republic in the Annex to the Standard of Higher Education once a year, in 2010, and in 2011 up to twice a year.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(11) If the Estonian Higher Education Quality Agency makes a proposal specified in clause 8 3) of this section or, for the third time, the proposal specified in clause 8 2) of this section to the Minister of Education and Research, the Minister shall not submit it to the Government of the Republic and shall, by a directive, approve the decision not to grant the university the right to provide instruction in the study programme group or to award the respective academic degrees and diplomas. The university shall terminate admission of students and instruction in the study programme group and, in cooperation with the Ministry of Education and Research, enable the students the chance to continue their studies at the same or another educational institution in the same or a similar field of study.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(11<sup>1</sup>) The specific procedure for transition to the assessment of study programme groups of educational institutions providing the acquisition of higher education shall be established by a directive of the Minister of Education and Research.

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

(12) A person has the right to receive a national graduation document if, no sooner than two years before granting the study programme group of the university the right to provide instruction and to award respective academic degrees and diplomas pursuant to the procedure specified in subsection (10) of this section, the person has received a graduation document certifying the completion of the curriculum of the respective study programme group in the university.

(13) Institutional accreditation and the quality assessment of study programme groups shall be applied for and carried out at a university as of 1 January 2010 and if the university has been granted the right to provide instruction at the level of higher education and to award the respective academic degrees and diplomas in at least one study programme group.

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

(14) A university has the right to issue a document certifying education, which has not been approved by the state, to a person who has completed studies on the basis of a non-accredited curriculum if the university has submitted an application specified in subsection (7) of this section for the purpose of obtaining the right to provide instruction and to award the respective academic degrees and diplomas in the study programme group where the curriculum belongs.

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

## **§ 56<sup>8</sup>. Processing accreditation applications submitted before 1 September 2008**

(1) Accreditation applications submitted before 1 September 2008 shall be processed on the conditions and pursuant to the procedure in force at the moment of submission of the application, including on the basis of the

requirements and the accreditation procedure established by a regulation of the Government of the Republic with regard to curricula and the university that are being accredited, until 31 December 2009.

(2) As of 1 January 2009 the functions of the Estonian Higher Education Quality Assessment Council regarding processing the applications specified in subsection (1) of this section shall be performed by the Estonian Higher Education Quality Agency.

(3) Following accreditation on the basis of the accreditation applications specified in subsection (1) of this section, the Estonian Higher Education Quality Agency shall make a proposal to the Minister of Education and Research to:

- 1) positively accredit the curriculum or the university until the Government of the Republic grants the study programme group of the university where the curriculum to be accredited belongs the right to provide instruction and to award the respective academic degree or diploma upon completion of the curriculum;
- 2) negatively accredit the curriculum and terminate admission of students to the curriculum at the university and, within a fixed term of no longer than three years, terminate teaching and learning under the respective curriculum;
- 3) negatively accredit the university and initiate the closure of the university.

(4) In the events specified in clauses (3) 2) and 3) of this section, the university shall, in cooperation with the Ministry of Education and Research, enable the students to continue their studies in another university in the same or in a similar field of study.

(5) A proposal of the Estonian Higher Education Quality Agency made following accreditation shall be approved by a directive of the Minister of Education and Research. The Minister of Education and Research has the right to reject the proposal of the Estonian Higher Education Quality Agency with a motivated directive and submit it for a second examination.

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

#### **§ 56<sup>9</sup>. National recognition of graduation documents issued to graduates of curricula accredited pursuant to procedure in force before 1 September 2008**

(1) A national graduation document shall be issued to the graduates of curricula accredited pursuant to the procedure in force before 1 September 2008 if:

- 1) the curriculum has been accredited positively, or
- 2) the validity of the positive accreditation decision of the curriculum has terminated after 31 August 2009 and the university has submitted the application specified in subsection 56<sup>7</sup>(7) to obtain the right to provide instruction and award the respective academic degrees and diplomas in the study programme group where the curriculum belongs.

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

(2) A person has the right to receive a national graduation document if no more than two years before the curriculum was positively accredited pursuant to the procedure in force before 1 September 2008 a document certifying education was issued to the person.

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

#### **§ 56<sup>10</sup>. Implementation of requirements for teaching staff**

(1) A person who has been nominated professor *emeritus* before 1 September 2008 shall receive the remuneration of a professor *emeritus* which is 75 per cent of the remuneration of an academician and which shall be allocated to the university among the volume of activity support allocated from the state budget.

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

(2) A person who has been nominated docent *emeritus* before 1 September 2008 shall receive the remuneration of a docent *emeritus* pursuant to the conditions and procedure which applied at the time of nomination, which is up to 50 per cent of the remuneration of professor *emeritus* and the payment of which shall be supported from the state budget among the volume of allocated activity support.

