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## Professions Act

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Amended by the following acts

Passed	Published	Entry into force
28.01.2008	RT I 2009, 11, 67	01.05.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision No 10889/10 ECOFIN 360 UEM 209/10 2010 of 13 July 2010 (OJ L 197, 28.07.2010, p. 24 - 26).
25.11.2010	RT I, 10.12.2010, 2	20.12.2010
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
12.06.2013	RT I, 02.07.2013, 1	01.09.2013, partially
19.02.2014	RT I, 13.03.2014, 4	01.01.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014
		01.07.2014, official titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
14.01.2015	RT I, 30.01.2015, 1	01.03.2015, the word "professional competence" has been replaced with the word "competence" throughout the Act.
18.02.2015	RT I, 23.03.2015, 5	01.07.2015

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act provides the bases for the creation, functioning and administrative supervision of the professional qualifications system.

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

(2) This Act does not apply to professions in the case of which the bases for the development of professional requirements and awarding of professional qualification are regulated by other acts.

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

## **§ 2. Purpose of Act**

(1) The purpose of this Act is to create an integral professional qualifications system and to ensure its functioning in order to increase the competitiveness of Estonian economy, to monitor and forecast the labour needs and to promote the development, assessment, recognition and comparison of people's competence.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(2) The professional qualifications system is part of the qualifications system for recognition of learning outcomes. The professional qualifications system connects the educational system with the labour market.

## **§ 3. Definitions**

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

- 1) competence – the set of knowledge, skills, experience and attitudes necessary to engage successfully in professional activities;
- 2) profession – the qualification received after passing a professional examination and the level of which has been determined in the relevant professional qualification standard;  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]
- 3) professional area – an area of activity which requires similar competence;
- 3<sup>1</sup>) professional examination – the process of awarding profession in the course of which the body that awards professions assesses whether a person has the required competence in the professional area;  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]
- 4) domain of professional activity – an area of activity which includes several close professional areas;
- 5) qualification – competence recognised as an official result of assessment.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

## **§ 3<sup>1</sup>. Partial profession**

(1) Partial profession is a part of profession having an independent output on the labour market and which has been established in the relevant professional standard.

(2) The awarding of partial profession shall be organised by the body that awards professions specified in § 10 of this Act, who shall proceed from this Act and the conditions and procedure for awarding professions established on the basis thereof upon awarding a partial profession.  
[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

## **§ 4. Professional level and qualification framework**

(1) A professional level is the level of qualification framework determined for a profession.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(2) Professional levels are comparable to levels of education, and the professional system and education system belong to a joint qualification framework which is internationally comparable.

(3) The qualification framework classifies professional and educational levels on the basis of criteria imposed on the acquired knowledge, skills, responsibility and autonomy.

(4) The qualification framework is divided into eight levels where level 1 is the lowest and level 8 is the highest. Descriptions of the levels are provided in Annex 1 to this Act «Qualification framework».

(5) [Repealed - RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(6) [Repealed - RT I, 30.01.2015, 1 – entry into force 01.03.2015]

## **§ 5. Professional standard**

(1) A professional standard is a document which describes professional activities and provides the competence requirements.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(2) Professional standards shall be approved by professional councils.

(3) The procedure for the preparation, amendment and recording of professional standards shall be established by a regulation of the minister responsible for the area.

(4) The placement of professional standards in the qualification framework shall be decided by the body of chairmen of professional councils based on the description of the levels of the qualification framework.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

# **Chapter 2**

# PARTIES TO PROFESSIONAL QUALIFICATIONS SYSTEM

## § 6. Professional institution

(1) The Ministry of Education and Research is the institution that organises the development of an integral and structured professional system (hereinafter professional institution).

(2) The minister responsible for the area may enter into a contract under public law with a private legal person for the performance of the function of a professional institution pursuant to the procedure provided in the Administrative Co-operation Act.

