

# **Statute of the Slovak Research and Development Agency**

## **Article 1 Opening clause**

1. The Agency has been established on base of the Act of the National Council of the Slovak Republic No. 172/2005 of Code on organization of state research and development support and on supplementation of the Act No. 575/2001 of Code on organization of government activity and organization of central state administration as amended. The Agency has been established as the state non-profit-making organization with objective to financially support science, research and development.
2. The Statute of the Slovak Research and Development Agency (hereinafter referred to as "the Agency") regulates task, management and activity details of the Agency according to the Article 12 Section 11.
3. The Agency is a legal entity seated in Bratislava.
4. The Agency may establish branches without legal subjectivity also outside its residence in the Slovak Republic or abroad.
5. The Agency is presented within international relationships as:  
Slovak Research and Development Agency

## **Article 2 Agency objectives**

1. Main objectives of the Agency are following :
  - a) support basic research of superior quality, applied research and development in all science disciplines and technology including support of interdisciplinary and multidisciplinary research based on top quality,
  - b) provide development and implementation of new forms of research support in the Slovak Republic considering increase of interaction between basic and applied research and development, and moreover considering an increase of society awareness about importance of research and development,
  - c) provide development and implementation of new programs and forms of support in area of international cooperation in research and development, and also support participation of research and development organizations in the Slovak Republic in area of the European programs and research and development initiatives,
  - d) support research and development from corresponding funds of the European Union,
  - e) provide propagation of research and development results within the Slovak Republic and support deepening of understanding between research and society,
  - f) provide statements and analyses within area of competence to central bodies of the state administrative, the National Council of the Slovak Republic and to advisory bodies of the government of the Slovak Republic,
  - g) cooperate with the Ministry of Education of the Slovak Republic regarding preparation and implementation of state scientific, research and development policy.

2. The Agency may further:
  - a) enter into common programs with partner organizations in the Slovak Republic and abroad,
  - b) realize or cooperate on realization of projects that are focused on research and development support, program coordination and other support activities.. These projects should be financed from sources outside the Agency's budget,
  - c) support research and development from sources outside budget category of the Ministry of Education of the Slovak Republic (e.g. other bodies of the state administration, private sources) that are based on individual agreements concluded between the agency and financial support provider,
  - d) provide and ensure education in area of scientific, research and development policy.

### Article 3

#### **Forms of research and development support**

1. The Agency provides specific financial support (hereinafter referred to as "support") for research and development projects solutions and for developing projects (hereinafter referred to as "project") to domestic legal entities and domestic personal entities (hereinafter referred to as "applicant") according to criteria approved by the Agency Presidium.
2. The Agency provides agency sources to support projects solved by personal or legal research and development entities in the Slovak Republic within international agreements on scientific and technical cooperation and projects within the international and the European programs and initiatives in area of research and development including preparation costs.

### Article 4

#### **The Agency bodies**

1. The Agency bodies are following:
  - a) Agency Director,
  - b) Agency Presidium (hereinafter referred to as "Presidium"),
  - c) Agency Council.
2. Among other things the Agency Director covers activity of the Agency, its Presidium and Council. The Presidium primarily makes decision on conception and main activities of the Agency and on its programs. The Agency Council reviews, selects and approves particularly projects for financial support and subsequently controls solution of supported projects.
3. The Agency Director is authorized to issue organizational rules of the Agency that define details on organizational structure of the Agency, competences of organizational departments and their mutual relationships.

