

A black and white photograph of a pair of scales of justice, showing the pans and the central beam with chains. The scales are slightly out of focus, creating a sense of depth and gravity.

Evaluation of Research in Law in Estonia 2009–2014

Evaluation Report 6/2015



Eesti Teadusagentuur
Estonian Research Council



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EVALUATION OF RESEARCH IN LAW IN ESTONIA 2009–2014

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1. PREFACE

The Estonian Ministry of Education and Research commissioned in 2014 an international evaluation of legal research in Estonia. The institutional assessments involved three public universities: University of Tartu, Tallinn University of Technology and Tallinn University. The international expert panel for evaluating the educational research was chaired by Professor Stephen Shute, Professor of Law at the University of Sussex.

The findings and conclusions of the international expert panel speak for themselves. I personally do not agree with all conclusions – but this is not required here either. What I believe in is that a critical look from outside should in any case be useful for each of our three universities and the whole Estonian legal research landscape. It is now for the respective universities and the Estonian Ministry of Education and Research to think through the recommendations and to see how to implement the most relevant ones of them in practice.

Lauri Mälksoo,
Chairman of the Steering Committee
Tallinn, April 2015

2. INTRODUCTION

2.1 Background

The Estonian Ministry of Education and Research approved a targeted evaluation of research in law in Estonia in the summer of 2014. Targeted evaluations are prescribed by the Ministry of Education and Research either on its own initiative or following a proposal from another Ministry. They are designed to help Ministers assess research in the designated area and aid the Ministry in preparing a strategic development plan for a specific area. This targeted evaluation extended to the three higher education institutions which currently teach law in Estonia: the University of Tartu, Tallinn University of Technology, and Tallinn University. Each of these universities has the power to grant law degrees on the Bachelor and Master's level but only the University of Tartu has the power to award doctorates in law.

In July 2014 the Estonian Minister of Education and Research, Mr Jevgeni Ossinovski, formally appointed four international members to serve on the International Evaluation Panel tasked with completing the evaluation of the field of law (hereinafter the Evaluation Panel). The members responsible for performing the evaluation were Professor Stephen Shute, Pro-vice-Chancellor (Planning and Resources) and Professor of Law at the University of Sussex, UK; Professor Aalt Willem Heringa, Professor of Law and former Dean of the Law School at the University of Maastricht, the Netherlands; Professor Jukka Mähönen, Professor of Law and Dean of the Law School at the University of Turku, Finland; and Professor Jan Ramberg, Professor Emeritus of Law and former Dean of the Law School at the University of Stockholm, Sweden. The Minister appointed Professor Stephen Shute to serve as the Panel Chair.

A detailed procedure for the evaluation was set out in the Ministerial Directive (Directive No. 318) approved on 18 July 2014. The targeted evaluation of law is the fifth such evaluation to have been completed in Estonia. The others are: *Plant and Soil Science Research in Estonia 2006–2010: Evaluation Report 1/2012* (February 2012, Chair: Professor Roland von Bothmer from the Swedish University of Agricultural Science); *Education Research in Estonia 2007–2011: Evaluation Report 2/2013* (February 2013, Chair: Professor David James from the University of Cardiff); *Evaluation of Research in Civil Engineering in Estonia 2008–2012: Evaluation Report 3/2014* (March 2014, Chair: Professor Alistair Borthwick from the University of Edinburgh), *Evaluation of Research in Energetics in Estonia 2008–2013: Evaluation Report 4/2014* (April 2014, Chair: Professor Ulrich Stimming from the Technical University of Munich).

2.2 Objectives

Ministerial Directive No. 318 made it clear that the evaluation was to cover law and related fields and extend to public law and private law. The objective of the evaluation, as set out in the Ministerial Directive, is to provide information on research in law and fields related to law, paying particular attention to the level, productiveness and influence of the research and its relevance to the research community, research and development institutions, research funding organisations, research policy planners and society at large. The Ministerial Directive also required the Evaluation Panel to assess whether there are topics important for Estonia which do not receive the necessary attention and whether there are unwarranted overlaps in research across institutions that may indicate to the inefficient use of resources.

2.3 Evaluation Period

The Evaluation Panel evaluated law and law-related research in Estonia from the beginning of 2009 until September 2014 when the self-assessment reports from the three universities were submitted to the Estonian Research Council.

2.4 Law at the Tallinn University of Technology and Tallinn University

Law was established as a field of study at the Tallinn University of Technology only in June 2008 when the University incorporated the Faculty of Law of Audentes University. As the date of incorporation preceded the beginning of the evaluation period (1 January 2009), this created no issues for the evaluation. The position was different, however, for Tallinn University. In this case, law was established as a field of study at Tallinn University only in July 2010 when Akadeemia Nord was legally incorporated into Tallinn University. As this date was after the formal beginning of the evaluation period (1 January 2009), the Evaluation Panel decided to disregard any research activity in law or law-related fields performed in Akadeemia Nord prior to the incorporation into Tallinn University in July 2010. The Evaluation Panel also decided to exclude any legal-related research that may have been performed by academics working in other units of the Faculty of Social Sciences in Tallinn University—or in other faculties of Tallinn University—prior to the incorporation of Akadeemia Nord into the University in July 2010. It was only on this date that a law school was formally established in Tallinn University.

2.5 Methodology

The Evaluation Panel visited Estonia from 16 November 2014 to 21 November 2014. During this period, site visits were made to each of the three universities evaluated. The visit to the Tallinn University of Technology and Tallinn University took place on 17 November 2014. The University of Tartu was visited on 18 November 2014. As a part of these site visits, the Evaluation Panel toured the facilities of each law school, had meetings with senior managers and research staff, and, in the case of the University of Tartu, had a meeting with the PhD students. The Panel also thoroughly reviewed the self-assessment reports which had been submitted by the three Universities—the University of Tartu (SEV23); Tallinn University (SEV24); and Tallinn University of Technology (SEV25)—and considered background information on higher education in Estonia provided by the Estonian Research Council (Viktor Muuli, Head of the Department of Research and Development Analysis), Estonian Higher Education Quality Agency (Heli Mattisen, Head of Estonian Higher Education Quality Agency), Ministry of Education and Research (Toivo Räm, an Advisor to the Ministry), as well as information given to the Panel by the representatives of the Steering Committee for the Evaluation (Kai Härmand, Deputy Secretary General for Legislative Policy from the Ministry of Justice, Professor Lauri Mälksoo from the University of Tartu, and Professor Tanel Kerikmäe from the Tallinn University of Technology). The Steering Committee consisted of the representatives of the Estonian Ministry of Education and Research, Estonian Ministry of Justice, Estonian Academy of Sciences, Estonian Higher Education Quality Agency, and the Estonian Research Council.

Where necessary, the Panel asked for further written information during its site visits. After the site visit to the Tallinn University of Technology, the Panel requested, and the University later made available, a variety of documents which set out the University's broad strategy and development plans, including its development plan for the Faculty of Social Sciences for 2011–2015. After the site visit to Tallinn University, the Evaluation Panel was provided a development plan for the Tallinn University Law School which had been approved by the University's Senate on 1 April 2012 and was to stay in force until 2014.

In addition to these documents, the Evaluation Panel assessed the 30 best research outputs in law that had been identified by the three law schools: 87 publications altogether. The University of Tartu and Tallinn University of Technology each identified 30 publications as best research outputs for the period. However, Tallinn University only submitted 27 publications in this category. Of the 87 publications, the Panel decided to assess only research outputs which had been published during the six-year evaluation period (i.e., from 1 January 2009 to September 2014). It did not assess publications issued outside this period. Nor did it consider research outputs published during the evaluation period which had been produced by academics who were not, *as at the date of publication*, employed by the Law School of the relevant University. Neither did the Panel assess outputs which could not be regarded as research in law or research in fields related to law, and doctoral theses which were not published in a series of dissertations (as indicated in category 2.3 of the Research Outputs section of the self-assessment form). Each

considered output was assessed in view of a three-point scale listed in the Ministerial Directive No. 318: high international level (work apt to create serious interest within international academic communities and which, in principle, if offered, could be published by the leading international publishers or in the leading international journals with the most rigorous editorial standards); good international level (work which is undisputedly relevant for international academic communities and which could be published by well-known international publishers or in well-known international journals); and fair international level (work which is potentially relevant for international academic communities and which has been published abroad or by well-known national publishers or in well-known national journals).

