

Organisation of Research and Development Act

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Amended by the following Acts:

Passed	Published	Entry into force
10.12.1998	RT I 1998, 111, 1832	03.01.1999
21.01.1999	RT I 1999, 10, 157	15.02.1999
14.03.2001	RT I 2001, 34, 187	10.04.2001
Consolidated text in paper version of <i>Riigi Teataja</i>	RT I 2001, 43, 237	
19.06.2002	RT I 2002, 61, 375	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
04.12.2002	RT I 2002, 105, 611	24.12.2002
12.11.2003	RT I 2003, 75, 495	13.12.2003
29.12.2003	RT I 2003, 88, 594	08.01.2004
16.12.2004	RT I 2004, 89, 615	01.01.2005
09.03.2006	RT I 2006, 14, 114	06.04.2006
24.01.2007	RT I 2007, 12, 66	01.01.2008
24.09.2009	RT I 2009, 48, 324	23.10.2009, in part 01.01.2010
25.11.2009	RT I 2009, 59, 389	20.12.2009
23.02.2011	RT I, 16.03.2011, 3	01.01.2012, in part 01.03.2012, 01.01.2013 and 01.01.2014
06.06.2012	RT I, 28.06.2012, 4	01.07.2012

Chapter 1

GENERAL PROVISIONS

§ 1. Purpose of Organisation of Research and Development Act

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

§ 1¹. 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. Definitions used in Act

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

- 1) 'basic research' means theoretical or experimental work undertaken in order to acquire new knowledge of the underlying foundation of phenomena and observable facts, without any particular application or use in view;
- 2) 'development' means work, drawing on existing knowledge gained from research and experience, that

is aimed at producing new materials, products or devices, installing new processes, systems and services or improving substantially those already produced or installed;

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

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

4) [Repealed –RT I 2009, 59, 389 – entry into force 20.12.2009]

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

5¹) 'post-doctoral fellow' means a researcher who has been awarded their doctorate or equal qualifications of a foreign country no more than five years ago, excluding the time spent on parental leave and service in the Defence Forces, and who carries out basic and applied research or development under the supervision of an academy research professor, research professor, senior research fellow, professor or senior lecturer, independently implements the research subject or project of research or development or is in charge of the implementation of substantial sections thereof. A post-doctoral fellow may supervise Doctoral candidates;

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

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

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

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

8) 'research funding' means funding allocated for high level research and development and related activities (research topics) of a research and development institution and for ensuring the consistency of research and development in a research and development institution (institutional research funding) or for a high level research and development project of a person or a research group working in a research and development institution (personal research funding), including the research scholarship of Master's students and Doctoral candidates and funding allocated in support of research carried out by post-doctoral fellows.

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

§ 3. Research and development institutions

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

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

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

3) the membership includes the research staff necessary for carrying out the principal activity;

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

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

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

7) the economic activity (offering of products and services on a certain market) and the activities

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

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

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

§ 3¹. Estonian Research Information System

(1) The Estonian Research Information System is a national register as defined in the Public Information Act, which combines information relating to research and development in Estonia to form a whole.

[RT I 2007, 12, 66 – entry into force 01.01.2008]

(2) The chief processor of the Estonian Research Information System is the Ministry of Education and Research.

(3) The following sub-registers belong to the Estonian Research Information System:

1) the sub-register of institutions involved in research and development, containing records of research and development institutions and other legal persons and institutions involved in research and development;

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

2) the sub-register of persons involved in research and development, containing records of the research staff of research and development institutions, the administrative staff of research and development institutions and the persons specified in applications for financing or evaluation;

3) the sub-register of financing and evaluation of research and development, containing information necessary for planning the activities of and financing institutions involved in research and development and for budgeting;

4) the sub-register of research and development and the results thereof, containing information necessary for the evaluation of the successfulness and effectiveness of the institutions and persons involved in research and development.

(4) The Estonian Research Information System shall be established and the statutes for the maintenance of the register shall be approved by a regulation of the Government of the Republic.

(5) The classifications of the research fields of the Estonian Research Information System shall be approved by a directive of the Minister of Education and Research.