Article 5  
**The Agency Director**

1. The Agency Director is a statutory body of the Agency acting on behalf of the Agency in all matters except those reserved for the Presidium or for the Council by legislation or by Agency's Statute.
2. The Agency Director is responsible primarily for:
  - a) fulfillment of the Presidium decisions,
  - b) working-out a basis for budget proposal of the Agency and its submission to the Presidium,
  - c) proper bookkeeping management of the Agency in accordance with the Act No. 431/2002 Code on accounting,
  - d) working-out an annual economic report of the Agency and report on Agency's activity for calendar year and their submission to the Presidium,
  - e) conclusion of contracts on provision of financial sources for project solution with applicants,
  - f) working-out an annual accounting/financial statement of the Agency and its submission to the Presidium,
  - g) working-out and issue of organization proposal rules of the Agency,
  - h) asset and budget sources management of the Agency,
  - i) realization of labour relations of the Agency,
  - j) fulfillment of other tasks appointed by the Agency Presidium or Council.
3. The Agency Director submits to the Minister of Education
  - a) the Agency statute proposal after it has been discussed by the Presidium,
  - b) the Agency budget proposal worked out by the Presidium,
  - c) the Agency program proposals worked out by the Presidium,
  - d) proposal of candidates for the Agency Council members worked out by the Presidium.
4. The Agency Director further
  - a) submits particularly following proposal to the Presidium for discussion and approval
    - conception and main activities of the Agency,
    - statute proposal,
    - rule of negotiation procedure of the Agency Presidium and of the Agency Councils,
    - bases for the Agency program,
    - criteria for project selection and for Agency priorities,
    - the Agency Councils composition,
  - b) appoints
    - commission for receipt of applications for project solution support,
    - members of working groups and their chairmen,
  - c) participates on the Agency Presidium and Council meeting organization.
5. During Agency Director's absence, deputy appointed by the director may act on his behalf within delegated competencies.

Article 6  
**The Agency Presidium**

1. The Presidium is a professional body of the Agency.
2. The Presidium is composed of:
  - a) chairman,
  - b) deputy chairman,
  - c) members.
3. There are 13 Presidium members, of which 12 persons are notable experts in science and technology (at least 2 of them are foreigners) and one person is representative of the Ministry of Education.
4. The Presidium members are appointed and revoked by the Government of the Slovak Republic based on minister's proposal in accordance with the Article 14 Section 4 of the Act No. 172/2005 of Code.
5. Administration of the Presidium members lasts for 4 years.
6. The Presidium chairman and deputy chairman are appointed and revoked by the Presidium and these are elected out of its members in the course of ballot.
7. Administration of the Presidium chairman and deputy chairman lasts for 2 years.
8. The chairman and deputy chairman consent requires absolute majority of all Presidium members. If in the first round no candidate receives required absolute majority, second round of elections takes place. There are two candidates with the highest number of voices nominated in the second round.
9. The Presidium meeting is conformed by the Presidium rule of negotiation procedure.

Article 7  
**Rights and responsibilities of the Presidium**

1. The Agency chairman
  - a) coordinates and is responsible for the Presidium's activity,
  - b) in cooperation with the Agency Director calls the Presidium meetings and coordinates them.
2. The Agency deputy chairman is authorized to act on behalf of the chairman in all rights and responsibilities in full during his absences or if the chairman authorizes the deputy chairman with representation and/or procuration.
3. The Presidium member has
  - a) responsibility to participate on the presidium meetings,
  - b) right to submit suggestions and reminders related to the Agency's activity and

- conception,
- c) liability to fulfill tasks resulting from the Presidium's decisions responsibly,
  - d) liability to keep secrecy about discussed projects at least for 5 years moreover after termination of membership at the Council, except information that is public according to provisions of the Article 14 Section 3 Ltr. d) and e) and to follow principles according to the Article 27 Section 1 of the Act No. 172/2005 of Code.
  - e) responsibility to keep the Presidium rule of negotiation procedure,
  - f) right for reimbursement of documentary expenditures arising during discharge of his/her function according to special regulation.

## Article 8 **The Presidium's activity**

### 1. The Presidium

- a) works out
  - the Agency program proposals,
  - proposal of candidates for the Agency Council members,
  - the Agency budget proposal submitted through director to the Minister of Education,
- b) approves
  - conception and main activities of the Agency based on the Director's proposal,
  - criteria for provision of financial sources for project solutions based on the Director's proposal,
  - announcement of public call based on proposal of the Agency Council,
  - annual activity report and annual economic report based on the Director's proposal,
  - Agency statute, Presidium rule of negotiation procedure and Council rule of negotiation procedure of the Agency based on Director's proposal,
  - chairman and working groups members based on Councils' proposal,
  - establishment of Agency branches,
  - individual cooperation contracts with organizations in the Slovak Republic and abroad;
- c) discusses
  - annual accounting/financial statement.