Our assessment of the quality of publications was based on grading scales set out in the Directive issued by the Minister of Education and Research. For each publication, the Evaluation Panel asked whether the work was apt to create serious interest within international academic communities and, in principle, if offered, [it] could be published by leading international publishers or in the leading international journals with the most rigorous editorial standards (“Excellent” in Table 3); or whether it was undisputedly relevant for international academic communities and could be published by well-known international publishers or in well-known international journals (“Good” in Table 3); or whether it was potentially relevant for international academic communities and has been published abroad or by well-known national publishers or in well-known national journals (“Fair” in Table 3). To do this, the Panel used its expertise and exercised its professional judgment regarding the quality of each submitted work. The Panel paid particular attention to the originality, rigour, potential reach and impact of the publication, and the standing of the publisher or journal in which the research was published.

The Panel did not assess the quality of the undergraduate or Master’s programmes but did, as required by its terms of reference, assess the quality and relevance of the doctoral studies in the field (see paragraph 7.4 of the Ministerial Directive). The Panel also assessed the future potential of the institution evaluated (see paragraph 7.5 of the Ministerial Directive). The Panel also took account of the fact that for legal education to have a place on the international stage and for it to attract international students, it must be accompanied by top quality research.

Finally, the Panel had the benefit of reading two evaluation reports that had been prepared by panels of international experts which visited Estonia in October 2001 to evaluate legal research at the University of Tartu, and at Akadeemia Nord in May 2008. During the 2001 visit, the Evaluation Panel focused on research carried out by the University of Tartu’s Institutes of Public Law and Private Law. The visit in 2008 to the Akadeemia Nord, now incorporated into Tallinn University, focused on Nord’s Institutes of Public Law and Legal Theory, Private and Business Law, and International Law and Politics.

2.6 Meetings

2.6.1 Tallinn University of Technology: During the site visit to the Tallinn University of Technology, the Evaluation Panel met the University’s Vice-Rector for Research (Professor Erkki Truve), the Dean of the Faculty of Social Sciences (Professor Sulev Mäeltsemees), and the Head of the Tallinn Law School (Professor Tanel Kerikmäe). The Panel also met approximately 10 other members of the University who were engaged in legal research.

2.6.2 Tallinn University: During the site visit to Tallinn University, the Evaluation Panel met the University’s Rector (Professor Tiit Land), Director of the Law School (Dr Indrek Grauberg), and Professor Rein Müllerson, leading researcher and former President of the Law School. The Panel also met approximately 20 other members of the University, some of whom were engaged in legal research and others with a primarily teaching role in the Faculty.

2.6.3 University of Tartu: At the University of Tartu, the Evaluation Panel met the University’s Vice-Rector for Development (Professor Erik Puura), Dean of the Faculty of Law (Professor Jaan Ginter), and the Vice-Dean for Research in the Faculty of Law (Professor Marju Luts-Sootak). The Panel had separate meetings with 10 other members of the Faculty of Law who were engaged in legal research in the Institute of Public Law, 15 other members of the Faculty who were engaged in legal research in the Institute of Private Law, seven PhD students and two PhD programme study managers.

3. PRELIMINARY OBSERVATIONS AND GENERAL RECOMMENDATIONS

The Evaluation Panel found deficiencies in strategic thinking in all of the three law schools it visited. A clearly-articulated academic strategy has many advantages: it unites people in achieving a common vision, helps create consensus, and ensures that the activity within a law school is in line with the University's broad strategic direction. Additionally, such a strategy signals where the law school is heading to external stakeholders, identifies its true strengths and academic achievements, and assists in pursuing academic excellence, setting priorities in an environment where resources are scarce, and in training and educating new generations of researchers. A well-considered strategy is also important in the domain of international cooperation and should help to enhance visibility on the international stage.

The Evaluation Panel considers that it is not only essential for all Estonian law schools and their universities to strategize—they should build strategies while consulting and co-operating with each other. Co-operation and consultation helps to minimise unnecessary and inefficient overlaps in activity. For example, the Evaluation Panel noted that both the University of Tartu and Tallinn University of Technology were developing expertise in information technology law and that research in human rights law and European law was being prioritised by both the Tallinn University of Technology and Tallinn University, similar research was conducted in the University of Tartu. In a small country such as Estonia, which has a limited number of world-class legal researchers, this duplication of expertise inevitably undermines the ability of the country to achieve the critical mass necessary for the production of high quality research outputs. Co-operation will also help to ensure that all necessary legal areas are covered in both teaching and research in Estonia and that Estonian law schools are able to effectively service the needs of the Estonian society and its legal community. It is important that areas of law which are highly relevant for the Estonian society are paid due attention. These include the broad field of business law (for example, contract law, commercial law, company law, the arbitration law, international private law, financial law, corporate law, international trade law, competition law, and regulatory law) as well as other specialist areas of law such as environmental law, energy law, and telecommunications law. However, Estonia does not have the capacity to cover all these areas, so choices need to be made and priorities set, while a national strategy needs to be developed so as to ensure that the chosen priorities are well balanced and meet relevant needs. This can only be done through consultation and co-operation.

The Evaluation Panel thinks that the benefits set out in the preceding paragraph are likely to be best served by the further consolidation of legal research and teaching in Estonia. The Panel thinks that, in the context of a country with only about 1.3 million people, the necessary focus and intensity of research activities is unlikely to be realised at the right level if the limited relevant legal expertise available to the country continues to be spread across three different law schools. This conclusion is further supported by the information provided to the Evaluation Panel in the three Universities' self-assessment reports relating to research income, research outputs, and staffing profile, as well as by the quality assessments the Evaluation Panel made regarding the best 30 publications submitted by each law school. The data for each of these areas and each of the three law schools are presented in Tables 1 to 4 below.

TABLE 1: RESEARCH INPUTS IN LAW FOR ESTONIA (UNIVERSITY OF TARTU, TALLINN UNIVERSITY OF TECHNOLOGY, AND TALLINN UNIVERSITY)—RESEARCH INCOME (IN EUROS) 2009–2014, BY YEAR

INSTITUTION	2009	2010	2011	2012	2013	2014 (until September)	TOTAL
University of Tartu	296K	282K	293K	415K	461K	303K	2,050K
Tallinn University of Technology	241K	410K	362K	318K	416K	279K	2,026K
Tallinn University	63K	104K	94K	99K	49K	126K	535K
TOTAL	600K	796K	749K	832K	926K	708K	4,611K

TABLE 2: RESEARCH OUTPUTS IN LAW FOR ESTONIA (UNIVERSITY OF TARTU, TALLINN UNIVERSITY OF TECHNOLOGY, AND TALLINN UNIVERSITY)—RESEARCH PUBLICATIONS 2009–2014, BY PUBLICATION CATEGORY

INSTITUTION	Articles in Journals	Books/Monographs	Book Chapters, etc.	TOTAL
University of Tartu	378	43	363	784
Tallinn University of Technology	187	24	156	367
Tallinn University	73	11	74	158
TOTAL	638	78	593	1,309

TABLE 3: RESEARCH QUALITY IN LAW FOR ESTONIA (UNIVERSITY OF TARTU, TALLINN UNIVERSITY OF TECHNOLOGY, AND TALLINN UNIVERSITY)—2009–2014, BY ASSESSMENT CATEGORY

INSTITUTION	Excellent	Good	Fair	Unsatisfactory	Not Assessed *	TOTAL	Overall Quality Judgement
University of Tartu	0	15	9	0	6	30	Good
Tallinn University of Technology	0	9	16	4	1	30	Satisfactory
Tallinn University	0	4	10	5	8	27**	Satisfactory/Unsatisfactory
TOTAL	0	28	35	9	15	87	

*Not assessed for linguistic reasons (the publication was in Estonian and it was not translated for the Evaluation Panel), not assessed because the full publication was not sent in electronic form to the Estonian Research Council and was not available to the Evaluation Panel, or not assessed because the author was not (yet) employed by the Law School in question at the time of publication.

** Tallinn University only submitted 27 publications in the best research outputs category instead of the permitted maximum of 30.

*** For these purposes, excellent = high international level; good = good international level; fair = fair international level; and unsatisfactory = less than fair international level (i.e., an output which is either not relevant for international academic communities or which has not been published abroad or by well-known national publishers or in well-known national journals).