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

(6) The data entered in the Estonian Research Information System is informative. The entering of data in the Estonian Research Information System does not bring about any legal consequences, unless otherwise provided for in this Act or other legislation.

[RT I 2009, 48, 324 – entry into force 01.01.2010]

§ 4. Estonian Academy of Sciences

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

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

§ 4¹. Research library and archives library

[RT I, 06.03.2011, 3 – entry into force 01.01.2012]

(1) A research library is a library which provides public services and the function of which is the collection, preservation and processing of scientific information and making such information available.

(2) [Repealed – RT I, 16.03.2011, 3 – entry into force 01.01.2012]

(3) The requirements for research libraries and the conditions of and procedure for designation as a research library shall be established by a regulation of the Minister of Education and Research. Research libraries shall be designated by a directive of the Minister of Education and Research.

[RT I, 06.03.2011, 3 – entry into force 01.01.2012]

(4) The activities of the National Library of Estonia are regulated by the National Library of Estonia Act.

Chapter 2

ORGANISATION OF ACTIVITIES OF RESEARCH AND DEVELOPMENT INSTITUTIONS

§ 5. Legal status of research and development institutions

(1) A research and development institution may be established as a state agency, a local authority agency, a legal person in public law, an agency of a legal person in public law, a legal person in private law or an agency of a legal person in private law.

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

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

- 1) determine its internal organisation and administration;
- 2) choose the manner and methods of research and development;
- 3) enter into, amend and terminate contracts on the grounds and pursuant to the procedure prescribed by legislation;

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

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

(2¹) If a research and development institution is an agency of a legal person in public law:

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

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

(3) Research and development institutions shall operate pursuant to this Act, other legislation and their articles of association or statutes.

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

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

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

§ 5¹. [Repealed –RT I 2009, 48, 324 – entry into force 01.01.2010]

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

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

and its activities shall be terminated by the council of the local authority.

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

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

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

(3) A research and development institution which operates as a legal person in private law or an agency thereof shall be established, transformed and wound up pursuant to the procedure provided by legislation.

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

§ 7. Management of research and development institutions

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

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

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

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

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

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

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

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

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

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

- 1) approve the articles of association of the institution;
- 2) approve the statutes of the structural units of the institution;
- 3) adopt the development plan of the institution;
- 4) approve the budget and annual report of the institution;
- 5) approve the procedure for the distribution and use of funds allocated to the institution from the state budget;
- 6) establish the conditions of and procedure for organisation of research staff competitions;
- 7) decide on other matters placed within its competence by law or the articles of association.

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

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

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

§ 7¹. Members of research and development institution

Members of a research and development institution include the following:

- 1) research staff – persons who carry out basic and applied research or development and usually hold a research degree or, as an exception, have higher education and work in the position of a research employee or as a specialist or an engineer, and heads of research and development institutions and their structural units, who organise the planning and implementation of research and development. Teaching staff working in a research and development institution may participate in the implementation of research and development;
- 2) technical staff – persons who carry out basic and applied research or development under the supervision of research staff and who have the respective qualifications;
- 3) auxiliary staff – persons involved in carrying out basic and applied research or development and whose employment duties are not directly related to carrying out basic and applied research or development, and other persons supporting the performance of the functions of the research and development institution;
- 4) other persons specified in legislation.

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

§ 8. Research staff

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

(1) The positions of the research staff of research and development institutions include those of the early-stage researcher, senior research fellow, research professor. Heads of research and development institutions and heads of structural units of research and development institutions are deemed research staff if they participate in the implementation of a research topic or research project.

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

(1¹) An early-stage researcher is a research employee who participates in research under the supervision of a supervisor. A person who holds at least a Master's degree or corresponding qualifications can apply for the position of an early-stage researcher.

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

(2) A research fellow is a research employee who participates in the implementation of a research topic or research project. A person who has been awarded a research degree in Estonia or who has foreign qualifications equal thereto may apply for the position of research fellow.

(3) A senior research fellow is a researcher recognised in their field who heads a research topic or research project or who is responsible for work performed with regard to important aspects of the research

topic or project. A person who has been awarded a doctorate in Estonia or who has foreign qualifications equal thereto may apply for the position of senior research fellow.