## § 7. Functions of professional institutions

(1) Based on the objective of the activities of a professional institution, its functions are:

- 1) to develop and implement the professional qualifications system;
- 2) to organise and coordinate the activities of professional councils and the cooperation between professional councils;  
2<sup>1</sup>) to organise the activities of the coordination committee;  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]
- 2<sup>2</sup>) to form expert committees of professional domains and to organise the activities thereof based on the names and principles of formation approved by the coordination committee;  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]
- 3) to develop and approve document forms and samples related to the professional qualifications system;
- 4) to organise administrative supervision over the profession awarding activities of bodies that award professions;  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]
- 5) to develop and approve the procedure for archival processing of documents related to awarding professions;
- 6) to maintain, upon request of the chief processor, the register of professions in the capacity of an authorised processor;
- 7) to organise consultation and training related to the professional qualifications system;
- 8) to introduce the Estonian professional qualifications system on the national and international level by creating conditions for the mutual comparison of professions;
- 9) to organise the development and updating of professional standards on the basis of decisions made by professional councils;
- 10) to develop and approve the common methodology for preparing professional standards and awarding professions;
- 11) to develop annexes to professional certificates;
- 12) to organise the technical aspect of issuing professional certificates;
- 13) to organise the work of Europass Centre;
- 14) to perform other functions provided for in this Act and a contract under public law.

(2) A body of chairmen of professional councils that coordinates cooperation between professional councils operates at the professional institution, with functions and rules of procedure that shall be determined by the professional institution.

## § 7<sup>1</sup>. Coordination committee

(1) The minister responsible for the area shall form, with a directive, the coordination committee from the representatives of institutions connected with the development of workforce skills, promotion of competitiveness and organisation of lifelong learning and shall approve the rules of procedure thereof with a directive.

(2) The coordination committee shall be composed of the representatives of institutions responsible for the activities specified in subsection (1) of this section, including the representatives of the Ministry of Education and Research, Ministry of Economic Affairs and Communications, Ministry of Finance, Ministry of Social Affairs, Estonian Unemployment Insurance Fund, Estonian Chamber of Commerce and Industry, Estonian Employers' Confederation, Estonian Trade Union Confederation and Estonian Employees' Unions' Confederation.

(3) The functions of the coordination committee are:

- 1) to assemble the information and expertise in the field connected with the society's labour demand and supply and people's skills;
- 2) to plan the ordering of studies and analyses concerning the labour needs in the areas of professional activity based on the strategic priorities of the state and taking into account the actual opportunities and needs of Estonia;
- 3) to plan the strategic notification related to the needs of the labour market;

- 4) to determine the importance of professional activities and broad groups of study based on the needs of the labour market and balanced development of the society and to submit proposals upon planning the measures for ensuring the continuity of workforce;
- 5) to submit proposals to different agencies for the creation of student places and training places in formal education and further training;
- 6) to provide counselling to the Government of the Republic in the making of decisions related to the qualification of people for more expedient and effective use of educational expenditures from the budget of the public sector.

(4) The coordination committee shall approve the names of expert committees of the fields necessary for the performance of functions of the coordination committee and the principles for the formation thereof.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

## **§ 8. Professional councils**

(1) A professional council is an administrative body operating at the professional institution, which consists, on an equal basis, of the representatives of employees, employers and professional associations of the same area of professional activity and the representatives of the state.

(2) Professional councils are formed and their activities are terminated by the directive of the minister responsible for the area.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(3) The institutional membership of professional councils shall be approved by the directive of the minister responsible for the area.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(4) The personal membership of professional councils shall be approved by the professional institution.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(5) Upon approving the personal membership of a professional council, the professional institution shall rely on the proposals made by active and registered employees, employers, professional associations, legal persons and authorities that are immediately connected to the corresponding area of professional activity.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(6) The list of areas of professional activity, the names of professional councils, the procedure for the formation and termination thereof, the organisation of activities, and the procedure for appointment of representatives of institutions specified in subsection (5) of this section and the term of their authorisation shall be determined by a regulation of the Government of the Republic.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(7) The chairman and vice-chairman of a professional council may be paid remuneration for performing their official duties, the amount and payment procedure of which shall be determined by the professional institution.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

## **§ 9. Objective of activity and functions of professional councils**

(1) The objective of activities of a professional council is to develop and implement the professional system in its area of professional activity.

