

Issuer: Riigikogu  
Type: act  
In force from: 23.03.2014  
In force until: In force  
Translation published: 22.04.2014

## **Estonian Academy of Sciences Act**

Passed 16.04.1997  
RT I 1997, 35, 539  
Entry into force 19.05.1997

Amended by the following acts

Passed	Published	Entry into force
13.12.2000	RT I 2000, 104, 685	08.01.2001
14.03.2001	RT I 2001, 34, 187	10.04.2001
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, 57, 357	01.08.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
14.02.2007	RT I 2007, 22, 111	01.04.2007
09.12.2009	RT I 2009, 64, 421	01.01.2010
19.02.2014	RT I, 13.03.2014, 2	23.03.2014, partially 01.01.2015, 01.01.2017 and 01.01.2019

### **Chapter 1 GENERAL PROVISIONS**

#### **§ 1. Purpose of Act**

This Act provides for the legal status, status of members, organisation of management and functions of the Estonian Academy of Sciences.

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

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

#### **§ 2. Functions of Academy**

(1) The Estonian Academy of Sciences (hereinafter Academy) develops and represents Estonian research relying on the intellectual strength of its members. The principal mission of the Academy as an association of researchers is to help, independently and with high academic professionalism, resolve issues relating to the development of Estonian research and the social and economic development of the state.

(2) In order to perform its functions, the Academy shall:

- 1) initiate, organise and coordinate scientific research;
- 2) develop international academic cooperation;
- 3) publish academic publications;
- 4) assist in the education of new generations of researchers;
- 5) organise academic meetings and conferences;
- 6) conduct research competitions and grant awards;
- 7) allocate scholarships and research grants to researchers and students;
- 8) consult the Riigikogu, the Government of the Republic and state authorities and make recommendations to them;

- 9) participate in the preparation of legislation concerning research and development;
- 10) participate in the work of other research and development institutions and foundations through its representatives in accordance with the legislation regulating their activities;
- 11) submit opinions on the organisation of Estonian research and financing of research and development;
- 12) contribute to the realisation of the creative potential of researchers and protect their interests.

### **§ 3. Legal status of Academy**

(1) The Academy is a legal person in public law which operates pursuant to this Act, the Organisation of Research and Development Act, its statutes and other legislation.

(2) The Academy is autonomous which means the right to independently:

- 1) establish its statutes;
- 2) elect its members;
- 3) determine its organisational structure in so far as this is not regulated by this Act;
- 4) choose the directions and manners of its activities and the partners;
- 5) decide on the use and disposal of property and funds in accordance with law;
- 6) decide on the use of the results of its activities, unless the making of such decisions is restricted by law or a contract.

(3) The statutes of the Academy and the amendments thereto shall be approved by the general assembly and registered by the Ministry of Education and Research. The statutes and the amendments thereto shall enter into force as of the moment of their registration.

(4) The Academy shall be dissolved by an Act.  
[RT I 2002, 90, 521 - entry into force 01.01.2003]

## **Chapter 2 MEMBERSHIP OF ACADEMY**

### **§ 4. Composition of Academy**

(1) The membership of the Academy is composed of Members of the Academy and foreign members. Membership in the Academy is for life.

(2) The number of Members of the Academy is limited to 60, whereas the limit does not include Members of the Academy over the age of 75. The number of foreign members of the Academy shall be determined by the general assembly.

[RT I 2009, 64, 421 - entry into force 01.01.2010]

### **§ 5. Members of Academy**

(1) Researchers who are Estonian citizens and who have significantly developed research in their field are elected as Members of the Academy. Prominent literary and art figures who have significantly contributed to the Estonian intellectual culture may also be elected as Members of the Academy.

(2) The general assembly shall elect the Members of the Academy from among the candidates whom the Members of the Academy, Estonian research institutions and academic societies and artistic associations have the right to present. The election procedure and conditions shall be provided for in the statutes of the Academy.

(3) The duties of a Member of the Academy are to:

- 1) promote research, technology, literature or art in his or her field through personal creative work;
- 2) participate in the development of development plans relating to research and culture and socio-economic development plans in Estonia;
- 3) participate in the education of intellectuals;
- 4) contribute to the valuation of research, culture and education in Estonia;
- 5) be, according to his or her speciality, a member of a department of the Academy and participate in the sittings of the general assembly and his or her department assembly.