(4) A research professor is a researcher internationally recognised in their field who directs research in the corresponding field in a research and development institution and supervises Doctoral candidates. A person who has been awarded a doctorate in Estonia or who has foreign qualifications equal thereto, who has worked as a senior lecturer, senior research fellow or university professor for a total of at least ten years and under whose supervision at least one Doctoral thesis has been defended or under whose supervision research has resulted in products or processes protected by patents may apply for the position of research professor.

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

§ 9. Filling research staff positions

(1) Research staff shall be elected by the research council or by the corresponding body of a legal person in public law or a legal person in private law by way of public competition. A person authorised by the research and development institution shall enter into an employment contract for a term of up to five years with the research employee who wins the competition.

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

(2) The conditions of and procedure for organising a competition for research staff in a research and development institution which operates as a state agency or a local authority agency shall be established by the minister who directs the ministry under whose area of government the research and development institution belongs or by the rural municipality or city government. In a research and development institution which operates as a legal person in public law or an agency thereof or as a legal person in private law or an agency thereof, the conditions and procedure shall be established by the corresponding body of the legal person.

(3) The head of a research and development institution has the right to fill a research staff position with a person who complies with the qualification requirements of the member of the research staff for a specific term without announcing a competition if:

- 1) a competition for the election of research staff has failed;
- 2) the research staff position has become vacant before the expiry of the term;
- 3) the research staff position is filled by appointing a research employee to office for up to three years.

(4) On the conditions and pursuant to the procedure established by the research council or by the corresponding body of a legal person in public law or a legal person in private law, the result of a public competition organised outside the research and development institution which involves financing the research and development carried out by the person during the term of the employment contract may be deemed to be equivalent to winning the competition specified in subsection (1) of this section.

(4¹) Repealed – RT I, 28.06.2012, 4 – entry into force 01.07.2012]

(5) Upon consecutive entry into or renewal of fixed-term employment contracts made with research staff, the employment relationship shall not become an employment relationship with an unspecified term.

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

§ 9¹. Academy research professor

(1) An academy research professor is a researcher recognised in their field who directs research in the corresponding field in a research and development institution and supervises Doctoral candidates. A person who has been awarded a doctorate in Estonia or a foreign academic degree equal thereto, worked as a senior researcher or university professor for a total of at least ten years and under whose supervision Doctoral theses have been defended may apply for the position of academy research professor.

(2) The election of academy research professors shall be organised and academy research professors shall be elected for up to five years by the Estonian Academy of Sciences by way of public competition. The conditions of and procedure for the election of academy research professors shall be established by a regulation of the Minister of Education and Research.

(3) A research and development institution has the right to create a fixed-term position of academy

research professor and to enter into an employment contract with the academy research professor for up to five years.

(4) Academy research professors shall be paid the remuneration of an academy research professor from the state budget through the budget of the Ministry of Education and Research.

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

Chapter 3

STATE ORGANISATION OF RESEARCH AND DEVELOPMENT

§ 10. Government of Republic

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

- 1) develop a research and development policy which takes into consideration the potential, conditions and needs of Estonia, and prepare national development plans for research and development and submit them to the *Riigikogu*;
- 2) at least once a year, the Prime Minister shall, on behalf of the Government of the Republic, submit to the *Riigikogu* an overview of the research and development situation and of the government policy in this field;
- 3) approve national research and development programmes under national development plans and ensure cooperation between the ministries in the implementation of the research and development policy, taking into consideration the proposals of the Research and Development Council;

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

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

4¹) establish the procedure for the formation and the rules of procedure of the Research Policy Committee and shall approve its membership for up to three years on the proposal of the Minister of Education and Research;

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

4²) establish the procedure for the formation of and the rules of procedure of the Innovation Policy Committee and shall approve its membership for up to three years on the proposal of the Minister of Economic Affairs and Communications;

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

- 5) establish and reorganise state research and development institutions and terminate their activities on the proposal of the ministry which administers them, after having considered the opinion of the Research and Development Council;
- 6) decide on Estonia's participation at state level in international cooperation in the field of research and development;
- 7) [Repealed – RT I 2009, 59, 389 – entry into force 20.12.2009]
- 7¹) establish the statutes for the national research awards;
- 7²) form the national research awards committee and approve its membership on the proposal of the Minister of Education and Research;
- 8) grant national research awards at the recommendation of the Minister of Education and Research on the basis of the proposals made by the national research awards committee;
- 9) perform other functions in the field of research and development imposed on it by law.