TABLE 4: RESEARCH INPUTS AND OUTPUTS IN LAW FOR ESTONIA (UNIVERSITY OF TARTU, TALLINN UNIVERSITY OF TECHNOLOGY, AND TALLINN UNIVERSITY)—2009–2014, BY NUMBER OF RESEARCH STAFF

INSTITUTION	Average Number of Academic Staff with Research Duties 2009–2014	Average Number of Lecturers 2009–2014	Total Research Funding 2009-2014 (EUROS)	Total Number of Research Outputs 2009–2014	Average Funding per Academic Staff Member with Research Duties 2009–2014 (IN EUROS)	Average Number of Research Outputs per Academic Staff Member with Research Duties 2009–2014
University of Tartu	41.5	20	2,050K	784	49K	18.9
Tallinn University of Technology	27.2	14	2,026K	367	74K	13.5
Tallinn University	14.2	12	535K	158	38K	11.1
TOTAL	82.9	46	4,611K	1309	56K	15.8

General Recommendations to the Estonian Minister of Education and Research:

- 1. The Evaluation Panel thinks that, given the size of the country, only two separate research-intensive law schools can be considered sustainable in Estonia in the future.**

In assessing the sustainability of the three law schools in Estonia, the panel took into account the research outputs and general scope of each of the three current law schools, including their success in bringing in research funding as well as their student numbers, visibility on the international stage, publication track record, faculty size, and the diversity of legal domains/areas. The panel also took into account the size of the country in which the law schools were operating. In light of all these factors, the panel concludes that the critical mass necessary for top quality legal research is spread unsustainably in Estonia. Moreover, this problem of the lack of critical mass is exacerbated further by the fact that the three Estonian law schools have different missions, each of which requires substantial size to achieve success. The panel notes that the research output of the Estonian law schools has limited visibility outside Estonia which, again, supports moving towards a greater concentration of legal research. Finally, the panel feels that in order to attract a sustainable number of foreign law students and legal researchers to Estonia, greater critical mass is needed. For all these reasons, the panel concludes that a merger of two of the three Estonian law schools is desirable, with the remaining two independent law schools collaborating more closely to ensure that there is a proper overall co-ordination of legal research in Estonia.

- 2. The Panel further considers that these two research-intensive law schools should be located at the University of Tartu (both at Tartu and its Tallinn branch) and the Tallinn University of Technology.**
- 3. As a consequence of this approach, the Law School at Tallinn University would no longer continue as a research-intensive law school and it would be transferred to and merged with the Tallinn University of Technology. The Evaluation Panel recommends that the Minister take action to achieve this outcome.**
- 4. The Ministry of Education and Research, Ministry of Justice, and the Estonian Research Council should ensure that the findings and recommendations of this report are discussed on the highest (executive) level and that follow-up activities are put in place to monitor the degree to which practices and processes have changed.**

Firstly, the Tallinn University Law School has only a limited research presence compared with the University of Tartu and Tallinn University of Technology Law Schools. As Table 4 above shows, research income generation at the Tallinn University Law School is only about one-quarter of the research income generated at each of the other two law schools. Secondly, the number of research outputs generated at the Tallinn University Law School is less than half of that generated at the Tallinn University of Technology and less than a quarter of that produced at the University of Tartu. Thirdly, the number of research active staff at the Tallinn University Law School constitutes only about a half of the research active staff at the Tallinn University of Technology and less than one-third of the research active staff at the University of Tartu. The Evaluation Panel considers that the Tallinn University Law School is too small and under-developed to have a vibrant and sustainable future as a research-intensive law school in Estonia.

- 5. The Evaluation Panel recommends that a national strategy for legal research and law teaching at university level be developed in Estonia so as to ensure that the needs of the Estonian society are properly met.**
- 6. At present only one University in Estonia has the power to award doctorates in law. If that were to change and more than one University were to have the power to award PhDs in law, the Panel considers it imperative that the doctoral awarding institutions should cooperate in offering education on the PhD level. For example, doctoral thesis defence panels / committees should incorporate (eminent) academics from other universities.**

4. UNIT ASSESSMENTS

4.1 UNIVERSITY OF TARTU

4.1.1 Research Strategy, Culture, Environment, and Organisation

The University of Tartu Law School operates at two different sites: a building in Tartu and a branch campus in Tallinn. Both sites have approximately the same number of students. The branch campus in Tallinn was created as a result of the University of Tartu's decision in the early 2000s to incorporate the previously independent Tallinn-based Institute of Law. The Institute of Law joined the University of Tartu on 1 September 2002. However, at that time, the Institute still had a separate budget and management structure as well as a separate Vice-Rector for Academic Affairs. On 1 September 2006, the Institute of Law was fully incorporated into the University of Tartu. Its budget and management were assimilated into the structures run by the University of Tartu's Law School. The Law School is thus now a single unit and hereinafter the name the University of Tartu Law School should be taken to refer to the institution at both of its locations: i.e., in Tartu and Tallinn, unless the context suggests otherwise.

The University of Tartu Law School does not have an up to date development plan. Its previous development plan expired in 2013 and the School has been waiting for the outcome of a proposed structural reform within the University before producing a new plan. The lack of a clearly-articulated research strategy has not been helpful to the School. Many ideas were presented in the Law School's self-assessment report, including the development of centres of excellence in the areas of information technology law and Russian-European Union comparative research. Nonetheless, these developments are isolated and lack overall coherence. Discussions with faculty members during the site visit confirmed that it would be desirable for the University of Tartu Law School to develop a new overarching vision. There have been some local initiatives. In early 2014 the Institute of Private Law created a development plan for 2014–2020 which was confirmed by the Council of the Faculty of Law in March 2014. No similar plans have been prepared by the Institute of Public Law and there is a need for an overarching strategy which brings together the strategy for the Law School as a whole in a single document.

The Evaluation Panel noted that the proposed restructuring of the University—abolishing faculties and creating four broad academic groupings focused on medical sciences, natural sciences, social sciences, and humanities—has caused some unrest in the Law School. The Evaluation Panel considers these fears exaggerated and thinks that the development of a new strategic and operational plan for the Law School will enable it to thrive within the new structure.

The Evaluation Panel supports the introduction of information technology law as a research priority for University of Tartu Law School and also supports the alignment of this research topic with the introduction of a new Master's level course. The Evaluation Panel has the same opinion about prioritising Russian-European Union comparative research. However, in neither of these areas is the Law School currently regarded as a world leader. This means that the University of Tartu Law School should seek to join relevant international networks, thereby increasing the visibility of these areas of research. The Law School should also forge partnerships with relevant stakeholders and research institutes across the world, and consistently seek to enhance research quality.

Legal researchers at the University of Tartu already benefit from having established a close connection between their teaching roles and research activities, and from the increased collaboration with centres of excellence abroad. However, cooperation with key academic partners on the international level needs to be strengthened and expanded. The Law School's English-language journal *Juridica International* is a good step towards building the international standing of the Law School. A weakness, however, is that a large part of the research in the Law School is still devoted to commentaries on the different sectors of legislation. While the Evaluation Panel recognizes that writing legal commentaries can be helpful to the development of Estonian Law, there were concerns that the proportion of outputs

currently devoted to this task meant other research outputs were being left aside. The Panel also notes that it is unlikely that these commentaries would be ranked as undisputedly relevant for international academic communities and, hence, categorized as good in Table 3.

4.1.2 Total Number of Publications

Over the reporting period of six years, 2009–2014, academics at the University of Tartu Law School produced 784 publications. These include articles in journals (378); books/monographs (43); and book chapters / research reports / articles in research proceedings (363). The annual average is 131. During the six-year period, the average number of full professors employed by the Law School was 15 (ranging from 13 in 2009 to 18 in 2012, 2013, and 2014). On average, there were also 19 associate professors and 20 lecturers employed each year, as well as 4.5 senior researchers and three researchers. If we exclude the lecturers whose employment contracts often do not place a significant emphasis on scholarly research, the total average annual number of research active staff was 41.5, while these 41.5 staff members published, on average, 3.2 publications a year each.

4.1.3 Interaction between Research and Society

The University of Tartu Law School is very conscious of its duty to serve the Estonian society by providing legal expertise where it is needed, helping to draft legislation for the Parliament and various Government ministries, advising the courts, and writing practical commentaries to help legal experts and citizens to interpret legislation. In the recent years, the Law School has actively participated in drafting model laws for Europe, and it has had a part in the construction of the Draft Common Frame of Reference. The Law School should seek to bind this work with its other research activities so that this type of research could be used as a basis for new international quality publications in the future.