(4) A Member of the Academy has the right to:

- 1) participate in the meetings of the board of the Academy and all department assemblies;
- 2) submit academic and academic-organisational issues for discussion to the general assembly and board of the Academy and to his or her department assembly;
- 3) receive information on the resolutions of the general assembly and the board and on opinions officially submitted to the Riigikogu, the Government of the Republic and research and development institutions by the Academy and to receive information on other significant issues relating to the activities of the Academy;
- 4) be elected to any leading positions at the Academy;
- 5) introduce and present to the public or to state authorities his or her opinions on issues relating to research and society.

(5) In order to reimburse the costs relating to the Academy and performance of the duties of a Member of the Academy, Members of the Academy receive the remuneration for life payable to Members of the Academy from the funds of the Academy on the basis and pursuant to the procedure established by the general assembly. The payment of remuneration to Members of the Academy is covered from the funds in the state budget prescribed for a specific purpose through the budget of the Ministry of Education and Research.  
[RT I 2009, 64, 421 - entry into force 01.01.2010]

(6) The limit of support allocated from the state budget for the payment of remuneration to Members of the Academy shall be established by a regulation of the Government of the Republic.  
[RT I 2009, 64, 421 - entry into force 01.01.2010]

## **§ 6. Foreign members**

Foreign researchers who have achieved outstanding results in their field and who are connected with Estonia through their research are elected as foreign members of the Academy. The procedure for the election of foreign members, the procedure for the presentation of candidates for foreign members and the rights and duties of foreign members shall be provided for in the statutes of the Academy.

# **Chapter 3 MANAGEMENT**

## **§ 7. Organisation of management**

(1) The Academy has collegial directing bodies and heads elected from among the membership.

(2) The collegial directing bodies of the Academy are the general assembly and the board.

(3) The President, Vice-Presidents and the Secretary-General who direct the activities of the Academy according to the competence and division of tasks provided for in this Act and the statutes of the Academy are the heads elected from among the membership of the Academy.

## **§ 8. General assembly**

(1) The highest directing body of the Academy is the general assembly which is formed by all the Members of the Estonian Academy of Sciences.

(2) The general assembly shall:

- 1) approve the statutes of the Academy and make amendments thereto;
- 2) approve other source documents regulating other activities of the Assembly and the amendments thereto;

2<sup>1</sup>) decide on the establishment of institutions of the Academy;

[RT I 2009, 64, 421 - entry into force 01.01.2010]

3) approve the structure of the Academy and the statutes of the institutions of the Academy;

4) elect Members of the Academy and foreign members of the Academy;

5) elect the President, Vice-Presidents, Secretary-General and other members of the board of the Academy;

6) hear and approve the annual report on the activities of the Academy and the report on the implementation of the budget;

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

6<sup>1</sup>) approve the budget and financial plan of the Academy;

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

7) assess the situation of research directions in Estonia and make proposals regarding the development thereof;

8) form opinions on issues relating to the social and economic development of Estonia and communicate these to the Riigikogu and the Government of the Republic;

9) hear academic presentations;

9<sup>1</sup>) establish the bases and procedure for the payment of remuneration to Members of the Academy;

[RT I 2009, 64, 421 - entry into force 01.01.2010]

10) decide on other issues which are presented for discussion and for an opinion by the President or the board and which fall within the competence of the general assembly according to this Act and the statutes of the Academy.

(3) Sitzings of the general assembly are regular and extraordinary. The sittings shall be convened by the President and, in his or her absence, by a Vice-President. A regular sitting of the general assembly shall be convened at least twice a year. An extraordinary sitting of the general assembly shall be convened if the President deems this to be necessary or if the majority of the board, one of the department assemblies or one fourth of all the Members of the Academy demands this.

(4) The procedure for the convention and rules of procedure of a sitting of the general assembly shall be established by the statutes of the Academy.

## **§ 9. Board**

(1) The board is the collegial directing body of the Academy between the sittings of the general assembly.

(2) The board includes the President, Vice-Presidents, the Secretary-General, heads of departments and members elected by the general assembly from among the Members of the Academy.

(3) The Board shall:

- 1) ensure implementation of the resolutions of the general assembly;
- 2) prepare the issues to be submitted to the general assembly;
- 3) announce research competitions and grant awards;
- 4) announce and allocate research grants and scholarships to researchers and students;
- 4<sup>1</sup>) announce competitions for research professors and elect research professors;
- 5) decide on the Academy joining international organisations;
- 5<sup>1</sup>) [Repealed - RT I 2007, 22, 111 – entered into force 01.04.2007]
- 6) decide on the use of the property of the Academy within the limits provided by law;
- 7) approve the statutes of the office of the Academy and its structural units and their reports;
- 8) form standing or ad hoc committees to resolve the issues in specific scientific fields;
- 9) perform other duties necessary for the activities of the Academy.

