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**L A W
ON SCIENTIFIC RESEARCH ACTIVITY**

I. GENERAL PROVISIONS

Subject

Article 1

This law regulates the organisation, conditions and modes of financing of scientific research activity and other issues relevant for carrying out of this activity.

Scientific research activity

Article 2

Creative activity on scientific discoveries, application and exploitation of scientific results, training of researchers for scientific research work and career development of researchers are considered as scientific research activity.

Accessibility of research

Article 3

Scientific research activity is an activity of public interest.

Performance of scientific research activity is free and accessible to all domestic and foreign physical and legal persons.

Principles

Article 4

Scientific research activity is based on principles of:

- 1) Widening and deepening of scientific knowledge;

- 2) Development of science with a view of increased effectiveness, protection and development of the general knowledge base;
- 3) Increased effectiveness of the scientific research activity and networking of organisations in the field of science, education and business;
- 4) Integration into the European Research Area and Framework Programmes of the European Union for research and development, and other international programmes;
- 5) Involvement in regional cooperation programmes in the field of scientific research activity;
- 6) Freedom and autonomy of scientific work which needs to be independent, morally and intellectually, from every political authority and economic power and which is performed with respect of ethical standards and principles of scientific truth and critical thinking;
- 7) Ethics and responsibility of persons performing scientific research work for the consequences of their work;
- 8) Education of high profile experts for research and development;
- 9) Sustainable development and enhancement of the environment;
- 10) Protection of person and dignity of individuals who perform scientific research work;
- 11) International quality criteria; and
- 12) Networking of persons performing scientific research work at the national and international level.

Types of research

Article 5

Scientific research activity encompasses: basic (fundamental), applied and developmental research as well as training of researchers for scientific research work.

Basic research consists of theoretical and experimental work performed primarily with a view of gaining new knowledge or discovering new areas of research, with long term goals of application.

Applied research is made of creative work performed for the sake of application of the results of basic research in certain areas of science.

Developmental research is creative work based on the results of applied research, undertaken with a view of development of new technologies, production of new or improvement of existing materials, products and devices,

or introduction of new or improvement of existing procedures, systems and services.

Results of scientific discoveries must contain elements of authenticity and originality and are valued by publication in scientific papers or testing in application.

Training of researchers is gaining of new knowledge through study programmes of postgraduate and doctoral studies and other forms of scientific training.

Fields of research

Article 6

Scientific research activity is performed in the fields of: natural and mathematical sciences; engineering and technology; medical sciences; agricultural sciences; social sciences; humanities; as well as through multidisciplinary research.

Realisation of scientific research activity

Article 7

Scientific research activity is realised by: Montenegrin Academy of Sciences and Arts, scientific research institutions, higher education institutions and other legal and physical persons, in accordance with the law.

Activity of the Montenegrin Academy of Sciences and Arts is regulated by a separate law.

Supervision

Article 8

Supervision of the implementation of this law is performed by the body of public administration in charge of the scientific work (in further text: Ministry).

II. DEVELOPMENT AND ENHANCEMENT OF SCIENTIFIC RESEARCH ACTIVITY

Strategy of scientific research activity

Article 9

The Strategy of scientific research activity (in further text: Strategy) is adopted with a view of priority setting, stimulating and monitoring of scientific research activity (in further text: Strategy).

The Strategy determines in particular:

- 1) Priorities in scientific research activity;
- 2) Plan of stimulating young researchers with scientific title of doctor and master of sciences in priority development areas;
- 3) Framework level of financing of programmes of public interest;
- 4) Plan of investment of annual financial resources for scientific research activity;
- 5) Necessary scientific research infrastructure; and
- 6) Research information system.

The Strategy is brought for a 8-year period.

The Strategy is brought by the Government of Montenegro (in further text: Government) based on the proposal of the Council for Scientific Research Activity.

Programmes of public interest

Article 10

The priorities in scientific research activity are realised through the programmes of public interest.