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

(3) The requirements for the teaching staff specified in §§ 35–37 of this Act shall apply to elections of teaching staff as of 1 January 2009. Employment contracts made with teaching staff before 1 January 2009 shall remain in force until expiry of the term specified in the employment contract.

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

(4) A university shall bring its operations into compliance with clause 14 (3) 13<sup>1</sup>) of this Act not later than by 1 January 2010.

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

## § 56<sup>11</sup>. State-commissioned education

(1) The contracts for state-commissioned education concluded between the Ministry of Education and Research and the university before 1 September 2008 stay in force until the parties to the contract have performed their contractual obligations.

(2) A university shall create the number of student places needed to provide state-commissioned education specified in subsection (1) of this section pursuant to the procedure in force before 1 September 2008 on the basis of positively accredited curricula. A university may create student places on the basis of curricula which have not been accredited if so agreed in the contract for state-commissioned education.

(3) If, after the end of the standard period of Bachelor's study, professional higher education study, Master's study or study based on the integrated curricula of Bachelor's and Master's study, the number of persons who graduate from university having completed such study is smaller than the number of graduates specified in the contract for state-commissioned education concluded before 1 September 2008, the Ministry of Education and Research has the right when determining state-commissioned education as of the academic year 2009/2010, to reduce the financing of the university to the extent of non-performed state commissioned education, thereby reducing the state budget funds allocated on the basis of a performance agreement.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

(4) The contracts for state-commissioned education entered into between the Ministry of Education and Research and the universities in 2009 shall be deemed to be concluded for four years.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

(5) The contracts for state-commissioned education entered into between the Ministry of Education and Research and the universities before 1 January 2013 stay in force until the parties have implemented their contractual obligations.  
[RT I, 30.05.2012, 1 - entry into force 01.01.2013]

## § 56<sup>12</sup>. Application for opening joint curriculum until 31 December 2008

(1) Until 31 December 2008 the educational institution specified in the joint curriculum cooperation contract shall submit the following after the approval of the joint curriculum and approval of entry into the joint curriculum cooperation contract in the council of the educational institution:

- 1) to the Ministry of Education and Research, an application to register the joint curriculum, enclosing the respective joint curriculum compliant with § 22<sup>1</sup> of this Act, other documents certifying compliance with the requirements provided for in § 22<sup>1</sup> of this Act and the joint curriculum cooperation contract in compliance with § 22<sup>2</sup> of this Act;
- 2) to the Estonian Higher Education Quality Assessment Council, an application to extend to the joint curriculum the decision to accredit the curricula serving as the basis for the joint curriculum.

(2) The Minister of Education and Research shall approve the joint curriculum by a directive and it shall be entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act if:

- 1) the result of the expert assessment specified in subsection (4) of this section is positive;
- 2) the Estonian Higher Education Quality Assessment Council or, as of 1 January 2009, the Estonian Higher Education Quality Agency shall, on the basis of subsection (5) of this section, decide to extend to the joint curriculum the decision to accredit the curricula serving as the basis for the joint curriculum.

(3) Clause (1) 2) and clause (2) 2) of this section shall not be applied to the registration of the joint curriculum of Doctoral study, except in case if the joint curriculum of Doctoral study complies with the requirements specified in clause 22<sup>1</sup>(2) of this Act.

(4) For the purpose of identifying whether the joint curriculum and the joint curriculum cooperation contract comply with the requirements provided for in §§ 22<sup>1</sup> and 22<sup>2</sup> of this Act, the Minister of Education and Research shall order by a directive that an expert assessment of the joint curriculum and the joint curriculum cooperation contract be carried out and form an *ad hoc* expert committee for carrying out the assessment. Before the expert assessment, the educational institution specified in the joint curriculum cooperation contract shall, within one month after the issue of the directive specified in this subsection, pay a security deposit for the amount requested in the directive, but no more than 10,000 kroons, which shall be refunded if the result of the expert assessment is positive. If the result of the expert assessment is negative, the educational institution specified in the joint curriculum cooperation contract shall bear the expenses of the expert assessment.