(4) The board shall meet as required but not less frequently than once per quarter. The rules of procedure of sittings shall be determined by the rules and regulations approved by the general assembly.

(5) A resolution of the board enters into force after signing by the President. If the President refuses to sign a resolution of the board, the issue shall be transferred to the general assembly for decision-making.

(6) The board shall be accountable to the general assembly.

## **§ 10. President**

(1) The President is the general manager of the Academy who represents the Academy in relations with other persons. The President is responsible for the general development of the Academy, the activities specified in the statutes of the Academy and for the lawful and expedient use of the property and funds of the Academy. The President shall be accountable to the general assembly.

(2) The general assembly shall elect the President from among the Members of the Academy by secret ballot for a term of five years. The procedure for election shall be provided for in the statutes of the Academy. The same Member of the Academy cannot be elected as President for more than two consecutive terms.

(3) A Member of the Academy authorised by the general assembly shall enter into and terminate an employment contract for a specified term with the President on behalf of the Academy.

(4) A Vice-President shall substitute for the President pursuant to the procedure provided for in the statutes.

## **§ 11. Vice-Presidents**

(1) A Vice-President shall direct the area of activity determined by the President. A Vice-President may also perform the duties of the head of a department.

(2) The number of Vice-Presidents shall be determined by the general assembly.

(3) The general assembly shall elect a Vice-President from among the Members of the Academy by secret ballot for a term of five years. The procedure for election shall be provided for in the statutes of the Academy. The same Member of the Academy cannot be elected as Vice-President for more than two consecutive terms.

(4) The President shall enter into and terminate an employment contract for a specified term with a Vice-President of the Academy on behalf of the Academy.

(5) A Vice-President shall be accountable to the general assembly and the President.

## **§ 12. Secretary-General**

(1) The Secretary-General shall organise the administration and financial activities of the Academy through the office, enter into and terminate employment contracts with employees of the departments and the office of the Academy and the heads of the institutions of the Academy on behalf of the Academy, and perform other duties pursuant to the resolutions of the general assembly and the board.

(2) The general assembly shall elect the Secretary-General from among the Members of the Academy by secret ballot for a term of five years. The procedure for election shall be provided for in the statutes of the Academy. The same Member of the Academy cannot be elected as Secretary-General for more than two consecutive terms.

(3) The President shall enter into and terminate an employment contract for a specified term with the Secretary-General on behalf of the Academy.

(4) The Secretary-General shall be accountable to the general assembly and the President.

## **Chapter 4 STRUCTURE**

### **§ 13. Structure**

The structure of the Academy includes:

- 1) departments;
- 2) the office;
- 3) institutions.

### **§ 14. Departments**

(1) A department unites the Members of the Academy and foreign members of the corresponding scientific field and the institutions of the Academy in cooperation with other research and development institutions and academic societies of the same scientific field.

(2) The general assembly shall decide in which scientific fields departments are formed.

(3) The membership of the Members of the Academy and foreign members in departments shall be approved by the board.

(4) A department shall coordinate the academic and academic-organisational activities of the Academy in its field. The bases of activities of a department shall be established by the statutes of the departments which are approved by the general assembly.

### **§ 15. Management of department**

(1) The activities of a department shall be directed by the department assembly and the head of the department.

(2) All Members of the Academy who belong to a department form the department assembly. The functions and procedure for operation of the department assembly shall be provided for in the statutes of the department.

(3) The department assembly shall elect the head of the department from among the Members of the Academy belonging to the department by secret ballot for a term of five years. The procedure for election shall be provided for in the statutes of the department. The same Member of the Academy cannot be elected as head of department for more than two consecutive terms.

(4) The head of a department shall be accountable to the board and the President.

### **§ 16. Office of Academy**

(1) The administration and financial activities, and other activities of the Academy according to the resolutions of the general assembly and the board shall be organised by the office of the Academy which operates under the direction of the Secretary-General according to the statutes approved by the board.

(2) The structure and positions of the office of the Academy shall be approved by the board.

### **§ 17. Institutions of Academy**

(1) On the basis of a resolution of the general assembly, the Academy may establish institutions which have their own budget and bank account and the functions and bases of operation of which are established in the statutes of the institution.