§ 11. Research and Development Council

(1) The Research and Development Council is an advisory body to the Government of the Republic which:

- 1) advises the Government of the Republic in matters relating to the research and development strategy;
- 1¹) advises the Government of the Republic in matters relating to international cooperation in research and development;

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

2) submits for approval to the Government of the Republic its opinion on national research and development programmes submitted to the Government of the Republic;

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

2¹) advises the Government of the Republic in the initiation of research and development projects of national significance;

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

3) annually submits to the Government of the Republic a report on research and development in Estonia and the objectives of the research and development policy for the forthcoming period;

4) advises the Government of the Republic in preparing the draft state budget in respect of the amounts to be allocated for research and development and with regard to the different ministries and types of financing for research and development;

5) advises the Government of the Republic in the establishment and reorganisation of research and development institutions and termination of their activities;

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

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

7) performs other functions imposed on it by law or by the Government of the Republic.

(2) The Research and Development Council consists of twelve members and its membership shall be approved by the Government of the Republic for up to three years.

(3) The members of the Research and Development Council include the Prime Minister, the Minister of Education and Research and the Minister of Economic Affairs and Communications by virtue of office as well as one member of the Government of the Republic appointed by the Prime Minister and eight members appointed by the Government of the Republic.

(4) The Prime Minister shall be the chairperson of the Research and Development Council by virtue of office.

(5) Administrative support to the Research and Development Council shall be provided by the Government Office.

(6) The grounds for the activities and the rules of procedure of the Research and Development Council shall be provided for in its statutes which shall be approved by the Government of the Republic.

(7) The Research Policy Committee advising the Minister of Education and Research and the Innovation Policy Committee advising the Minister of Economic Affairs and Communications shall advise the Research and Development Council in its work pursuant to the procedure provided for in this Act.

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

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

§ 12¹. Estonian Research Council

(1) The Estonian Research Council is a state foundation, which:

1) organises and carries out assessment of applications for research funding;

2) makes proposals to the Minister of Education and Research to grant research funding or to amend the size thereof;

3) grants personal research funding;

4) organises the performance of the duties and obligations assumed for participating in research programmes, including in international research programmes;

5) analyses the effectiveness and impact of using research funding on society;

6) monitors and analyses the availability of research information generated as a result of using research funding, the emergence and use of intellectual property, and the adherence to the ethical principles and good practice characteristic of research;

7) performs other functions imposed on it by legislation.

(2) The Estonian Research Council shall:

- 1) involve competent experts in its activities and take their assessments into account upon making decisions;
- 2) act in accordance with national strategies for research and development;
- 3) follow the ethical principles and good practice characteristic of research in its activities.

(3) The Estonian Research Council has an Evaluation Committee comprising of up to 15 recognised researchers in various fields of research and development, which consistently, professionally and independently assesses applications for research funding.

(4) Research and development institutions whose research and development activities have received a regular positive evaluation in at least one field, the Estonian Academy of Sciences and organisations representing researchers can nominate member candidates for the Evaluation Committee of the Estonian Research Council.

(5) The procedure for the formation and the rules of procedure of the Evaluation Committee of the Estonian Research Council shall be established by a regulation of the Minister of Education and Research.

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

(7) The membership of the Evaluation Committee shall be approved by the council of the Estonian Research Council in concordance with the Minister of Education and Research.

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

§ 13. State organisation of research and development in ministries

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

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

1) organisation of the required research and development in their areas of government and the financing thereof, taking into account the results of evaluation and the related assessments and recommendations;

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

2) drafting national research and development programmes and organising their implementation and drafting the research and development programmes of their area of government and organising their implementation;

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

3) approval of the statutes of state research and development institutions which belong under their area of government;

4) justification and determination of the funds required for financing research and development in their area of government upon preparation of the draft budget for the area of government, and approval of the budgets of such research and development institutions to the extent of the amounts allocated for research and development in the area of government in the state budget.