(2) The functions of a professional council are:  
1) to make proposals for developing and updating professional standards;  
2) to approve professional standards;  
3) to give a body the right to award professions and to participate in administrative supervision exercised over the professions awarding activities of a body that awards profession;  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]  
4) to approve the procedure for awarding professions;  
5) to approve the amount of the fee for awarding professions and recertifying professions;  
6) [Repealed - RT I, 30.01.2015, 1 – entry into force 01.03.2015]  
7) to perform other functions provided for in the law.

(3) In order to perform the functions listed in subsection (2) of this section, a professional council may engage the employees of the professional institution, involve experts or set up working groups.

## **§ 10. Body that awards professions**

(1) A legal person or their agency or a state or government authority that has been declared a winner by a decision of a professional council in a public competition (hereinafter competition) organised by the professional institution and that has the corresponding registration in the register of professions may act as a body that awards professions (hereinafter awarder of profession). Upon registration, the names and levels of professions which the awarder of profession shall be entitled to award will be determined on the basis of the professional standards.

(2) A professional council shall give an educational institution the rights of an awarder of professions and shall register the institution in the professional register without the competition specified in subsection (1) of this section on the basis of an application by the educational institution, if the curriculum of the institution complies with the professional standard and is nationally recognised. For the purposes of this Act, a curriculum shall be deemed to be in compliance with a professional standard if the learning outcomes of the curriculum include the competence requirements provided for in the professional standard. For the purposes of this Act, nationally recognised curricula shall be all the curricula of the level of higher education and the curricula of vocational training belonging to a curricula group having passed accreditation and in which the right to conduct vocational training has been renewed for six years.  
[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

(2<sup>1</sup>) The list of documents to be appended to the application for grant of the rights of an awarder of professions specified in subsection (2) of this section shall be established by a regulation of the minister responsible for the area established under subsection 11 (2) of this Act.  
[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

(3) The right to award professions shall be given for up to five years. The right to award professions specified in subsection (2) of this section shall be given without a term for the curricula of the level of higher education. The right to award professions concerning the curricula of professional training shall be given until the expiry of the right to conduct vocational training renewed for up to six years. If the right to conduct vocational training shall be renewed for another six years, the right to award professions shall be renewed automatically.  
[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

(4) If the competition specified in subsection (1) of this section fails twice, the awarder of profession shall be appointed by a directive of the minister responsible for the area, if necessary.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(5) Upon awarding a profession, the awarder of profession shall proceed from this Act, professional standards and the procedure for awarding profession approved by a professional council.

## **§ 11. Election of awarder of profession**

(1) A participant in the competition must meet the following conditions:

- 1) the activities of an awarder of profession include the development of relevant professional activities;
- 2) the awarder of profession must have the means and possibilities necessary to organise the awarding of professions;
- 3) the awarder of profession is required to have hired a sufficient number of employees with the necessary education, training and experience for awarding of professions, and has to have set up a professional qualifications committee;
- 4) the awarder of profession must be able to act independently, professionally, impartially and without discriminating anyone.

(2) The procedure for the organisation of the competition and the list of documents certifying compliance with the conditions specified in subsection (1) of this section shall be established by a regulation of the minister responsible for the area.

(3) The professional institution shall register the awarder of profession declared the winner of the competition in the register of professions.

(4) The professional institution shall not satisfy an application for participation in the competition if:

- 1) the participant in the competition does not meet the requirements provided in legislation;
- 2) the participant in the competition has not submitted the required documents;
- 3) the participant in the competition has submitted incorrect or incomplete data;
- 4) the participant in the competition has state tax arrears for which no payment schedule has been arranged.

(5) A person who finds that their rights have been violated or freedoms limited has the right to contest the organisation of competition in an administrative court according to the conditions and procedure provided in the Code of Administrative Court Procedure or by submitting a challenge through the professional institution to the minister responsible for the area pursuant to the procedure provided by the Administrative Procedure Act.