2. The Agency Director is present at the Presidium meeting.

3. The Agency Presidium secretary is appointed by the chairman based on the Agency Director's proposal and he/she is selected amongst Agency employees for indefinite time period. The secretary is present at the Presidium meeting.

## Article 9 **Administration and organization of the Presidium meeting**

1. Presidium's activity is organized and administered by the Agency.

2. The Agency Director and the Presidium secretary in cooperation with the Presidium

chairman and deputy chairman participate in realization of tasks.

3. The Presidium secretary
  - a) prepares proposal of the Presidium meeting agenda together with the Agency Director and submits it to the chairman for approval,
  - b) organizes preparation of the Presidium meetings,
  - c) makes out Presidium meetings memorandum.

## Article 10 **The Agency Council**

1. The Agency Council (hereinafter referred to as „Council“) is a professional body of the Agency. The Agency establishes professional Councils, Councils of the Agency programs and the Agency Council for international scientific and technological cooperation.
2. The Council is composed of:
  - a) chairman,
  - b) deputy chairman,
  - c) members.
3. The Council members are composed at least of seven noted experts in area of their operation, of which at least one is a foreign expert.
4. The Council members are appointed and revoked by the Minister of Education based on Presidium proposal according to the Article 15 Section 7 of the Act No. 172/2005 of Code.
5. The Council chairman and deputy chairman are elected and revoked out of Council members in the course of ballot.
6. The chairman and deputy chairman consent requires absolute majority of all council members. If in the first round no candidate receives required absolute majority, second round of elections takes place. There are two candidates with the highest number of voices nominated in the second round.
7. Administration of the Presidium members lasts for 4 years and administration of the Presidium chairman and deputy chairman lasts for 2 years.
8. Meetings of the Agency Council are conformed by rule of negotiation procedure of the Agency Council.

## Article 11 **Rights and responsibilities of the Council members**

1. The Council chairman
  - a) coordinates and is responsible for the Council's activity,
  - b) calls the Council meetings and coordinates them,
2. The Council deputy chairman is authorized to act on behalf of the Council chairman in all rights and responsibilities in full during his/her absences or if the chairman authorizes the deputy chairman with representation and/or procuration.

3. The council member has
  - a) responsibility to participate in the Council meetings,
  - b) right to submit suggestions and reminders related to the Agency's activity and conception,
  - c) liability to fulfill tasks resulting from the Council's decisions responsibly,
  - d) liability to keep secrecy about discussed projects at least for 5 years moreover after termination of membership at the council, except information that is public according to provisions of the Article 14 Section 3 Ltr. d) and e) and to follow principles according to the Article 27 Section 1 of the Act No. 172/2005 of Code.
  - e) right for reimbursement of documentary expenditures arising during discharge of his/her function according to special regulation.

## Article 12 **The Council's activity**

1. The Council's responsibilities are primarily
  - a) Application appraisal (review) and approval,
  - b) solution control of supported projects.
2. The Council further
  - a) works out and proposes to the Presidium
    - required forms and contentual project requirements,
    - valuation criteria of projects proposals,
    - continuous and final valuation criteria of project solution,
    - criteria for provision of financial sources,
    - announcement of public call,
    - proposals for working groups establishment or cancellation,
  - b) approves
    - proposals for domestic and foreign experts on projects review that are submitted by the Director,
    - provision of financial sources for project solutions,
  - c) participates in valuation of international scientific and technical cooperation projects.
3. The agency director is present at the Council meeting.
4. The Agency Council secretary is appointed by the Council chairman based on the Agency Director's proposal and he/she is selected amongst the Agency employees for indefinite time period. The secretary is present at the Council meeting.
5. In case of conflict of interests the Article 27 Section 1 of the Act No. 172/2005 of Code is followed.

## Article 13 **Administration and organization of the Council meeting**

1. Council's activity is organized and administered by the Agency.

2. The Agency Director and the Council secretary in cooperation with the Council chairman and deputy chairman participate in realization of tasks.
3. The Council secretary
  - a) prepares proposal of the Council meeting agenda together with the Director and submits it to the chairman for approval,
  - b) organizes preparation of the council meetings,
  - c) makes out Presidium Council memorandum.