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

1) implement the national research policy and organise research and development activities;

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

2) prepare proposals concerning the research policy and the research and development strategy and submit them to the Government of the Republic;

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

3) organise the financing of research and development at research and development institutions;

4) organise the financing of the acquisition of research information for research libraries;

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

- 5) coordinate international cooperation at state level in the field of research and organise the financing thereof;
- 6) coordinate the preparation of a uniform collection development plan for research libraries;
- 7) organise the evaluation of research and development or authorise a foundation founded by the state therefor by entering into a contract under public law, and exercise supervision thereover;

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

- 8) organise national competitions in the research field and establish the conditions of and procedure for conducting such competitions;

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

- 9) perform other functions in fields specified in clauses 1) to 8) of this subsection imposed on it by an Act or on the basis thereof.

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

- 1) organise technological development and innovation policy;

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

- 2) prepare proposals concerning technological development and innovation policy and submit them to the Government of the Republic;

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

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

(4) The list of fields of research and development shall be established by a regulation of the Minister of Education and Research.

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

§ 13¹. Research Policy Committee

The Research Policy Committee is an advisory body to the Minister of Education and Research which:

- 1) advises the Minister of Education and Research in preparing topics submitted to the Research and Development Council for discussion and in performing the functions imposed on the Minister of Education and Research by the Research and Development Council;
- 2) makes proposals for the development of Estonian research policy;
- 3) makes proposals for planning the principles and strategy of financing research and development institutions;
- 4) based on the evaluation results, makes proposals concerning the establishment or reorganisation of state research and development institutions or the termination of their activities and for the appointment of heads of state research and development institutions within the area of government of the Ministry of Education and Research;
- 5) in cooperation with the Innovation Policy Committee, makes proposals concerning the strategic development plans for research and development in Estonia;
- 6) performs other functions imposed on it by legislation.

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

§ 13². Innovation Policy Committee

The Innovation Policy Committee is an advisory body to the Minister of Economic Affairs and Communications which:

- 1) advises the Minister of Economic Affairs and Communications in preparing topics submitted to the Research and Development Council for discussion and in performing the functions imposed on the

- Minister of Economic Affairs and Communications by the Research and Development Council;
- 2) makes proposals for the development of a policy supporting technological development and innovation in Estonia and participates in drafting the corresponding strategy documents;
 - 3) makes proposals concerning the state budget strategy and the annual draft state budgets to support technological development and innovation;
 - 4) makes proposals for the implementation or assessment of measures to support technological development and innovation;
 - 5) assesses implementation of the policy to support technological development and innovation;
 - 6) cooperates with the Research Policy Committee upon ensuring coordinated research policy and the policy to support technological development and innovation;
 - 7) performs other functions assigned thereto by legislation.
- [RT I 2004, 89, 615 – entry into force 01.01.2005]

Chapter 4

FINANCING AND STATE SUPERVISION

§ 14. General principles of financing

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

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

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

- 1) baseline funding;
- 2) research funding;
- 3) development funding;
- 4) support for centres of excellence;
- 5) national research and development programmes;
- 6) compensation of costs of maintenance of the infrastructure of research and development institutions.

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

(3) The acquisition of research information for research libraries shall be financed from the state budget through the budget of the Ministry of Education and Research.

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

(4) The Minister of Education and Research shall:

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

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

- 2) approve the annual amount of financing the acquisition of research information for research libraries by a directive;

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

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

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

- 4) approve the annual amount of financing research collections by a directive.

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

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

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

(6) The conditions of application for funding from the measures specified in clauses 2) to 5) of subsection (2) of this section shall specify more detailed requirements for presentation of the working time of research staff planned for attainment of the objectives of the financing measure and the data of the share of the direct and indirect expenditure designated in the budget.

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

(7) The following shall be financed from the measures specified in clauses 2) to 5) of subsection (2) of this section:

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

2) indirect expenditure relating to research and development.

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

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

§ 15¹. Baseline funding

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

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

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

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

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

(3) Allocation of baseline funding shall be based on the following criteria:

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

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

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

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

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

3) participation of the institution in Doctoral study;

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

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

(4) The conditions of and procedure for baseline funding shall be approved by a regulation of the Minister of Education and Research.