The Law School would benefit from greater cooperation with private sector stakeholders. A potential area of synergy is cooperation with the new Idea Lab of the University of Tartu and Tartu Science Park. In general, the Law School would benefit from developing a more comprehensive entrepreneurial culture amongst its faculty members so as to spur innovation, create a greater sense of urgency in performing research, and foster engagement with new partners and stakeholders. The broad environment in which law schools across Europe now work, and the great competition between them requires a new mind set in the University of Tartu Law School, if it is to realise its full potential.

4.1.4 Research Quality

The Evaluation Panel concluded that most of the 30 best publications submitted by the University of Tartu Law School met the standards of the ratings fair (nine) or good (15), with the overall standard leaning towards good. Some publications submitted by the University of Tartu Law School were not assessed because they were not accessible for the Panel. The publications given the rating good that had the highest quality were written by 15 different authors or co-authors. This findings point to a secure broad research base for the Law School, and denote general good quality.

The next step for the Law School is to establish a policy to strive for excellent publications and more publications ranked as good. This may be achieved by setting up better quality control mechanisms, providing all faculty members clear guidance on their publication strategies, and assistance in preparing articles for top journals. It is better to publish less output with a high quality in better journals.

Overall Rating of Research Quality: The Evaluation Panel rates the research quality in law at the University of Tartu Law School as **good** (the majority of the submitted works are at least at a good international level and virtually all others are at a fair international level).

4.1.5 PhD Education

The University of Tartu is the only university in Estonia which may grant PhD degrees in law. The PhD degree amounts to 240 ECTS, of which 60 ECTS are collected by doctoral students through courses, while the remaining 180 ECTS are awarded for the dissertation. Of the taught courses, 12 ECTS are derived from University-wide elective courses, 36 ECTS from specialty courses, and 12 ECTS from optional courses.

There is a structured admission policy for PhD applicants. Every doctoral student must have at least one supervisor and a few have two. A committee reviews the applications, the acceptance rate being below 50 per cent. The Faculty Council makes the final decisions. Doctoral candidates and their supervisors are required to report yearly on a candidate's advancement. All the doctoral students interviewed by the Evaluation Panel were employed full-time or part-time while they were completing their doctorates. They were working at law firms, in the civil service, the courts, or were employed as law lecturers. Only five of the 115 doctoral students registered at the University of Tartu Law School were full-time doctoral researchers. Although the Law School facilitates part-time studies for doctoral students by organising some PhD courses at weekends, this raises a question about how the Law School can ensure the timely completion of doctorates while guaranteeing that the standards for the final degree meet international requirements. Because of this worry, it may be desirable for the Law School to make greater use of examiners (i.e., opponents/evaluators) from outside the country for benchmarking Estonian degrees against international comparators. Foreign academics should participate in the assessment of all PhDs. Every thesis should be assessed by one opponent/reviewer from a foreign university or a research institution who writes a review of the thesis and makes an oral presentation at the defence, as well as acts as a counterpart to the PhD-candidate in the academic discussion.

The graduation rate for such a large group of registered doctoral students seemed low. In 2012, just three doctoral students graduated from the University of Tartu Law School; in 2013, six doctoral students graduated; and in 2014, just one graduated within the reporting period.

The admissions policy for the doctoral programme in law appeared to ensure that the competence of applicants was thoroughly reviewed before they were admitted. Nonetheless, the Evaluation Panel notes that most doctoral candidates had only one supervisor. The Evaluation Panel is also concerned that so many part-time doctoral students are apparently able to obtain their doctorates in less than five years, despite full-time work commitments. The Panel is worried whether the assessments processes for doctoral students and the standards applied with regard to them in practice were sufficiently rigorous. However, since most dissertations were in Estonian, the Panel was not able to assess their quality. The Evaluation Panel is not convinced that the candidates having a foreign opponent will resolve the issue. If the opponent could not read Estonian, s/he would have to rely on an English summary rather than reflect on the full text. The Law School should therefore consider its practices in this regard and ensure that every doctoral thesis is examined by at least one foreign opponent and that, in case a thesis is written in Estonian, a full translation is made available to any opponent not competent in Estonian.

4.1.6 Recommendations

1. There is an urgent need for the University of Tartu Law School to focus its activities to a greater extent by bringing them together in a new strategic and operational plan.

The refreshed strategy must align the Law School's goals with the University's broader strategy. The latter consists of four strands: to secure the University of Tartu's place as an internationally-recognised comprehensive research-driven university; to deliver high-quality research-based teaching; to develop and nurture a strong entrepreneurial culture; and to secure a sustainable future for the University with a balanced research portfolio. The Law School's new strategic and operational plan should define priorities in the context of these broader ambitions. The plan should also explain what steps the Law School will take to realise its strategic goals and set out appropriate time frames. The plan should include a research strategy which emphasises the importance of joining relevant networks and building

international partnerships; it should also explain the School's strategy for publication (for example, the balance the Law School would like to achieve between journal articles, monographs, and reports, and the need to focus on quality rather than quantity). The plan should also feature the School's strategy for obtaining external grants and other external funding. The process of developing the plan may reveal that activity in certain areas must be terminated, amended, or curtailed. All areas cannot grow equally at the same time and a clear profile has to be defined.

2. The Law School should establish stronger research structures and continue its efforts to enhance the skills and research capacity of its staff.

The Law School needs to create a more resilient research architecture to support high quality research. This was also identified as an issue when research at the Law School of the University of Tartu was evaluated by a team (similarly led by Professor Stephen Shute) in October 2001. The faculty should be fully trained in writing grant applications, accessing and lobbying for funding, writing articles for the very best leading journals, and branding the University of Tartu Law School with a specific focus in the two domains mentioned above (i.e., information technology law and Russian-European Union comparative research). The Law School is not performing as well as it could in obtaining outside funding for its research. A clear focus on the two priority domains, better support for its researchers, and closer monitoring of their performance both in terms of the inputs—grants and contracts—and outputs of their research will help remedy weaknesses and assist the Law School's researchers in building a strong international reputation. In addition, more needs to be done to enable the faculty researchers to perform research abroad or participate in international conferences. There are obvious financial constraints here but a greater effort should be made to obtain external funding.

3. The Law School should reflect on the relationship between its Tartu headquarters and the branch campus in Tallinn. It should be considered what the appropriate link between these two units should be so as to make full use of the opportunities that having a presence in the capital brings to the University in terms of research capability (and teaching).

A strategy should be developed for the Tallinn unit. What should the connection between the Tallinn and Tartu units be? Should there be a distinctive teaching and research profile for each? Will the Tallinn branch be mainly business oriented and Tartu will focus more on public law? Will the Tallinn branch focus on international conferences, visitors and visibility? These questions need to be discussed and a fully outlined strategy must be developed.

4. The Law School should develop a more comprehensive entrepreneurial culture amongst its faculty members so as to spur innovation, create a greater sense of urgency in performing research, and foster engagement with new partners and stakeholders.

5. The Law School should reflect on its practices of assessing PhDs, ensure that every thesis is reviewed by at least one foreign opponent and that a full translation is made available to any opponent not competent in Estonian, in case a thesis is written in Estonian.

4.2 TALLINN UNIVERSITY OF TECHNOLOGY

4.2.1 Research Strategy, Culture, Environment, and Organisation

On 16 June 2014, the Rector of the Tallinn University of Technology signed a development vision for the University valid until 2017 which set eight key goals for the institution. According to the vision, the University was to be strongly research-driven; operate on an international level; be known for its academic quality; be known for the quality of its research; be a motor of innovation; be efficient; create a demanding management culture; and embrace interdisciplinarity. The University's strategy for 2011–2015 listed 10 key areas, one of which is social sciences, including economics. It did not specifically mention law but the development plan for 2011–2015 for the Faculty of Social Sciences did. That document stated that European, technology, and human rights law will be the three main areas of research for the Law School. The University is clear in that it wishes legal research to be conducted in interdisciplinary collaboration with other areas of the University and that information technology should be the main key area. It is also planned to conduct most of the teaching at the Law School in English.