## **§ 12. Functions of awarder of profession**

(1) The awarder of profession shall:

- 1) develop in cooperation with the professional qualifications committee the draft procedure for awarding profession and submit it to the professional council upon applying for the right to award profession;
- 2) organise the preparation of instructions for assessment of competence, examination materials and other documents necessary for awarding profession;

2<sup>1</sup>) evaluate whether the curriculum of an educational institution applying for the right to award professions elected without a competition through the professional qualifications committee complies with the professional standard and approves the membership of the final examination, final paper or professional examination assessment committee of an educational institution in order to ensure the involvement of social partners; [RT I, 30.01.2015, 1 – entry into force 01.03.2015]

2<sup>2</sup>) prepare and develop the instructions for assessment of professional examinations, examination materials and other necessary documents connected with formal vocational education and organise professional examinations on the conditions provided for in § 17<sup>2</sup> of this Act; [RT I, 30.01.2015, 1 – entry into force 01.03.2015]

3) calculate and submit to the professional council for approval the amount of the fee for awarding profession and recertifying a profession after coordinating the amount of the fee with the professional qualifications committee;

4) organise the declaration of awarding a profession;

5) organise the disclosure of information related to the awarding a profession;

6) accept the application and documents of the person applying for a profession (hereinafter documents) and, based on the preconditions for applying for a professional certificate specified in the procedure for awarding of profession, assess the suitability of the applicant for the requested professional level and submit the required documents to the professional qualifications committee for decision;

7) issue a professional certificate or a duplicate of a professional certificate;

8) ensure protection of information not subject to disclosure received during the awarding of profession;

9) assume responsibility for compliance with the procedures for the organisation of profession awarding;

10) submit to the professional council at least once a year a report on the organisation of professional awarding and a report on the use of financial means related to the awarding of profession;

11) submit the data to be entered in the register of professions to the professional institution.

(2) The awarder of profession shall appoint a responsible person for the performance of the functions listed in subsection (1) of this section.

(3) The awarder of profession elected without a competition shall perform the functions specified in clauses (1) 5) and 8)–11) of this section.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

### **§ 13. Revocation of the right to award professions**

A professional council may repeal the right to award profession given to a awarder of profession elected in a competition if:

1) the person does not meet the conditions set for the awarder of profession in subsection 11 (1) of this Act;

2) the person has submitted the corresponding application in writing;

3) the person does not allow administrative supervision over its activities upon awarding professions;

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

4) the person has not complied with the precept of a professional council by the prescribed deadline and pursuant to the prescribed procedure;

5) the person has to a substantial extent or repeatedly violated the requirements imposed on it in its activities or has failed to perform the functions imposed on it;

6) the person has submitted incorrect data for participation in the competition;

7) the activities of the person are terminated or its bankruptcy is declared;

8) the person has not organised the awarding of profession within one year as of registration;

9) the activity of the awarder of profession has been suspended for at least six consecutive months.

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

(2) A professional council may repeal the right to award professions given to an awarder of profession elected without a competition if:

1) the awarder of professions does not meet the conditions provided for in subsection 10 (2) of this Act;

2) at least one of the circumstances specified in clauses (1) 2)–5), 7) and 9) of this section exists.

[RT I, 30.01.2015, 1 - entry into force 01.03.2015]

### **§ 14. Register of professions**

(1) The register of professions is a state database used to collect, preserve and systemise information on professional councils, professions, professional standards, awarders of profession and valid professions and professional certificates.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(2) The procedure for maintenance of the register of professions shall be provided in the statutes of the register of professions, which shall be approved by a regulation of the Government of the Republic.

(3) The chief processor of the register of professions is the Ministry of Education and Research.

(4) The register of vocations shall be maintained pursuant to this Act, the Public Information Act, the Personal Data Protection Act and the statutes of the register of professions.

## **Chapter 3**

# **AWARDING PROFESSIONS**

### **§ 15. Awarding professions**

(1) Awarding professions is the assessment of conformity of the competence of a person applying for a profession (hereinafter applicant) with the requirements specified in the professional standard, as a result of which a professional certificate shall be issued to the applicant.

(2) Holding a professional certificate is not a precondition of working unless legislation has provided the requirement for a professional certificate in order to work in a certain post.

(3) The methods and forms of assessment of competence shall be determined in the procedure for awarding professions.