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

(5) The annual amount of baseline funding shall be approved by a directive of the Minister of Education and Research.

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

§ 15². Institutional research funding

(1) Institutional research funding shall be allocated from the state budget via the budget of the Ministry of Education and Research.

(2) A research and development institution whose research and development activities have received a regular positive evaluation in at least one field at the moment of application has the right to apply for institutional research funding.

(3) An application for institutional research funding shall be accompanied by information about the justification and importance of the research topic of the research and development activities, the expected results, the qualifications of the persons participating in the implementation, and the existence and condition of the infrastructure required for implementation.

(4) The conditions of and procedure for application, allocation and amendment of the amount of institutional research funding shall be established by a regulation of the Minister of Education and Research.

(5) The Estonian Research Council shall organise the assessment of institutional research funding applications and the Evaluation Committee of the Estonian Research Council shall carry out the assessment on the basis of the information specified in subsection (3) of this section.

(6) On a proposal of the Estonian Research Council, the Minister of Education and Research shall approve the annual amount of institutional research funding by a directive.

(7) The Estonian Research Council shall monitor the success of the implementation of the research topic on the basis of annual reports submitted by the research and development institution.

(8) The Estonian Research Council shall assess the research topics of research and development institutions for the first time after a half of the period of the institutional research funding is over and for the second time after the financing of the research topic from the state budget has terminated. A research topic for which institutional research funding has been allocated for up to three years shall be assessed after the financing of the research topic from the state budget has terminated.

(9) The following shall serve as the basis for continuing payment of institutional research funding and amendment of the amount thereof:

- 1) the assessment specified in subsection (7) of this section regarding the success of implementation of the research topic;
- 2) the results of the assessment specified in subsection (8) of this section, unless the research topic is assessed after the financing from the state budget has terminated.

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

§ 16. Development funding

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

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

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

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

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

§ 16¹. Personal research funding

(1) Personal research funding shall be applied for in a public competition on the conditions and pursuant to the procedure established by the Estonian Research Council and approved by the Ministry of Education and Research.

(2) The Estonian Research Council shall organise the assessment of applications for personal research funding and the assessment shall be carried out by the Evaluation Committee of the Estonian Research Council.

(3) The Estonian Research Council shall decide the awarding of personal research funding.

(4) Funds allocated for personal research funding shall be allocated to the Estonian Research Council via the Ministry of Education and Research.

(5) Research scholarships of Master's students and Doctoral candidates granted pursuant to the procedure provided for in this section constitute national scholarships.

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

§ 17. National research and development programmes

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

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

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

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

(5) The activities set out in the national research and development programme shall be financed from the state budget via the budgets of the involved ministries based on the activities specified in the programme.

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

§ 17¹. Centres of excellence

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

(2) The conditions and procedure for designation and financing of centres of excellence shall be established by a regulation of the Minister of Education and Research.

(3) The Minister of Education and Research shall designate centres of excellence by a directive for seven years.

(4) The activities of centres of excellence shall be financed from the state budget via the budget of the Ministry of Education and Research on the conditions and pursuant to the procedure established in the regulation of the Minister of Education and Research specified in subsection (2) of this section.

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

§ 18. Infrastructure expenses

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

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

(2) Infrastructure expenses of a local authority's research and development institution, which are not covered from institutional research funding, shall be covered from the budget of the respective rural municipality or city.

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

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

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

(4) Infrastructure expenses of a research and development institution which operates as a state agency shall be covered and the covering of the infrastructure expenses of a research and development institution which operates as a legal person in public law or as an agency of a legal person in public law shall be supported using funds from the state budget if the activities of the research and development institution have been financed on the grounds provided for in § 15 of this Act.

(5) Infrastructure expenses incurred by a research and development institution which operates as a legal person in private law or an agency thereof shall be covered by the legal person in private law. A research and development institution which operates as a legal person in private law or an agency thereof may receive earmarked support from the state budget or a rural municipality or city budget to cover infrastructure expenses.