[RT I 2009, 64, 421 - entry into force 01.01.2010]

(2) The statutes of an institution of the Academy shall be approved by the general assembly of the Academy and registered with the Ministry of Education and Research.

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

(3) An institution of the Academy shall be directed by a director with whom the Secretary-General shall enter into an employment contract for a specified term on behalf of the Academy. The director of the institution performing research functions shall be elected for a term of up to five years and the supervisory board shall be formed as an advisory body to the director. The procedure for the election of director and formation of the supervisory board shall be provided for in the statutes of the Academy.

(4) An institution of the Academy shall report on its activities to the President of the Academy who exercises supervision over the activities of the institution.

(5) The Academy and the institutions of the Academy shall be registered in the state register of state and local government authorities pursuant to the procedure provided for in the statutes of the register.

#### **§ 18. Institutions and societies associated with Academy**

Research and development institutions and cultural establishments which are not part of the structure of the Academy and academic societies whose activities and objectives comply with the activities and objectives of the Academy may associate with the Academy. The relations between the associated institution or society and the Academy and the mutual rights and obligations shall be provided for in the statutes of the Academy and the association agreement.

## **Chapter 5 PROPERTY AND FINANCING**

#### **§ 19. Property of Academy**

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

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

(3) The Academy has the right to own property which was in the ownership of the Academy before 16 June 1940.

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

(5) The Academy has the right to transfer immovable property in the ownership of the Academy and to take loans with the permission of the Government of the Republic.

(6) The Academy does not have the right to grant loans, provide sponsor support or be a shareholder or a partner of a company.

(7) The Academy has the right to allocate research grants and scholarships and support the institutions and societies specified in § 18 of this Act in the activities specified in their statutes.

(8) The provisions of this section do not restrict the passive legal capacity of the Academy.  
[RT I 2002, 53, 336 - entry into force 01.07.2002]

#### **§ 20. Financing**

(1) The activities of the Academy shall be financed from the state budget and from other sources. The amount of financing of the Academy from the state budget shall be determined in the state budget of the corresponding year within the expenditure of the area of government of the Ministry of Education and Research.

(2) The Academy has the right to provide services related to the activities as specified in its statutes for a charge to other persons and any revenue received therefrom shall accrue to the budget of the Academy.

(3) The financial resources of the Academy shall be disposed of by the President and Secretary-General under the conditions and pursuant to the procedure established by the general assembly.

(4) The expenditure relating to the infrastructure of the research and development institutions of the Academy shall be covered from funds in the state budget prescribed for this purpose for the Academy.  
[RT I 2002, 90, 521 - entry into force 01.01.2003]

#### **§ 21. Budget**

(1) A balanced budget shall be prepared concerning all revenue and expenditure of the Academy. The budget of the Academy 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) Non-budgetary revenue received shall be distributed according to the budget of the Academy on general bases if not restricted by law or special conditions for the use of the received revenue.

### **§ 21<sup>1</sup>. Financial plan of Academy**

(1) The Academy shall prepare a financial plan each year which serves as the basis for the establishment of the budget of the Academy.

(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]

### **§ 22. Audit and reporting**

(1) The Academy shall keep accounts and statistical records of the use of its assets and funds pursuant to the procedure established by law.

(2) The use of state budget funds allocated to the Academy shall be audited by the Ministry of Finance. The State Audit Office shall audit the activities of the Estonian Academy of Sciences pursuant to the State Audit Office Act.

(3) State supervision over the activities of the Academy shall be exercised by the Ministry of Education and Research.

(4) The Academy shall report on its activities to the extent and pursuant to the procedure provided by law or on the basis thereof.

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

## **Chapter 6 IMPLEMENTATION OF ACT**

### **§ 23. Transition**

(1) The President of the Academy shall ensure that the statutes of the Academy are brought into conformity with this Act within six months as of the entry into force of this Act.

(2) Decision-making bodies formed and persons elected at the Academy 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.

(3) The merger of the existent state research and development institutions and their transformation into institutions of the Academy of Sciences shall be based on subsection 21 (2) of the Organisation of Research and Development Act.

(4) The Government of the Republic shall transfer the property in the possession and use of the Academy to the ownership of the Academy within six months after the entry into force of this Act.

(5) Property which was in the ownership of the Academy before 16 June 1940, for which the Academy applies, which can be transferred into the ownership of the Academy and which is necessary for the Academy to perform the functions provided for in its statutes shall be transferred to the Academy without charge by a regulation of the Government of the Republic not later than within one year after the entry into force of this Act.