#### Article 14

### **The Agency's activity in the course of projects approval submitted within performance of the main tasks of the Agency**

1. The Agency
  - a) announces calls for projects submission,
  - b) organizes valuation of projects by independent domestic and foreign experts and prepares documents on valuation results for Council meeting of the Agency,
  - c) concludes agreements on specific financial support. Documents necessary for conclusion of an agreement will be prepared by the Agency within 30 days after decision on support provision,
  - d) controls balance of project solution, correctness and efficiency of support provided.
2. The Agency provides in the course of projects selection
  - a) publication of project selection criteria and requirements in media and in Agency web pages,
  - b) access to matters necessary for project submission,
  - c) registration of projects received,
  - d) control of formal completeness of projects received in cooperation with members of committee for application receipt,
  - e) proposed list of experts for project valuation,
  - f) documents required for project valuation by experts,
  - g) submission of experts' reviews to the Council for decision making.
3. The Agency further provides in the course of projects selection
  - a) announcement of selection results of projects for provision of support to applicants,
  - b) valuation of submitter's projects upon his request at retention of reviewer's anonymity,
  - c) conclusion of an agreement on support provision for selected projects complying to conditions of the Act of the National Council of the Slovak Republic No. 231/1999 of Code on state aid as amended by provisions of the Act No. 434/2001 of Code as amended by the Act No. 231/1999 of Code on state aid and the Act of the National Council of the Slovak Republic No. 532/2004 of Code on budget rules as amended,
  - d) publication of information on support provision (submitter, project name, summary, amount of support and solution period) also via Agency web pages,
  - e) control of adherence to the agreement conditions. In case of failure to adhere to the agreement conditions, the Agency stops or cancels provision of further project support. Violation of the agreement conditions is breach of budgetary discipline with subsequent implication of sanctions pursuant to special regulation (the Act No. 303/1995 of Code). Results of control should be also published.
4. The Agency may provide specific sources of the Agency assigned for financial support of research and development only for project solutions approved by the



Council.

#### Article 15

### **The Council's activity in the course of projects approval submitted within performance of the main tasks of the Agency**

1. The Agency Councils carry out valuation and selection of projects for provision of support.
2. In the course of selection and approval of project for provision of support the Council makes decision based on expert opinions on individual projects and based on recommendation of working groups (provided these working groups have been established in case of particular Council). Decisive criteria for approval of the Council's decision depend on expert opinions.
3. In the course of project valuation emphasis is placed on
  - a) professional quality and recency of proposed project for the Slovak Republic, its originality and innovation,
  - b) professional and objective ability of applicant to achieve defined project goals,
  - c) adequacy of required support against defined project goals and against economically justified project costs,
  - d) social and economic contribution of the project solved,
  - e) adequacy of accessible infrastructure,
  - f) adherence to state contribution and levy responsibilities in case of research and development organizations from business sector: if organization fails to adhere to these responsibilities, it shouldn't be provided any support,
  - g) further criteria listed in call for project submission.
4. Details on projects selection and valuation process will be set by the Council rule of negotiation procedure.

#### Article 16

### **Utilization of the Agency sources**

1. The Agency sources assigned for specific support may be used in accordance with the Act No. 172/2005 of Code, the Act. No. 523/2004 of Code on budget rules as amended and in accordance with Orders of the Ministry of Education of the Slovak Republic, the Act No. 231/1999 of Code on state aid as amended.
2. The Agency sources assigned for specific support in particular budget year will be administered preferentially and used for solution of already running projects and consequently for support of new projects.
3. The Agency Council approves support for new projects so that amount of required sources shouldn't exceed amount of total sources the Agency keeps at its disposal in given period.

Article 17  
**The Agency's economy**

1. The Agency is a budgetary, non-profit-making organization and its revenues and expenditures are connected to the state budget of the Slovak Republic through the budget category of the Ministry of Education of the Slovak Republic.
2. The Agency is managed in accordance with valid legal provisions and regulations issued by the Ministry of Education of the Slovak Republic.
3. The Agency performs asset and property management with ones entrusted at its establishment and further assets and property acquired during its operation.
4. Amount of financial sources for administration of the Agency is proposed by the Ministry as part of the state budget proposal for particular budget year.

Article 18  
**Operation**

This statute has been approved by the Government of the Slovak Republic by resolution No.172/2005 of Code.