

The President, Toomas Hendrik Ilves, decided not to declare the Law for the Modification of the University Act, Institutions of Professional Higher Education Act and Other Legal Acts, which was adopted by the Riigikogu on 9 February 2012, as this Act is in conflict with the Constitution of the Republic of Estonia.

"I do acknowledge the work done to reform higher education under the leadership of the Ministry of Education and Research and the Cultural Affairs Committee of the Riigikogu; unfortunately, legal analysis of this act revealed that some of its provisions are not in compliance with the Constitution," the Head of State admitted.

In his resolution that he signed today, President Ilves reminds that according to Article 38 (2) of the Constitution, universities are autonomous within the limits provided by law, which means that universities have been granted constitutional collateral against excessive intervention by the state; the purpose of these collateral is to ensure the freedom of research and teaching.

The Riigikogu is the only entity that can restrict the autonomy available to a university, while authorising the state to impose restrictions that are not provided by law is in conflict with the Constitution, stated the Head of State.

The amendments schemed for the University Act recommend giving the Government the freedom to decide upon the terms and conditions that establish the pre-requisites for funding a university from the state budget. The requirements for determining the scope of activity support available to a university and links between compliance with these requirements and the allocation of funding is the substance of restrictions on the autonomy of a university, President Ilves stated, emphasising: "Therefore, these can only be imposed by the Riigikogu."

According to the President, the autonomy available to a university is not and will not be unlimited; however, the restrictions must not, according to the Constitution, distort the nature of a university by, for example, changing a university into an authority of executive power, and such restrictions can only be imposed by a law, passed by the Riigikogu.

"Put simply, according to the Constitution, the terms and conditions for allocating funds from the

state budget to a university must be laid down by law, which has not been done today," President Ilves told.

"Also, according to the Constitution, the grounds and terms and conditions for deciding on an in-part compensation rate for educational expenses that is available to students and claiming money from students must be largely laid down by law. Any law must be unambiguous and substantial enough on issues that relate to putting the financial burden on students," the Head of State referred.

And third – it is unlawful and against the Constitution to give a single examination or assessment during academic leave as early as from 1 January 2013, before the enforcement of the free higher education system.

President Ilves considers it necessary to discuss more the Law for the Modification of the University Act, Institutions of Professional Higher Education Act and Other Legal Acts, which was adopted on 9 January 2012, in the Riigikogu and bring it into compliance with the Constitution of the Republic of Estonia.

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