The Evaluation Panel considers that the Law School's strategy needs further elaboration. In short, a more fully-articulated research strategy is needed. It should concentrate on detailing the best prospects for impactful research, identifying which partnerships might be created, and which networks joined to help the Law School realise its goals. The Evaluation Panel also finds that more attention needs to be paid to the Law School's publication strategy. Many of the School's publications are volumes edited by the author of a chapter or articles that appeared in journals the status of which did not match the aspirations of an internationally-competitive law school.

There was also the question of the current size of the Law School at the Tallinn University of Technology. The Evaluation Panel finds that the Law School will need to grow if it is to achieve a world-class status. At the moment it does not have a sufficiently broad research base to create the critical mass and research power that is found in the best international law schools. The Evaluation Panel recommends that the Tallinn University Law School should be incorporated into the Tallinn University of Technology Law School. If this were to happen, the enlarged Tallinn University of Technology Law School would have almost exactly the same number of legal researchers as the University of Tartu the Law School: 41.4. The greater scale would create many advantages. It would give the Law School much greater research presence and make it far less vulnerable, if one or two of its leading researchers were to discontinue their employment relationship.

4.2.2 Total Number of Publications

Over the reporting period of six years, 2009–2014, the academics at the Tallinn University of Technology Law School produced 367 publications. These include articles in journals (187), books/monographs (24), and books chapters / research reports / articles in research proceedings (156). The annual average is 61. During the six years, the average number of full professors employed by the Law School was 13 (13 in all years other than 2010, when the number was 14). On average, there were also 5.3 associate professors, 13.6 lecturers, 2.3 senior researchers and 6.6 researchers. If we exclude the lecturers whose employment contracts often do not place a significant emphasis on scholarly research, the total average annual number of research active staff was 27.2 and the 27.2 staff members published, on average, 2.2 publications per year.

4.2.3 Interaction between Research and Society

The Law School participates in key debates, both nationally and internationally. It communicates with the media, cooperates with NGOs, works with Estonian high schools in the field of European Union Law studies, and collaborates with the E-Governance Academy on the national level. As the Law School is part of a university competent in the area of technology, it has access to high-tech companies—this

provides the institution a unique opportunity for industry-specific cooperation in areas that are central to its research strengths.

4.2.4 Research Quality

Out of the 30 best publications submitted for assessment by the Tallinn University of Technology Law School, one could not be assessed by the Evaluation Panel. Nine of the remaining 29 were rated good, 16 fair, and four unsatisfactory. The Panel notes that only a handful of the staff members are responsible for writing the publications rated as good, which indicates that the Law School is able to produce less research than is desirable for an institution that aspires to be world class. For this reason, the Evaluation Panel recommends that the Tallinn University of Technology Law School seek a broader basis for its research output, work on establishing stronger quality control and support mechanisms, and do careful research output planning. The Law School should also develop a research strategy which targets the high rank journals, even if this means publishing fewer articles all in all.

Overall Rating of Research Quality: The Evaluation Panel rates the research quality in law at the Tallinn University of Technology Law School as **satisfactory** (the majority of the submitted works have at least a fair quality level).

4.2.5 PhD Education

The Tallinn University of Technology does not have the right to grant PhD degrees in law. It applied for the right to do so in 2011 but without success. Faculty members from the Law School do, however, supervise five doctoral students registered in other departments in the University: the Tallinn School of Economics and Business Administration (TSEBA); Department of State Governance; and the Faculty of Information Technologies. Faculty members also supervise doctoral students in other higher education institutions in Estonia (for example, the Estonian Business School) and doctoral students based in the universities of neighbouring countries (for example, Vytautus Magnus University in Kaunas, Lithuania). The Evaluation Panel considers doctoral students to be an essential part of the research culture of a law school that aspires to achieve a world class status. The Panel therefore recommends that, as soon as it feels the requisite criteria have been met, the Tallinn University of Technology Law School should reapply for the right to award doctoral degrees in law. In the meantime, the Law School should seek to increase the number of PhD students it supervises to facilitate the acceptance of the application.

4.2.6 Recommendations

1. **The Law School should develop a more fully-articulated research strategy outlining the best prospects for impactful research.**
2. **The Law School should give greater thought to identifying new partnerships and networks which might be joined to help the Law School realise its goals.**
3. **The Law School should pay greater attention to its publication strategy, including establishing more stringent quality control and support mechanisms, as well as doing more careful research output planning.**
4. **The Law School needs to grow if it is to become world-class.**
5. **As soon as the requisite criteria are met, the Law School should reapply for the right to award doctoral degrees in law.**
6. **In the meantime, the Law School should seek to increase the number of PhD students it supervises to facilitate the acceptance of the application.**

4.3 TALLINN UNIVERSITY

4.3.1 Research Strategy, Culture, Environment, and Organisation

The Tallinn University Law School has a relatively small group of active researchers performing work on a recognised international level. The Law School is divided into six research groups based on (1) public and private international law and European law; (2) maritime law and international law of the sea; (3) interaction between Estonian law and European Union law; (4) history of legal philosophy, legal theory, and comparative law; (5) legal and economic issues faced by the Baltic region, including insolvency law; and (6) the relationship between central and local government and legal issues for the third sector. The Evaluation Panel is not convinced that these research groups are working as effectively as is claimed by the University. Nor is the Panel convinced that the International Research Centre for Fundamental Rights is doing what is claimed about it. The University's self-assessment document stated that this Center brings together the six research groups and drives forward interdisciplinary research in the Law School. However, the more the Evaluation Panel looked at how the Tallinn University Law School operated, the more it seemed to the Panel that the Law School's research strategy was built around the very small number of active research staff producing research at a genuinely international level. Given this shortcoming in strength and depth, the Panel thinks that the only viable way forward for the Law School is to create a much more focused research strategy. The Law School simply does not have the resources to do the things it is currently trying to do at an appropriate level. This means some hard choices will have to be made if the institution is to secure a sustainable international research profile. The Law School will have to create a more pervasive research culture and enhance the training it provides to young researchers.

The small number of internationally known research staff performing high quality research at the Law School primarily focus on the area of international law and human rights. One of these staff members is a leading researcher and his involvement with students is therefore small. This raises the question of whether the legal research done at the Tallinn University Law School can effectively drive the sort of research-led teaching that a top international law school should provide according to all expectations. It also highlights the risks that the Law School faces should it lose one or more of its leading researchers. Without strength in depth, its research profile will always be in a precarious state.

The Tallinn University Law School had a development plan which was approved by the Law School's Council in March 2012 and by the University's Senate in April 2012. However, the time period for this development plan ended in 2014 and no new plan has been produced. One of the objectives in the old development plan was to boost the funding for research, with a particular focus on winning funding from the Estonian Research Council and European Union funds. The plan also prescribed that the Law School help its academics in publishing articles in international peer-reviewed journals and support their participation in international academic fora and conferences. Given that the Law School's development plan has now expired, there is an urgent need for the Tallinn University Law School to produce a new development plan.

The Evaluation Panel acknowledges that the research profile of the Tallinn University Law School is better than that of its predecessor, Akadeemia Nord. In May 2008, an international Evaluation Panel (also led by Professor Stephen Shute; Professor Aalt Heringa was a member) rated the overall research capability of the Law School at Akadeemia Nord unsatisfactory. Nonetheless, despite some improvements over the last six years, the Evaluation Panel concludes that it is hard to see a sustainable future for the Tallinn University Law School unless it merges with another Estonian law school.

4.3.2 Total Number of Publications

Over the reporting period of six years, 2009–2013, academics at the Tallinn University Law School published 158 items. These include articles in journals (73), books/monographs (11), and book chapters / research reports / articles in research proceedings (74). The annual average is 26. During the six-year

period, the average number of full professors employed by the Law School was seven (ranging from two in 2009—before Akadeemia Nord was incorporated into Tallinn University—to eight in each of the subsequent years). In 2014, one person was additionally employed as a research professor. On average, there were also 1.6 associate professors, 12 lecturers, 2.3 senior researchers and 3.3 researchers. If we exclude the lecturers whose employment contracts often do not place a significant emphasis on scholarly research, the total average annual number of research active staff was 14.2, and these 14.2 staff members published, on average, 11.1 publications per year.

4.3.3 Interaction between Research and Society

The faculty members at the Tallinn University Law School participate actively in drafting European model laws. They also play a part in maintaining the national database of legal materials and, through that, have a significant impact on the development of Estonian law. The legal opinions they offer are also beneficial to the Estonian society. However, these activities are not strongly connected to the Law School's research outputs and, as such, do not substantially contribute to the international reputation the institution has achieved for its research.