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

§ 19. Reporting and state supervision

(1) In the report on the use of the financing obtained from the measures specified in clauses 14 (2) 2) to 5), a research and development institution operating as a state agency, local authority agency, legal person in public law or legal person in private law shall submit information about the total working time of research staff financed via the measure, the division of the direct expenses by labour expenses, scholarships, fixed assets acquired and other operating expenses, and the weighted average depreciation rate of the acquired fixed assets.

(2) The Ministry of Education and Research (hereinafter *supervisory authority*) shall exercise state supervision over the activities of research and development institutions, except those belonging under the area of government of the Ministry of Education and Research, in the performance of the requirements provided for in this Act and legislation established on the basis thereof.

(3) The supervisory authority has the right to involve experts in exercising state supervision.

(4) For the purpose of performance of its functions, the supervisory authority has the right to:

- 1) access the evidence and data which are at the disposal of a research and development institution and which allow for identifying circumstances of relevance for performing the functions of the supervisory authority and get copies or extracts of documents;
- 2) make precepts aimed at stopping a violation of the requirements provided for in this Act and legislation established on the basis thereof, preventing further violations and eliminating the consequences caused by a violation.

(5) In performing its functions, the supervisory authority is required to be impartial in assessments and rely on legislation and reliable information in its decisions.

(6) A precept made as a result of state supervision shall contain the following:

- 1) the grounds for making the precept along with the reference to the respective provisions of law;
- 2) the date of making the precept;
- 3) the term for complying with the precept;

- 4) the name, position and signature of the official who exercised state supervision;
- 5) the possibilities, term and procedure for appealing against the precept.

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

(8) The ministry or local authority under whose area of government the research and development institution belongs shall exercise supervisory control over the activities of the institution pursuant to the procedure provided by law.

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

§ 20. Evaluation

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

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

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

§ 20¹. Regular evaluation

(1) Upon a regular evaluation, the level of research and development of the corresponding field of research and development at a research and development institution is assessed by comparing it with internationally recognised criteria.

(2) The specific conditions and procedure for application for, carrying out and approving the result of a regular evaluation of research and development shall be established by a regulation of the Minister of Education and Research.

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

(4) A regular evaluation shall be carried out by an evaluation committee of 3 to 16 members and it shall consist of foreign experts of different fields each of whom is a researcher recognised in their field and has experience in the evaluation of research and development. The Minister of Education and Research shall form an evaluation committee and approve the rules of procedure thereof.

(5) Upon a regular evaluation, the evaluation committee shall take into account the application, the data concerning the research staff of the corresponding field, the results of the research and development, the targeted financings and research grants, the research environment and, if existent, the Doctoral study of the research and development institution, and the results of a visit to the research and development institution.

(6) The Minister of Education and Research shall approve, on the basis of a reasoned proposal of the evaluation committee, the decision of the regular evaluation to grant positive or negative evaluation to the research and development in the corresponding field at the research and development institution.

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

(8) The costs associated with a regular evaluation shall be covered from the state budget via the budget of the Ministry of Education and Research, except in the events where:

- 1) research and development in the corresponding field at a research and development institution which operates as a legal person in private law or an agency thereof is being evaluated;

2) the applicant's research and development in the corresponding field has been given a negative evaluation in the last regular evaluation.

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

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

§ 20². Targeted evaluation

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

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

(3) The themes and participants of a targeted evaluation, the persons who carry out the targeted evaluation and the specific procedure for the targeted evaluation shall be approved by a directive of the Minister of Education and Research and, in the event where the targeted evaluation concerns the area of administration of another ministry, in coordination with the corresponding ministry.

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

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

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

Chapter 5 IMPLEMENTATION OF ACT

§ 21. Transition

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

(1¹) The articles of association and statutes of research and development institutions shall be brought into compliance with § 2, subsections 7 (2) and (2¹), subsection 8 (2), subsection 14 (4), subsection 15 (3) and subsections 20 (1), (2), (4), (6) and (7) of this Act by 1 January 2004.

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

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

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

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

(5) Subsection 9 (4¹) of this Act applies to Doctoral candidates matriculated in a university as of 1 January 2012.