Programmes of public interest are the programmes:

- 1) Which contribute to the development and strengthening of national economy, and the realisation of which contributes to the improvement of the living standard of citizens and building of a knowledge-based society;

- 2) Which facilitate integration of scientific research institutions and researchers into the European Research Area and international scientific programmes;
- 3) Of stimulation of research which brings about career development and mobility of Montenegrin researchers, with a view of enabling their work in research centres and institutes as well as access to high technologies and modern laboratories in the country and abroad;
- 4) Regional cooperation and infrastructural linkages in research activity;
- 5) National and international scientific research projects of basic, applied and developmental research;
- 6) Centres of Excellence;
- 7) Enhancement of infrastructure and acquisition of equipment necessary for realisation of research;
- 8) Which stimulate scientific productivity and enhance the quality of scientific research activity;
- 9) Which stimulate publishing activity and organisation of scientific congresses;
- 10) Of involvement of scientific diaspora into the scientific research activity in Montenegro;
- 11) Of involvement of internationally recognised foreign scientists into the research programmes and projects in Montenegro;
- 12) Which enable access to the results of scientific work in the country and abroad;
- 13) Of national importance which have multidisciplinary character; and
- 14) Other programmes of significance for the realisation of scientific research activity.

Conditions for approval and eligibility of use of resources from the public budget appropriated through the Ministry for the programmes from the paragraph 2 of this Article are prescribed by the Ministry.

Leadership of programmes and projects

Article 11

Scientific research work is carried out through a scientific research programme and project.

Scientific research programme and project is lead by a leader of scientific research programme and project.

Conditions that must be fulfilled for someone to be a leader of scientific research programme and project, as well as researchers engaged in the research team, and the level of financing necessary for the realisation of scientific research programme and project from the Article 10 of this law, are prescribed by the Ministry.

Evaluation of programmes and projects

Article 12

Evaluation of scientific research programmes of public interest and other programmes and projects that are financed from the public budget is performed by the experts from the fields of sciences relative to the programme or project. The experts are nominated by the Ministry.

Criteria for the nomination of experts as well as the procedure for evaluation of scientific research programmes and projects from the paragraph 1 of this article, are prescribed by the Ministry.

Publication of calls for funding

Article 13

In order to fund programmes of scientific research activity from the article 10 of this law, the Ministry publishes calls for funding.

Mutual rights and obligations between the Ministry and the beneficiaries are determined by a contract.

Data bases

Article 14

The Ministry sets up and maintains the data bases for the area of scientific research activity.

Institutions, legal and physical persons which conduct scientific research activity and the bodies of public administration are obliged to provide the data necessary for keeping the data bases, upon the Ministry's request.

The Ministry processes the provided data solely for the purpose of scientific research activity, supervision, provision and control of resources,

monitoring and analysis of the status of scientific research activity and for statistical purposes.

Council for Scientific Research Activity

Article 15

Activities of enhancement of scientific research activity are performed by the Council for Scientific Research Activity (in further text: Council).

Authority of the Council

Article 16

The Council analyses the status and achievements in the scientific research activity, gives expert suggestions and in that view it has the special authority of:

- 1) Preparation and proposing of the Strategy;
- 2) Proposing the priorities from the Strategy and programmes of public interest for the actual year;
- 3) Giving opinion on the criteria for election into research and scientific ranks;
- 4) Giving opinion on laws and other regulations in the area of scientific research activity and other areas, which ensure general conditions for the stimulation of scientific research activity and exploitation of its results;
- 5) Giving opinion in the process of determining the levels of financing of priorities determined in the Strategy;
- 6) Proposing to the Ministry the decision about assigning the status of a Centre of Excellence;
- 7) Monitoring the realisation of the Strategy;
- 8) Nominating the committees for the realisation and monitoring of the activities defined by the Strategy, as well as for the quality control of the scientific research activity;
- 9) Cooperating with the Council for Higher Education; and
- 10) Performing other tasks prescribed by this law and the act on the establishment of the Council.

Composition of the Council

Article 17

The Council has 11 members nominated by the Government.

Four members of the Council are nominated from the representatives of the bodies of public administration in charge of science, higher education, economy and finances.

Seven members are nominated from the distinguished experts who contribute to the development and application of scientific research activity, from scientific research institutions, higher education institutions, Montenegrin Academy of Sciences and Arts and the economy. The principle of equal representation of all the fields of science needs to be respected.

The Act on the establishment of the Council determines closer composition, mandate of the Council members, procedure for election and dismissal and other issues relevant to the Council's work.