4.3.4 Research Quality

Tallinn University only submitted 27 publications in the best research outputs category instead of the permitted maximum of 30. The Evaluation Panel had to set aside a number of publications that had been submitted by the Tallinn University Law School as its best publication. The reasons for this are listed in paragraphs 3.4 and 3.5 above. Some had been published during the evaluation period but had been produced by academics who were not employed by the Law School in the relevant University *at the date of publication*. Other publications could not be considered research in law or research in fields related to law, or were doctoral theses not published in a series of dissertations (as indicated in category 2.3 of the Research Outputs section of the self-assessment form). Of the remaining 19 publications, five were rated unsatisfactory. This left just 14 publications and, of these, four were rated good and 10 fair.

Overall Rating of Research Quality: The Evaluation Panel rates the research quality in law at the Tallinn University Law School as **satisfactory** (the majority of the submitted works have at least a fair quality level) to **unsatisfactory** (none, or virtually none, of its submitted works [have] a fair international quality level). The Evaluation Panel concludes that the overall rating for the Tallinn University Law School should include both the satisfactory and unsatisfactory categories because the quality of the Law School's research output depends almost entirely upon the writings of two researchers. This indicates that the Law School does not have a secure research base.

4.3.5 PhD Education

Tallinn University does not have the right to award PhDs in law and suffers due to this. The Evaluation Panel was told that the Law School has no immediate plans to apply for such a right in the future but would nonetheless like to have it. In the meantime, it is developing a common curriculum with the Institute of Political Science and Governance and supervising two of its doctoral students. The Evaluation Panel recommends that the institution should continue to cooperate with the Institute of Political Science and Governance until the Law School merges with another institution.

4.3.6 Recommendations

1. The Law School should quickly produce a more focused research strategy and create a new development plan to fill the void that has emerged now that its previous development plan has expired.

2. The Law School is too small to efficiently compete on the international stage and should merge with another Estonian law school.
3. The Law School should continue its cooperation with the University's Institute of Political Science and Governance in view of that Institute's doctoral programme until the law School merges with another institution.

5. OVERALL ASSESSMENT

5.1 General Impressions

The three law schools in Estonia employ 82.9 research active staff members and 46 lecturers. This is a relatively high proportion of lecturers—36%—considering that many of these lecturers are not engaged in producing research with an internationally accepted quality level. It would undoubtedly be better for Estonian legal research if this percentage were to decrease.

During the site visits the Evaluation Panel was informed that the three law schools have the following number of students:

- University of Tartu Law School: approximately 1,300 students (split evenly between its Tartu and Tallinn unit), of whom approximately 900 are Bachelor's students and 400 Master's students.
- Tallinn University of Technology Law School: approximately 800 students, of whom approximately 80 are Master's students.
- Tallinn University Law School: approximately 700 students, of whom 30% are Master's students.

It is clear that the law schools in Estonia that are able to recruit a larger numbers of students are able to support more legal researchers, and, hence, have a stronger research culture and more research power.

5.2 Some Reflections on Legal Research in Estonia

Estonian legal academics contribute actively to the Estonian society. They offer expertise to the Estonian Parliament; Estonian Government and its various ministries and agencies; the Supreme Court and other courts; and the various Estonian lawyers' associations. This work has been crucial for the development of Estonia as a modern democratic state that embraces the rule of law following the Soviet era. Now that Estonia has joined the European Union, this work has expanded to transnational and international issues. However, this traditional role of legal academics common in Continental and Nordic Europe is in conflict with some of the demands of modern academic life, which focuses on international quality publications and winning external funding. This is an issue for all three of the Estonian law schools, especially the University of Tartu Law School, which is the only large comprehensive law school in Estonia. The University of Tartu Law School faces the challenge of balancing the wide competences required by the Estonian state with the demands of international specialization in top quality research. Therefore, the Estonian legal research community must reconsider its priorities, especially in an environment where core funding is limited and competitive funding is direly necessary. Estonian legal academics also need to co-operate more with private stakeholders, NGOs, and the industrial sector; both large and small companies. This type of collaboration offers real opportunities for working with, for example, start-up companies in the high-tech industry. Estonian law schools must also continue with their programmes of interdisciplinary research.

5.2.1 Recommendations

1. The Evaluation Panel recommends that all possible steps be taken to facilitate the cooperation between Estonian law schools and private sector stakeholders in Estonia and beyond. All three law schools have excellent opportunities to work more closely with high-tech industries.
2. The Evaluation Panel recommends that all Estonian law schools continue with their interdisciplinary research agendas.

5.3 Some Reflections on PhD Education

Only the University of Tartu has the right to grant PhD degrees in law which means there is no national doctoral school in law in Estonia, as there is for some other disciplines. This is a real disadvantage for doctoral education in law in Estonia. Furthermore, many Estonian doctoral students in law study part-time, which means that their studies take longer than in countries with mainly full-time students.

6. RECOMMENDATIONS

6.1 General Recommendations to the Estonian Minister of Education and Research

Based upon its findings and observations, the Evaluation Panel makes the following general recommendations to the Minister of Education and Research:

1. The Tallinn University Law School should end its activities as a research-intensive law school and be incorporated into and merged with the Tallinn University of Technology Law School.
2. If more than one University in Estonia is granted the right to award PhDs in law, the institutions awarding doctoral degrees should cooperate in offering doctoral education in law in Estonia.
3. All steps possible should be taken to facilitate the cooperation between Estonian law schools and private sector stakeholders in Estonia and beyond. (All three law schools have excellent opportunities for working with high-tech industries.)
4. A national strategy for legal research and teaching law at the university level in Estonia should be developed so as to ensure that the needs of the Estonian society are properly met.
5. The Ministry of Education and Research, Ministry of Justice, and the Estonian Research Council should ensure that the findings and recommendations of this Report are discussed at the highest (executive) level and that follow-up activities are put in place to monitor the degree to which practices and processes have changed.
6. All Estonian law schools should continue with their interdisciplinary research agendas.

6.2 Recommendations to the University of Tartu Law School

Based upon its findings and observations, the Evaluation Panel makes the following recommendations to the University of Tartu Law School:

- 1. The University of Tartu Law School should focus its activities to a greater extent by outlining them in a new strategic and operational plan.**
- 2. The University of Tartu Law School should establish stronger research structures and continue its efforts in facilitating the skills and research capacity of its staff.**
- 3. The University of Tartu Law School should reflect on the relationship between its Tartu unit and Tallinn branch campus. It should be considered what the appropriate link between these two units should be so as to make full use of the opportunities that having a presence in the capital brings to the University in terms of research capability (and teaching).**
- 4. The Law School should develop a more comprehensive entrepreneurial culture amongst its faculty members so as to spur innovation, create a greater sense of urgency in performing research, and foster engagement with new partners and stakeholders.**
- 5. The Law School should reflect on its practices of assessing PhDs, ensure that every thesis is reviewed by at least one foreign opponent and that a full translation is made available to any opponent not competent in Estonian, in case a thesis is written in Estonian.**

6.3 Recommendations to the Tallinn University of Technology Law School

Based upon its findings and observations, the Evaluation Panel makes the following recommendations to the Tallinn University of Technology Law School:

1. **The Tallinn University of Technology Law School should develop a more fully-articulated research strategy outlining the best prospects for impactful research.**
2. **The Tallinn University of Technology Law School should give greater thought to identifying new partnerships and networks which might be joined to help the Law School realise its goals.**
3. **The Tallinn University of Technology Law School should pay greater attention to its publication strategy, including establishing more stringent quality control and support mechanisms, as well as doing more careful research output planning.**
4. **The Tallinn University of Technology Law School must grow if it is to become world-class.**
5. **As soon as the requisite criteria are met, the Tallinn University of Technology Law School should reapply for the right to award doctoral degrees in law.**
6. **In the meantime, the Tallinn University of Technology Law School should seek to increase the number of PhD students it supervises to facilitate the acceptance of the application.**

6.4 Recommendations to the Tallinn University Law School

Based upon its findings and observations, the Evaluation Panel makes the following recommendations to the Tallinn University Law School:

1. The Tallinn University Law School should quickly produce a more focused research strategy and create a new development plan to fill the void that has emerged now that its previous development plan has expired.
2. The Tallinn University Law School is too small to efficiently compete on the international stage and should merge with another Estonian law school.
3. The Tallinn University Law School should continue its cooperation with the University's Institute of Political Science and Governance in view of that Institute's doctoral programme until the law School merges with another institution.