(4) Discrimination is forbidden in awarding professions and the applicant shall not be required or precluded from being a member of any association, nor shall they be required to complete their training in a specific educational institution.

(5) A profession is deemed to be awarded upon the completion of studies by making a notation on the academic report issued to the person if:

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

1) the person has completed his or her studies of a regulated profession specified in the directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.9.2005, pp 22–142), and

2) the curriculum complies with the professional standard and is nationally recognised.

(6) A profession is deemed to be awarded to a person by a notation made on the academic report or results report issued to the person upon the completion of studies by an educational institution with the right to award professions and by a notation made on the leaving certificate upon the completion of vocational training.

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

### **§ 16. Procedure for awarding professions**

(1) The procedure for awarding professions regulates the organisation of awarding professions, it shall be developed by a body participating the competition of awarder of professions in cooperation with the professional qualifications committee, and shall be approved by a professional council.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(2) The procedure for awarding professions shall contain at least the following data:

1) name of the awarder of profession;

2) membership of the professional qualifications committee and requirements for members of the professional qualifications committee;

3) list of the names and levels of professions to be awarded, and references to the relevant professional standards;

4) preconditions for applying for a profession;

5) documents to be submitted by the person applying for a profession;

6) minimum frequency of awarding professions;

7) established methods of informing the public of the deadlines and conditions related to the awarding of professions;

8) methods and forms of assessment of the professional competence of the person applying for a profession;

9) procedure for organising and deciding on awarding professions;

10) period of validity of a professional certificate;

11) conditions and procedure for recertifying the profession;

12) requirements for the members of the assessment committee.

(3) Changes to the procedure for awarding professions shall be submitted to the professional council for approval no later than ten working days before a meeting of the professional council and shall be entered into force upon the declaration of awarding a profession following the meeting.

### **§ 17. Expenses related to awarding professions and covering thereof**

(1) The following expenses shall be considered expenses related to awarding professions and issuing professional certificates:

1) expenses related to the preparation of awarding professions;

2) expenses related to the work of the professional qualifications committee and the assessment committee;

- 3) expenses related to the organisation of awarding professions;
- 4) expenses related to the technical issue of professional certificates and duplicates thereof.

(2) Expenses related to awarding professions shall be covered:

- 1) by the person applying for a profession, or
- 2) from the resources allocated for the continuing education of an employee, or

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

- 3) [Repealed - RT I, 30.01.2015, 1 – entry into force 01.03.2015]

4) by the Estonian Unemployment Insurance Fund from the endowment of employment services and supports,  
or

[RT I, 30.01.2015, 1 - entry into force 01.03.2015]

- 5) from allocations of the state budget.

(3) If the text of a professional certificate is illegible or contains mistakes or a professional certificate has been destroyed, lost, damaged or stolen at the fault of the issuer of the certificate or an authorised processor of the register of professions, the expenses for the issue of a duplicate shall be covered by the issuer.

(4) The awarder of profession shall submit a calculation of the expenses related to the awarding of profession and recertification of profession for approval to a professional council.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(5) The issuer of a professional certificate shall submit a yearly report to a professional council concerning the use of monetary funds received from the persons specified in subsection (2) of this section.

### **§ 17<sup>1</sup>. Fee for awarding profession**

(1) A professional council shall approve the size of the fee for awarding and recertification of professions based on the calculation of expenses of the awarder of profession specified in subsection 17 (4) of this Act.

(2) Upon approving the size of the fee for awarding and recertification of professions the professional council shall take into account the specifications of the professional area, the analysis of expenses, structure and complexity of professional examinations, including the expenses for the preparation, development and conduct of the professional examination.

(3) Upon approving the size of the fee for awarding profession after completion of formal vocational education, a professional council may not exceed the maximum rates established under subsection § 17<sup>2</sup>(5) of this Act.

(4) A professional council may not approve different sizes of the fee for awarding profession in case of awarding profession in the same professional area with the same structure and complexity.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

### **§ 17<sup>2</sup>. Covering of expenses related to awarding profession to students of formal vocational education**

(1) The expenses of professional examination to be taken in order to complete the studies of students studying in student training places formed on the basis of state-commissioned formal vocational education shall be covered from the state budget.