Work of the Council

Article 18

Work of the Council is public.

The Council is obliged to make its conclusions, recommendations and opinions accessible to the public.

Resources for the work of the Council are made available in the public budget.

III. STIMULATING THE QUALITY OF SCIENTIFIC RESEARCH ACTIVITY

Stimulating quality

Article 19

The Ministry stimulates the quality of scientific research work by:

- 1) awarding prizes for scientific achievements to researchers;
- 2) realising programmes of public interest by which scientific productivity in the form of publication of scientific works in referent scientific publications and other forms is stimulated; and

3) giving the status of the Centre of Excellence to the scientific research institution or group of researchers in an institution.

Awards for scientific achievements

Article 20

The Ministry can award a yearly prize to the most successful young researcher as well as leader of scientific research programme or project and research team who realised the most successful national project financed from the public budget.

Conditions and closer criteria for awarding prizes from the paragraph 1 of this article are prescribed by the Ministry.

Centres of Excellence

Definition of a Centre of Excellence

Article 21

A scientific research institution or a group of researchers which has, by the originality, significance or actuality of achieved results in the scientific research activity in the period of five years, realised highest level and internationally recognised outputs in its area of science, can be granted the status of a Centre of Excellence.

A Centre of Excellence needs to have:

- Established strong connection between knowledge, research and innovation, i.e. strong tie between research and economy;
- Focused research programmes which include interdisciplinary topics and results of applied and basic research;
- Capacity to ensure dynamic, flexible and attractive working atmosphere which can result in high achievements at the individual and team level work;
- A programme for stimulating the creation of a new generation of talents in science and technology; and

- Capability for realisation of a dynamic partner relationship with bodies of public administration and local governments.

Application for gaining the status

Article 22

A scientific research institution or a group of researchers in an institution submits an application to the Ministry for obtaining the status of the Centre of Excellence, which contains elaborated programme and project, by which it arguments and proves the fulfillment of conditions from the article 21 of this law, and which is to be realised to a period of maximum three years.

Decision on giving the status

Article 23

The Ministry makes the decision on giving the status of the Centre of Excellence, on the basis of the Council's proposal.

The Council determines the proposal on giving the status of the Centre of Excellence on the basis of evaluation of an expert committee which must include international evaluation.

The committee from the paragraph 2 of this article is formed by the Ministry.

The status of the Centre of Excellence is granted for a pereiod of three years.

Leader of the Centre

Article 24

A Centre of Excellence has got a leader who is in charge of organising the work and research and is responsible for fulfillment of annual programmes and projects carried out in the Centre.

Financing of the programmes and projects of the Centre

Article 25

Centre of Excellence realises programmes and projects from the following funds:

- Ministry;
- Own resources of the institution;
- International research funds;
- Economy; and
- Other sources.

A contract is concluded among the Centre of Excellence and the Ministry on the realisation of the Centre's programmes and projects from paragraph 1, line 1 of this article.

The contract from paragraph 2 of this article stipulates mutual rights and obligations of the Ministry and the Centre of Excellence, special stimulus for successful realisation of the programme and project, as well as the amount of resources necessary for the realisation of basic activities for the Centre's work.

Monitoring and independent evaluation

Article 26

The Ministry carries out continuous monitoring and periodic independent evaluation of the Centre of Excellence with a view of ensuring the highest quality of results and the most efficient use of resources.

The independent evaluation determines whether the Centre of Excellence reaches the goals from the article 21 of this law, and if it is effective, sustainable and relevant to the priorities set in the Strategy.

Results of the independent evaluation are public.

Decision on the continuation or withdrawal of the status

Article 27

After expiry of the three year period, the Ministry makes the decision about the continuation of the status of the Centre of Excellence for another

three-years period, or withdrawal of the status, in accordance with the article 23 of this law.

IV. SCIENTIFIC RESEARCH INSTITUTIONS

1. Common provisions

Scientific research institutions

Article 28

Scientific research activity is carried out by a scientific research institution (in further text: institution).

Institution is founded as public or private and has the character of a legal person which is obtained by registering in the Central Register of the Commercial Court.

Exclusive from the paragraph 1 of this article, organisational units of a University, independent higher education institutions and organisational units of a legal person can carry out scientific research activity.