7. APPENDICES

Appendix 1. Annex II to the contract for services

Ministry of Education and Research

Directive of the Minister (non-official translation)

Tartu

18 July 2014 No. 318

Approval of subject, participants, personnel and the detailed organisation of the 2013 targeted evaluation of research in law

On the basis of Subsection 20²(3) of the Organisation of Research and Development Act:

1. To organise the 2014 targeted evaluation in the field of research on law, sub-field of culture and society (hereinafter evaluation).
2. I assign research in law and related fields as the subject of the evaluation:
 - public law
 - private law.
3. I assign the following institutions as participants in the targeted evaluation:
 - Tallinn University of Technology
 - Tallinn University
 - University of Tartu.
4. I appoint the following people as members of the international panel (hereinafter evaluation panel) responsible for performing the evaluation:
 - Stephen Shute, Professor at University of Sussex, Panel Chairman
 - Aalt Willem Heringa, Professor at Maastricht University
 - Jukka Mähönen, Professor at University of Turku
 - Jan Ramberg, Professor Emeritus at Stockholm University.
5. I approve the detailed procedure for executing the evaluation (appended).
6. This directive may be challenged within 30 days of publication by filing a complaint with the Tartu Administrative Court in accordance with the Code of Administrative Court Procedure.

/Signature/

Jevgeni Ossinovski

Minister

To be issued to: participants in the evaluation, Research Department of the Ministry of Education and Research, Estonian Research Council, persons specified in the Directive No. 230 of the Minister of Education and Research from 20 May 2014 "Formation of a committee for preparing the 2014 targeted evaluation of research in law".

with the Directive No. 318 of the Minister of Education and Research from 18 July 2014

Detailed procedure for performing the targeted evaluation

1. The evaluation is performed to provide information on research in law and the quality level, productiveness and influence of research fields related to law to the research community, research and development institutions, research funding organisations, research policy planners and society at large. The results of the evaluation serve as an input for preparing research policy decisions and measures pertaining to research in law and related fields, the further development of the field, preparation of development plans and introduction of necessary changes.
2. Before assuming their positions, the members of the evaluation panel performing the evaluation shall sign a declaration of independence and confidentiality in a format approved by the authority organising the evaluation, and undertake not to use or disclose to third parties any public or non-public information, such as data, documents and other information they learned or to which they were referred in the course of the evaluation after the end of the evaluation process.
3. For carrying out the evaluation, the institutions participating in the evaluation shall submit, through the corresponding environment of the Estonian Research Information System, by 15 October 2014:
 - a self-evaluation report (including general information on the institution, overview of research and development activities, self-evaluation, overview of cooperation and activities aimed at the public) in a format approved and published by the institution performing the evaluation
 - data which serve as the basis for the evaluation (including information on personnel, research results, doctorate studies, infrastructure, research projects and financing).
4. The evaluation panel retains the right to:
 - require additional information necessary for the evaluation from participants in the evaluation, the authority organising the evaluation, and the committee preparing the evaluation formed on the basis of the Directive No. 230 of the Minister of Education and Research from 20 May 2014 “Formation of the committee for preparing the 2014 targeted evaluation of research in law” (hereinafter Steering Group)
 - visit the institutions participating in the evaluation for the purpose of obtaining additional information necessary for the evaluation, notifying of this at least 10 working days in advance.
5. Based on the information specified in clauses 3 and 4 of this directive’s annex, the evaluation panel shall analyse the quality of research and PhD studies in the field of law, the research environment and organisational structure of the institutions participating in the evaluation, as well as the public influence and relevance of their research and development activities related to law.
6. The evaluation panel may use meetings or other formats as a working format pursuant to their decision, and involve experts who possess the information necessary for performing the evaluation, if necessary.
7. As a result of the analysis specified in clause 5 of this directive’s annex the evaluation panel shall compile a report on the target evaluation of research in law in the extent specified in clause 2 of this directive, i.e., in the report, the panel shall:

- 7.1. evaluate the quality of research in the sub-fields of law (hereinafter field) in Estonia compared to the international level, including:
- identify, evaluate and analyse the strengths and weaknesses of the research and development activities in the field in the institutions evaluated and in Estonia generally
 - assess the output and quality of the performed research
 - assess the collaboration with key academic partners at home and abroad
- 7.2. evaluate the societal, state-oriented and professional activities undertaken in the field by institutions evaluated, including:
- assess the links between research and development, and the requirements of industry and different policies
 - assess the collaboration with key stakeholders in the Estonian society
- 7.3. assess the organisation of research in the institutions evaluated, including:
- assess the national organisation of research in the field and the links between the research and national strategies as well as development plans
 - assess the general organisation of research in the institution and the links between the research and institutional as well as national strategies and development plans
 - assess the compatibility of the infrastructure of an institution for the purpose of guaranteeing the sustainable development of research
- 7.4. assess the quality and relevance of the doctoral studies in the field, including:
- assess the quality and volume of doctoral studies compared to the international level based on the need to ensure the sustainability of research and development
 - assess the links between doctoral studies, research and societal needs
 - assess the supervision and level of efficiency of doctoral studies
- 7.5. assess the future potential of the institution evaluated
- 7.6. give recommendations and make proposals with regard to the further development and financing of research and development activities, doctoral studies in the field and the performance of necessary changes in Estonia, including providing suggestions and recommendations:
- for the further development of research policies in Estonia
 - for the further development of research and development activities in institutions evaluated
 - for the further development of doctoral studies
 - for ensuring the further sustainable growth of research and development in the field.
8. The research, societal, state-oriented and professional activities and PhD studies should be assessed according to the following:
- 8.1. Assessed units should be rated according to the following scale:
- 8.1.1. Excellent: The majority of the submitted works are at a high international level and virtually all others are at a good international level.
- 8.1.2. Good: The majority of the submitted works are at least at a good international level and virtually all others are at a fair international level.
- 8.1.3. Satisfactory: The majority of the submitted works are at least at a fair international level.
- 8.1.4. Unsatisfactory: None, or virtually none, of the submitted works are at a fair international level.

- 8.2. The international level should be rated according to the following scale:
- 8.2.1. A high international level means work which is apt to create serious interest within international academic communities and which, in principle, if offered, could be published by the leading international publishers or in the leading international journals with the most rigorous editorial standards.
 - 8.2.2. A good international level means work which is undisputedly relevant for international academic communities and which could be published by well-known international publishers or in well-known international journals.
 - 8.2.3. A fair international level means work which is potentially relevant for international academic communities and which has been published abroad or by well-known national publishers or in well-known national journals.
- 8.3. Assessments should be given by comparing international and national levels.
- 8.4. The comparison of the national levels should be based on comparing the assessed institutions.
9. The evaluation panel shall take into account the following specific topics and conditions throughout all the subsections of the field in their assessments:
- 9.1. Are there topics important for Estonia that do not receive the necessary attention?
 - 9.2. Are there unsubstantiated overlaps in research across institutions that may indicate to the inefficient use of resources?
10. The evaluation panel shall submit the targeted evaluation report and other materials compiled during the activity of the evaluation panel to the authority organising the evaluation by 15 February 2015.
11. The authority organising the targeted evaluation shall forward the report to the Steering Committee for an opinion. The Steering Committee shall submit its opinion on the evaluation report to the authority organising the targeted evaluation within 10 working days.
12. The authority organising the targeted evaluation shall forward the evaluation report with the opinion of the Steering Committee to the Ministry of Education and Research and Ministry of Justice within 5 working days. The authority organising the evaluation shall organise a public presentation and further discussion of the evaluation report as well as the compilation of an action plan in cooperation with the aforementioned Ministries.

/Signature/

Maarja Adojaan

Vice Head of Department of Research Policy

In the capacity of Department Head

Appendix 2. Evaluation panel members

Professor Stephen Shute, Panel Chairman

Professor Stephen Shute is Pro-Vice-Chancellor (Planning and Resources) at the University of Sussex. He came to Sussex as the founding Head of the School of Law, Politics and Sociology in 2009. Before that, he spent 15 years at the University of Birmingham where he served as Deputy Pro-Vice-Chancellor and Dean of Arts and Social Sciences and was part of the Vice-Chancellor's Senior Management Team and a member of the University's Strategic Management Committee.