(2) The expenses of professional examination to be taken in order to complete formal vocational education are divided as follows:

- 1) expenses related to the preparation and development of professional examinations and expenses related to the work of professional qualifications committee;
- 2) expenses related to the conduct of professional examinations.

(3) If a vocational educational institution or an institution of professional higher education providing vocational education acts as an awarder of profession elected without a competition in the relevant curriculum, the expenses related to the professional examination specified in clause (2) 1) of this section shall be covered to the professional qualifications committee through the awarder of profession elected by way of competition and the expenses of professional examination specified in clause (2) 2) of this section to the educational institution having conducted the professional examination.

(4) If a vocational educational institution or an institution of professional higher education does not have the right of an awarder of profession elected without a competition in the relevant curriculum, the expenses of professional examination of graduates who studied in student training places formed on the basis of state-commissioned formal vocational education shall be covered once if they have participated in the professional examination during the period of study or within a year after graduation. The expenses of professional examination shall be covered to the awarder of profession having conducted the professional examination.

(5) The maximum rates for the expenses of professional examinations of students of formal vocational education shall be established by a regulation of the minister responsible for the area, taking into account the specifications of the professional area and based on the analysis of expenses, structure and complexity

of professional examinations, including the expenses for the preparation, development and conduct of the professional examination.

(6) Upon the establishment of maximum rates for professional examinations of students of formal vocational education, the expenses related to the preparation and development of professional examinations and the expenses related to the conduct of professional examinations may be differentiated.

(7) This section shall not be applied to the covering of expenses related to awarding professions to the students of formal vocational education at an institution of professional higher education for public or national defence. [RT I, 30.01.2015, 1 – entry into force 01.03.2015]

#### **§ 18. Professional qualifications committee**

(1) To ensure impartiality in awarding professions, the awarder of profession shall set up a professional qualifications committee that shall consist of the parties interested in awarding profession in the given field: specialists, employers, employees, training providers, representatives of professional associations and, if necessary, representatives of clients and consumers, as well as other interested parties.

(1<sup>1</sup>) The work of the professional qualifications committee shall be organised by the awarder of profession elected by way of competition and in case lack thereof by a professional institution. [RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(2) The professional qualifications committee shall:

- 1) prepare the procedure for awarding profession in cooperation with the applicant for the right to award professions;
- 2) approve, if necessary, the requirements for the place of assessment of competence;
- 3) examine the documents of the person applying for a profession and decide on the form and manner for assessment of the competence of the person applying for a profession;
- 4) appoint, if necessary, assessment committee(s) to assess the conformity of competence of the person applying for a profession with the requirements of the professional standard;
- 5) approve the instructions for the organisation of an assessment and the examination materials;
- 6) decide on awarding or refusing to award profession to the person applying for the profession;
- 7) resolve the complaints submitted regarding the activities of the assessment committee;
- 7<sup>1</sup>) give an assessment on the compliance of a curriculum of an educational institution with a professional standard upon the request of a professional council; [RT I, 02.07.2013, 1 - entry into force 01.09.2013]
- 8) perform other functions provided by law.

(3) A member of the professional qualifications committee may not participate in deciding whether to award a profession to the person applying for the profession if the member:

- 1) has participated in the work of the assessment committee, or
- 2) is directly related to providing preparatory training for the person applying for a profession, or
- 3) is the employer of the person applying for a profession or is otherwise personally interested in awarding the profession, or if other circumstances give reason to doubt his or her impartiality.

#### **§ 19. Assessment committee**

(1) The assessment committee is a committee set up by the professional qualifications committee to assess the competence of the applicant for a profession. [RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(2) In order to assess the competence of the person applying for a profession, the professional qualifications committee may set up one or several assessment committees.

(3) The assessment committee shall be comprised of at least three members. If the assessment takes place in the form of an examination that uses an automatic testing system which does not require the involvement of a person in the assessment of the examination and only records the results, the assessment committee may have one member.

(4) Members of the assessment committee shall be independent and have the necessary professional knowledge and experience.