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

(6) Research and development institutions shall bring their activities into compliance with subsection 5 (2¹) and subsections 7 (6) and (7) of this Act not later than by 1 September 2012.
[RT I, 16.03.2011, 3 – entry into force 01.01.2012]

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

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

§ 21¹. Application for targeted financing, baseline funding and for residence permit for research or exploratory research in 2009

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

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

(3) A research and development institution specified in subsections (1) and (2) of this section is deemed to comply with the requirements provided for in clause 13³ (12¹) 3) of the Aliens Act until 31 December 2009.

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

§ 21². Application of regulation of regular evaluation and targeted evaluation

(1) Regular evaluations and targeted evaluations shall be carried out on the conditions and pursuant to the procedure provided for in this Act as of 1 January 2010.

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

(3) Unless provided otherwise, the requirement of a positive evaluation of the research and development activities of a research and development institution is deemed to be fulfilled if the research and development activities at the research and development institution have received a regular positive evaluation in the corresponding field.

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

§ 22. Recognition of foreign diplomas and academic degrees

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

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

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

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

§ 22¹. Research and development institutions registered with Ministry of Education

and Research

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

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

- 1) the articles of association or statutes of the research and development institution with the relevant amendments;
- 2) if the research and development institution operates as a legal person in private law, a copy of the register card of the commercial register or the non-profit associations and foundations register.

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

§ 22². Validity of employment contracts

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

(2) Employment contracts entered into with persons on the conditions and pursuant to the procedure provided for in § 9¹ of this Act shall be valid until expiry of the term specified in the employment contract.

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

(3) A fixed-term employment contract of an early-stage researcher concluded on the basis of subsection 9 (4¹) of this Act in force until 1 July 2012 shall terminate upon expiry of the contract term or upon termination of the employment contract.

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

(4) A person authorised by a research and development institution shall, without announcing a competition, conclude a fixed-term employment contract of an early-stage researcher for the standard duration of the Doctoral study with a Doctoral candidate who has submitted an application for the conclusion of an employment contract to the research and development institution who matriculated the Doctoral candidate on the basis of subsection 9 (4¹) of this Act, which was in force until 1 July 2012. The employment contract shall terminate upon expiry of the contract term or upon termination of the contract.

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

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

The Estonian Science Foundation and the Estonian Innovation Foundation shall be transformed by an order of the Government of the Republic pursuant to § 509 of the Commercial Code.

§ 23¹. Application for registration as research and development institution in connection with reorganisation, merger, division or transformation of research and development institution

(1) If entry in the sub-register of research and development institutions is applied for in connection with the reorganisation, merger, division or transformation of a research and development institution the research and development activities of which have been evaluated, clauses 5¹ (3) 2) and 3) of this Act do not apply to the applicant.

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

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

§ 23². Bringing activities of research and development institution into compliance with requirements

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

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

§ 24. [Omitted from this text]

§ 24¹. Termination of authority of Research Competency Council and assignment of functions to Estonian Research Council

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

(2) The authority exercising the founder's rights of the state shall, not later than by 1 March 2012, bring the articles of association of the state foundation which will perform the functions of the Estonian

Research Council into compliance with the functions specified in subsection 12¹ (1) of this Act.

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

§ 24². Targeted financing decisions made and research funding granted before 1 March 2012

(1) A research topic which has been granted targeted financing before 1 March 2012 shall be financed on the conditions and pursuant to the procedure in force at the time of making the financing decision until the end of the targeted financing period specified in the decision.

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

(3) Research funding granted before 1 March 2012 shall be allocated on the conditions and pursuant to the procedure in force at the time of granting them until the end of the period of research funding.

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

§ 25. Entry into force

(1) Section 4¹, clauses 13 (2) 4) and 6) and subsection 14 (3) of this Act shall enter into force on 1 January 2002.

(2) Research and development institutions which have been entered in the register of research and development institutions of the Ministry of Education and Research and whose research and development has not been evaluated shall submit the information specified in clauses 5¹ (3) 2) and 3) of this Act not later than by 1 January 2006.

(3) Research and development institutions which have been entered in the sub-register of research and development institutions of the Ministry of Education and Research and whose research and development activities have not been evaluated shall apply for evaluation not later than by 1 January 2007.

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