Conditions for foundation

Article 29

An institution can be founded if it has got:

- 1) A programme of scientific research activity and development of the institution;
- 2) Provided appropriate human resources for carrying out the activity;
- 3) Scientific research equipment and space for carrying out the activity;
- 4) Provided resources for founding and work;
- 5) Provided hygienic and technical conditions, in accordance with a separate law; and
- 6) Scientific and informational documentation.

Closer conditions from paragraph 1, points 2, 3 and 4 of this article are prescribed by the Ministry.

Licencing

Article 30

Before starting the work, the founder of an institution is obliged to apply to the Ministry for obtaining a licence for work (in further text: licence).

The application for licence needs to contain the act on establishment of the institution and proofs of fulfillment of conditions from the article 29 of this law.

Issuing of the licence

Article 31

In the process of issuing the licence the Ministry checks out whether the institution fulfils the criteria for carrying out scientific research activity, prescribed by this law. The Ministry makes appropriate decision in accordance with the general process law.

The licence is issued for an indeterminate period.

Change or amendment of the licence

Article 32

The founder of an institution, in case of change or addition to the activity for which the licence is obtained, is obliged to apply to the Ministry for issuing a change or amendment of the licence.

Submission of proofs

Article 33

With the application from the article 32 of this law and apart from the proofs on fulfillment of the conditions from article 29 of this law, the founder also submits the proofs on the change or addition to the activity.

Withdrawal of the licence

Article 34

The Ministry will withdraw the licence by the official duty at the proposal of the inspector in charge or other interested person, when it establishes that the institution:

- Is not performing the activity for which it was founded;
- Is not fulfilling the conditions from article 29 of this law; and
- Has not removed the identified shortcomings in the period determined by law.

The decision on withdrawal of the licence, apart from the data prescribed by the law, contains the period for which the licence is withdrawn.

Control of the fulfillment of the conditions

Article 35

The Ministry carries out control of the fulfillment of the conditions by institutions in possession of the licence, at least once in three years.

Start of the work of the institution

Article 36

An institution can start to work after obtaining the licence.

The decision on licence from the paragraph 1 of this article is published in the „Official Gazzette of Montenegro”.

Registry

Article 37

The Ministry keeps the register of the Centres of Excellence, licensed institutions and organisational units from article 28 paragraph 3 of this law.

Content of the register, process of registration and removal from the register are prescribed by the Ministry.

Statute of the institution

Article 38

The institution has got a statute.

The statute of an institution contains in particular: name and seat; activity; bodies; delegation and representation; procedure for election in scientific and research ranks; procedures for realisations of rights and duties of employees; ways of performing the publicity of the work; financial control and other issues important for the work of the institution.

Expert body

Article 39

The expert body of an institution is the scientific council (in further text: Council).

The institution which has employment contracts with at least five employees with scientific rank can form a Council.

Council:

- 1) Adopts the programme of scientific research and development activity;
- 2) Analyses, evaluates and adopts reports on realisation of programmes and projects;
- 3) Adopts criteria for the election in research and scientific ranks, according to the previously acquired opinion of the Council;
- 4) Elects into research and scientific ranks;
- 5) Proposes the provision of equipment necessary for the realisation of research programmes and projects to the governing board of the institution; and
- 6) Carries out other tasks in accordance with the law and the statute of the institution.

The working and decision making processes of the Council and other issues relevant for its work are more closely determined by the statute of the institution.

The Council can also be organised in the organisational unit of a legal person which performs scientific research activity, if that organisational unit has employment contracts with at least five employees with scientific rank.

2. Public institutions

Establishment of a public institution

Article 40

The decision on establishing, i.e. suspension of a public institution is made by the Government, i.e. body of local government in charge.

In case of statutory changes or suspension of a public institution, the opinion of the governance body of this institution is obtained.

Governance body

Article 41

The governance body of the public institution is the Governing Board.

Governing Board of a public institution has got five members composed of: three representatives of the founder determined by the Government i.e. body of the local government in charge, and two representatives of the employees from the institution.

The election and release, duration of the mandate as well as the working and decision making processes of the Governing Board are prescribed by the statute of the public institution.

Consent on the statute

Article 42

Consent on the statute and the act on internal organisation and systematisation of job positions of a public institution is given by the Ministry, i.e. organ of local government in charge.