(5) No more than one third of the members of the assessment committee may be related to organising the preparatory training for the particular assessment or professional examination and no more than one third of the members may work at the same institution as the employer of the person applying for a profession, except in the case of the automatic testing system described in subsection (3) of this section. [RT I, 30.01.2015, 1 – entry into force 01.03.2015]

- (6) The assessment committee shall:
- 1) assess and accept the professional examination;
  - 2) prepare a report on the organisation and results of the assessment and submit it to the professional qualifications committee.

## **§ 20. Documentation of awarding professions and preservation of documents**

(1) The activities related to the awarding of professions shall be documented pursuant to the document forms prepared by the professional institution and to the extent determined by the professional institution, and the documents shall be preserved for the time period specified in the archival processing procedure approved by the professional institution, unless other time limits have been provided by legislation.

(2) The documents related to the awarding of professions are documents created or received in the course of performance of public functions which are subject to the requirements established in the Archives Act and on the basis thereof.

[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

## **§ 21. Professional certificate**

(1) The professional certificate is a document which certifies the compliance of a person's competence with the requirements established in the professional standard or in case of partial profession with the requirements of one or several parts of a professional standard. Liability for correctness of the professional certificate lies with the awarder of profession that issued the professional certificate.

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

(2) The person holding a profession may use the name of the profession or its abbreviation as specified in the professional certificate during the validity period of the professional certificate, and present themselves as competent in the profession according to the awarded professional level.

(3) The statute and form of the professional certificate shall be established by a regulation of the minister responsible for the area.

(4) A professional certificate shall be entered in the register of professions pursuant to the procedure established in the statute of the register of professions. The professional certificate is valid only if a relevant entry exists in the register of professions.

(5) A duplicate of the professional certificate shall be issued by the awarder of profession that issued the professional certificate or, upon absence thereof, by the professional institution specified in subsection 6 (1) of this Act.

## **§ 22. Revocation of professional certificate**

(1) On the proposal of the professional qualifications committee, the awarder of profession has the right to repeal an issued professional certificate if:

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

- 1) the professional certificate is acquired by way of fraud;
- 2) the professional certificate is issued on the basis of a falsified document or a document containing false data;
- 3) the activities of the person holding the profession do not comply with the provisions of the professional standard.

(2) If an issued professional certificate is repealed, it is deleted from the register of professions and the body that has repealed the professional certificate shall inform the relevant person of the decision by registered mail and shall publish a relevant announcement in the official publication *Ametlikud Teadaanded*.

(3) Upon the revocation of professional certificate, the relevant person is required to surrender the professional certificate to the awarder of profession.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

(4) A decision to repeal a professional certificate may be disputed in the administrative court according to the conditions and procedure established in the Code of Administrative Court Procedure, or by submitting a challenge to the relevant awarder of profession pursuant to the procedure established in the Administrative Procedure Act.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

## **§ 22<sup>1</sup>. Awarding of profession upon completion of studies**

(1) The provisions of §§ 16, 17, 18, 19, 21 and 22 of this Act shall not be applied to the awarding of profession of an educational institution acting as an awarder of profession elected without competition.

(2) An educational institution acting as an awarder of profession elected without competition shall not form a professional qualifications committee. In case of awarding profession upon completion of studies, the functions of a professional qualifications committee shall be performed by an awarder of profession elected by way of

competition or in case lack thereof by the professional qualifications committee formed by the professional institution. The representative bodies of educational institutions shall appoint their representatives to the professional qualifications committee.

(3) The membership of the professional qualifications committee formed by a professional institution for awarding profession upon completion of studies shall be approved by the professional council. The authorisations of a professional qualifications committee formed by a professional institution shall terminate if an awardee of profession is elected by way of competition in the same professional area.

(4) In case of awarding profession upon completion of studies, the professional qualifications committee shall approve the list of members of the assessment committee submitted by the educational institution and may itself appoint the representatives of employers to the list.

(5) The professional qualifications committee shall approve the procedures of the professional examination to be taken upon completion of formal vocational education, instructions for organising the assessment and the examination materials.