Professor Shute's academic work, which focuses on criminal law and criminal justice, has been referred to in many scholarly books and articles. His research on high-risk offenders and parole (carried out jointly with Roger Hood) was influential in debates held in the House of Lords on the Crime (Sentences) Act 1997, his work on parole decision-making (also with Roger Hood) formed the focus for the Government's 2001 Comprehensive Review of Parole, his work on unduly lenient sentences prompted the Lord Chief Justice in January 2000 to revise the practice directions that govern the allocation of cases in the Crown Court, and his work on the use of satellite tracking technology to monitor the movements of high-risk offenders in England and Wales informed policy development by the UK government in that area. Most recently he has been working on criminal justice inspection and the use of civil preventive orders to control serious crime, including sexual crime. He has given numerous lectures and seminars at universities and international conferences in the United Kingdom and across the world.

Professor Shute has had a number of other external roles as evaluator or accreditor in different countries (for example, Estonia, Kosovo, Slovenia, Moldova, and Ireland). He has appeared frequently on television and radio to talk about his work.

Professor Shute is a member of the Board of Advisors of the *Ohio State Journal of Criminal Law* and a member of the Editorial Board of the *International Review of Criminal Law*, *Zeitschrift für Internationale Strafrechtsdogmatik* and *Criminal Law and Philosophy*.

Professor Aalt Willem Heringa

Aalt Willem Heringa is a professor of (comparative) constitutional and administrative law, Director of the Montesquieu Institute Maastricht and Head of the Public Law Department at Maastricht University.

He completed his PhD thesis *Sociale Grondrechten* (Social Rights) in 1989. Prof Heringa was a visiting researcher at the Centre of European Governmental Studies of the University of Edinburgh and at the European Research Center of the Harvard Law School. He has been working at the Maastricht University Faculty of Law since 1987.

Professor Heringa is the author and editor of numerous books and articles on Dutch constitutional law, the European Convention on Human Rights, the European Social Charter, comparative constitutional law, U.S. constitutional law, human rights and legal education.

He is a substitute judge and served as the Dean of the law faculty in 2003–2011. He is one of the founding editors of several law journals, editor in chief of the China EU Law Series and the China EU Law Journal.

He has successfully supervised 14 PhD students.

Professor Jukka Mähönen

Jukka Mähönen is a professor of civil law and Dean of the Faculty of Law at the University of Turku and a visiting professor of law and economics at the universities of Helsinki and Eastern Finland. His research interests focus on company and securities law, accounting and auditing law, as well as law and economics. He is currently involved in research projects concerning company law, sustainable development and European economic law. He has served in the various Finnish Government law reform committees.

Professor Emeritus Jan Ramberg

Jan Ramberg is a Swedish lawyer and Professor Emeritus of Stockholm University specialising in commercial law, and acting as an arbitrator in national and international arbitrations. Ramberg is also a former member of the International Arbitration Court of London and the Board of the Stockholm Chamber of Commerce Arbitration Institute.

Professor Jan Ramberg graduated from Uppsala University and obtained his LL.D. from Stockholm University. He has worked as a civil law professor and he is the former Dean of the Faculty of Law there. He was also the first Rector of the Riga Graduate School of Law.

Professor Ramberg has been a practising lawyer and partner in the law office of Johan Ramberg in Gothenburg and has worked on the boards of several large enterprises. He is the former President of the Scandinavian Institute of Maritime Law and former Chairman, present member of the CISG Advisory Council, and Senator of the European Law Institute.

He is the author of approximately 70 books and 200 articles on contract, maritime and transport law published in English, French, Spanish, Russian, Arabic, Chinese, German, Italian, Ukrainian, Finnish, Norwegian and Swedish.

Appendix 3. Self-assessment Form

Evaluation of Research in Law in Estonia (2009–2014)

A. GENERAL REMARKS

All data in this self-assessment form should represent research in law (excluding in question A2) and cover only R&D activities and R&D related personnel.

A.1. GENERAL INFORMATION

Institution:

Address:

Phone:

Web page:

Contact person for the evaluation:

Phone:

Email:

A.2. Percentage that research in law represents in the research carried out in the institution

(Calculations should be based on the proportions of research financing. The fields of research in law are defined in question A.3. There may be many other fields of research represented in your institution, but we ask you to provide the percentage of research in law).

The proportion research in law represents in the research carried out in the institution	... %
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In the following questions, you are asked to concentrate only on this part of the research.

A.3. Institution's research profile within research in law (estimate the proportion)

(Calculations should be based on the proportions of research financing. The percentages should add up to 100.)

Research field	(%)
Public law	
Private law	
Other (please specify)	
Total	100%

A.4. Personnel (Number of research personnel based on the Estonian Research Information System).

Detailed data about personnel is available in the Estonian Research Information System. Information about the recognition of staff is available in the Estonian Research Information System. A list of project-related staff with links to researcher's CVs is available in the Estonian Research Information System.

Staff / year	2009	2010	2011	2012	2013	2014
Teaching staff (if relevant):						
Professors						
Associate professors						
Lecturers						
Assistants						
Research staff:						
Research professors						
Leading researchers						
Senior researchers						
Researchers						
Administrative personnel						
Total						

A.5. Research funding (Sum on financing in euros based on the Estonian Research Information System)

Detailed data about research projects (incl. description and outcomes) and funding is available in the Estonian Research Information System.

Source of funding / year	2009	2010	2011	2012	2013	2014
Institutional research grants						
Targeted financing projects						
Personal research grants						
Estonian Research Council grants						
National R&D programs (also from different Ministries)						
Other national public financing (e.g., Core infrastructure support, Enterprise Estonia, other ministries, Environmental Investment Centre, local authorities, etc.)						
EU Framework Programme projects						
Estonian research contracts						
Foreign research grants and contracts (excl. EU FP)						
Total						

A.6. Research output (number of publications and patents based on the Estonian Research Information System)

Detailed data about research output is available in the Estonian Research Information System. The complete list of publications and a list of best publications (max 30) with access to full text should be also made available.

Total number of publications and patents (2009–2014)	Number
1. Articles in journals	
2. A book / monograph	
3. Articles in proceedings / a chapter in a book or in a collection / specific research publications	
4. Editing scientific publications	
5. Published meeting abstracts	
6. Other publications	
Patents / patent applications	

A.7. PhD Studies (if applicable)

PhD law-related curricula, numbers of admission and graduates

Curriculum/admissions/graduates	2009	2010	2011	2012	2013	2014
Curriculum A						
Admissions						
Graduates						
Curriculum B						
Admissions						
Graduates						

More detailed information about PhD students and graduates in 2009–2014 is available in Appendix 1.

THE INSTITUTION'S SELF-ASSESSMENT

B.1. Short description of R&D activities and organisation.

(max 1 page)

B.2. Short description of PhD studies

(max 1 page, if applicable)

B.3. Summarise your most significant research achievements for the period 2009–2014.

(max 1 page, max 5 achievements)

B.4. Summarise your most significant societal and professional achievements / impact for the period 2009–2014.

(max 1 page, max 5 achievements considering norms, standards, guidelines and other professional activities, industry contacts, collaboration with different professional unions, TV or radio shows, regular seminars, etc.)

B.5. What are the future plans for your institution in terms of ...

- a) ... the direction of the research area?
- b) ... the direction of the research unit?
- c) ... PhD studies?
- d) ... the direction of the national and international cooperation?

(max 1 page in total)

B.6. Most important national collaboration.

(list max 5 most important national research partners, max. 1 page)

B.7. Most important international collaboration.

(list max 5 most important international research partners, max. 1 page)

B.8. Please discuss your institution's strengths, weaknesses, opportunities and the potential threats to its activity.

(max 1 page)

Appendix 4. Data from the Estonian Research Information System ETIS

R&D activities:

- List and description (incl. project number, title, description, project leader, senior personnel, duration, financing) of R&D projects
- Summarized data tables.

Personnel:

- Names, positions and CVs
- Summarized data tables by positions held
- Age structure table
- Defense of doctoral dissertations
- Implementation of doctoral studies
- Awards and recognitions.

Outcomes of R&D activities:

- List and description of publications by classification
- List and description of other R&D based activities
- List of most important publications (up to 30) with full text.

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