(5) Upon the registration of a joint curriculum, the Estonian Higher Education Quality Assessment Council or, as of 1 January 2009, the Estonian Higher Education Quality Agency shall, on the basis of an application specified in clause (1) 2) of this section, decide on the extension of the accreditation decisions of the curricula,

which serve as the basis for the joint curriculum, to the joint curriculum on the basis of the compliance of the curricula, which serve as the basis for the joint curriculum, with legislation and standards and the terms of validity of the accreditation decisions. The decision to extend the accreditation decisions of the underlying curricula to the joint curriculum shall be effective to the extent of at least the standard duration of the joint curriculum, but no longer than until 1 January 2012. The extension of the decision to accredit a curriculum to a joint curriculum shall be approved by a directive of the Minister of Education and Research on a proposal of the Estonian Higher Education Quality Assessment Council or, as of 1 January 2009, on a proposal of the Estonian Higher Education Quality Agency.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

### **§ 56<sup>13</sup>. Specifications for requirements for joint curriculum until 1 January 2012**

(1) The requirement specified in clauses 22<sup>1</sup>(2) and (3) of this Act upon opening joint curriculum, to hold the right to provide instruction in a study programme group and to issue the respective academic degrees and diplomas shall be deemed to be complied with until 1 January 2012 with a positive accreditation decision given to a curriculum for seven years.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) The requirement specified in clauses 22<sup>1</sup>(2) and (3) of this Act upon opening a joint curriculum according to which the quality of instruction of the study programme group where the joint curriculum belongs in any educational institution participating in the joint curriculum may not have significantly deteriorated within the seven years preceding the conclusion of the joint curriculum cooperation contract, shall be deemed to be complied with until 1 January 2012 if the educational institution has not, within seven years before the opening of the joint curriculum, received any negative accreditation decisions to any curriculum in the study programme group in which a joint curriculum shall be opened.  
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3) Joint curricula opened before 1 January 2012 shall be brought into conformity with the requirements applicable to joint curricula as of 1 January 2012 no later than by 1 January 2015.  
[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

### **§ 56<sup>14</sup>. Opening joint curriculum until 31 December 2010**

(1) After registration of the joint curriculum and approval of entry into joint curriculum cooperation contract in the council of the university, the joint curriculum shall be entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act if:

- 1) the joint curriculum corresponds to §§ 22<sup>1</sup> and 22<sup>2</sup> of this Act;
- 2) the accreditation decision of the curricula which serve as the basis for the joint curriculum shall be extended to the joint curriculum on the basis of subsection (4) of this section.

(2) Clause (1) 2) of this section shall not be applied to the joint curriculum of Doctoral study, except in case if the joint curriculum of Doctoral study complies with the requirements specified in clause 22<sup>1</sup>(2) of this Act.

(3) For the purpose of identifying whether the joint curriculum and the joint curriculum cooperation contract comply with the requirements provided for in §§ 22<sup>1</sup> and 22<sup>2</sup> of this Act, the Minister of Education and Research shall order by a directive that an expert assessment of the joint curriculum and the joint curriculum cooperation contract be carried out and form an *ad hoc* expert committee for carrying out the assessment.

(4) The Estonian Higher Education Quality Agency shall, on the basis of an application of the educational institution agreed upon in the joint curriculum cooperation contract, decide on the extension of the accreditation decisions of the curricula, which serve as the basis for the joint curriculum, to the joint curriculum on the basis of the compliance of the curricula, which serve as the basis for the joint curriculum, with legislation and standards. The decision to extend the accreditation decisions of the underlying curricula to the joint curriculum shall be effective until grant of the right to provide instruction in the respective study programme group, but no longer than until 31 December 2011. The extension of the decision to accredit a curriculum to a joint curriculum shall be approved by a directive of the Minister of Education and Research on a proposal of the Estonian Higher Education Quality Agency.  
[RT I 2009, 48, 324 - entry into force 23.10.2009]

### **§ 57. Specifications concerning entry into force of Act**

(1) [Repealed - RT I 2003, 20, 116 – entered into force 10.03.2003]

(2) [Repealed - RT I 1999, 10, 150 – entered into force 15.02.1999]

(3) Section 13<sup>1</sup> of this Act enters into force 1 January 1997.

(4) The requirement stating that staff expenditure shall constitute at least 60 per cent of the calculated cost of a student place as set out in clause 2 14) of this Act enters into force on 1 January 2004.

(5) Subsections 36 (3) and (4) of this Act enter into force on 1 January 2006.

(6) The council of a university has the right to apply subsection 36 (3) of this Act to members of the teaching staff who retire before 1 January 2006.

(7) The Ministry of Education and Research shall enter into a contract under public law with Tartu University for the reimbursement of costs relating to the clinical instruction of medical studies and the contract shall enter into force on 1 January 2004.

[RT I 2004, 45, 316 - entry into force 27.05.2004]

#### **§ 58. Amendments to earlier Acts**

[Omitted from this text.]

#### **§ 59. Implementation of Act**

Amendment to clause 2 14) of this Act which has been made in connection with the State 2009 Supplementary Budget Act and the Act amending the related Acts shall be implemented as of 1 January 2009.

[RT I 2009, 15, 93 - entry into force 01.03.2009]