(6) Based on the principles provided for in subsections 19 (3)–(5), an educational institution shall form an assessment committee for the conduct of professional examination to be taken upon completion of formal vocational education by electing the members of the assessment committee from the list approved by the professional qualifications committee.

(7) The awarding of profession upon completion of studies shall be decided by the educational institution.  
[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

## **Chapter 4**

### **ADMINISTRATIVE SUPERVISION**

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

#### **§ 23. Administrative supervisory authority**

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

The Ministry of Education and Research (hereinafter supervisory body) shall exercise administrative supervision over the activities of professional institutions and professional councils upon compliance with the requirements provided for in this Act and legislation established on the basis thereof.

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

#### **§ 24. Objective and content of administrative supervision**

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

(1) The objective of administrative supervision is to verify the legality of the functioning and development of the professional system.

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

(2) The supervisory body has the right to:

- 1) perform on-site inspections regarding compliance with the requirements arising from the legislation;
- 2) receive the information required for exercising administrative supervision;

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

- 3) examine original documents and receive extracts and copies thereof;
- 4) make proposals to the institution being supervised for development of the professional system;
- 5) issue precepts and decisions.

(3) Decisions and precepts of the supervisory body may be disputed in the administrative court according to the conditions and procedure established in the Code of Administrative Court Procedure, or by submitting a challenge to the minister responsible for the area pursuant to the procedure provided in the Administrative Procedure Act.

#### **§ 25. Precepts issued by supervisory body**

(1) In the event that an offence is detected, the supervisory body may issue a precept to the professional institution or professional council requiring them to terminate the offence.

(2) Upon failure to comply with a precept specified in subsection (1) of this section, the supervisory body may implement penalty payment pursuant to the procedure provided in the Substitutive Enforcement and Penalty Payment Act. The maximum amount of a penalty payment shall be 320 euros.

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

(3) Upon failure to comply with a precept specified in subsection (1) of this section, the supervisory body may make a proposal to the Government of the Republic for the termination of activities of the professional council.

## **Chapter 5**

### **IMPLEMENTING PROVISIONS**

#### **§ 26. Transitional provisions**

(1) Memberships of professional councils, professional qualifications committees and assessment committees shall be brought into conformity with the requirements of this Act within one year as of entry into force thereof.

(2) Upon entry into force of this Act, awarders of profession that have an activity license with an unspecified term shall be entered in the register of professions with a term of up to 1 January 2014.

[RT I, 10.12.2010, 2 - entry into force 20.12.2010]

(3) The professional standards established on the basis of the professional system applicable before entry into force of this Act (on the basis of annex 2 to this Act «Descriptions of qualification levels on the basis of the Professions Act of 2001») shall be valid until the expiry of the validity period of the professional standard or until the professional standard is brought into conformity with annex 1 «Qualification framework» established on the basis of section 4 of this Act. The professional council shall have the right to extend the validity period of the professional standard established on the basis of the professional system applicable before entry into force of this Act until 1 January 2014 if the validity period of the professional standard expires before the professional standard is brought into conformity with annex 1 «Qualification framework» established on the basis of section 4 of this Act.

[RT I, 10.12.2010, 2 - entry into force 20.12.2010]

(4) Professional certificates issued before entry into force of the Act (annex 2 to this Act «Descriptions of qualification levels on the basis of the Professions Act of 2001») shall be valid until the expiry of the validity period of the professional certificate or until the professional certificate is brought into conformity with annex 1 «Qualification framework» established on the basis of section 4 of this Act.

(5) The data contained in the register of professions maintained on the basis of the Professions Act before entry into force of this Act shall be transferred within six months to the register of professions maintained on the basis of section 14 of this Act.

(6) The professional councils formed before 1 March 2015 shall act until the formation of new professional councils but not longer than until 31 December 2015.

[RT I, 30.01.2015, 1 – entry into force 01.03.2015]

**§ 27.–§ 31.**[Omitted from this text.]

#### **§ 32. Entry into force of Act**

(1) This Act shall enter into force on 1 September 2008.

(2) Subsections 10 (2) and 15 (6) of this Act shall enter into force on 1 January 2011.

[Annex 1](#)

[Annex 2](#)