Authority of the Governing Board

Article 43

Governing Board of a public institution:
1) determines business policy;

- 2) brings annual financial plan;
- 3) adopts periodic and annual accounts;
- 4) elects and releases the director of the institution;
- 5) brings the statute, act on internal organisation and systematisation of job positions and other acts;
- 6) makes decision on handling of resources to the level defined by the statute of the institution;
- 7) analyses the work of management bodies; and
- 8) carries out other tasks in accordance with the law and the statute of the institution.

Publicity of work

Article 44

Governing Board of the public institution is obliged to submit to the founder the annual report on activities until the end of the first quarter of the current year for the previous year.

Director

Article 45

Management body of the public institution is the director.

The director is responsible for the efficiency and quality of work of the public institution, as well as the management within the framework of business policy determined by the Governing Board.

The director is elected for a four-year period, on the basis of public competition and submitted development programme of the institution.

Authority, closer conditions for election and release of the director and other issues relevant for the work are prescribed by the statute of the public institution.

3. Private institutions

Foundation

Article 46

A private institution can be founded by domestic or foreign legal or physical person.

Autonomy

Article 47

Governance, management and expert bodies of a private institution, their authority number, composition, election and release processes, duration of mandate, as well as working and decision making processes are determined by the statute of a private institution.

1. Higher education institutions

Article 48

Expert, governance and management bodies of a higher education institution, their authority, number, composition, election and release processes, duration of mandate as well as working and decision making procedures are prescribed by the Law on higher education and the institution's statute.

V. RESEARCH AND SCIENTIFIC RANKS

Performing

Article 49

Scientific research activity is performed by persons with research ranks and scientific ranks, in accordance with this law, as well as persons elected in academic and associate ranks at the higher education institutions.

Scientific research activity can be performed also by a person with higher education, master or doctoral degree, who is not elected in research or scientific rank, in the sense of this law, but has got references on the basis of publicized scientific works, which allow the performance of scientific research activity.

Research ranks

Article 50

Research ranks are researcher and higher researcher.

A person with at least higher education and who works on research jobs can be elected to the rank of researcher.

A person with academic title of master of science and publicized scientific works can be elected to the rank of higher researcher.

Closer conditions, period to which the election is made and the process of election in research ranks are prescribed by the institution's statute.

Scientific ranks

Article 51

Scientific ranks are: scientific associate, higher scientific associate and scientific counsellor.

A person with a PhD title can be elected to the scientific rank from the paragraph 1 of this article.

The election to a scientific rank is made to a five-year period, except for a scientific counsellor who is elected for an indeterminate period.

Election to a higher scientific rank can be made after expiry of the period of election to the lower rank.

Mode and process of election to scientific ranks as well as other issues related to election are prescribed by the institution's statute.

Election

Article 52

Election to a scientific rank of a person not employed in the institution, i.e. employed in an institution without the expert body, is made in an institution with a status of University in Montenegro.

Election to a research rank of a person not employed in the institution, i.e. employed in an institution without the expert body, is made in an institution in Montenegro which has got the expert body from the field of sciences for which the election to a research rank is made.

Process of election, i.e. renewed election in a scientific rank, i.e. research rank from the paragraphs 1 and 2 of this article is initiated at the request of the institution or the person who fulfills the conditions prescribed by this law.

Congruent application

Article 53

The provisions of the Law on higher education are congruently applied to the election to scientific ranks at the universities and higher education institutions.

Comparability of ranks

Article 54

Scientific ranks are comparable to the academic ranks, as follows:

- rank scientific associate – academic rank of assistant professor;
- rank higher scientific associate – academic rank of associate professor; and
- rank scientific counsellor – academic rank of full professor.

VI. FINANCING

Transparency of financing

Article 55

Financing of scientific research activity is carried out in a way that ensures effectiveness and transparency of the use of resources.

Resources for the realisation of programmes of public interest are provided from the public budget, institution's own resources and other users of research results.

Gaining of resources

Article 56

The institution can gain resources from:

- 1) The public budget;
- 2) Intellectual services;
- 3) Income gained through selling of products and;
- 4) Donations, sponsorship, legacies and trusts;
- 5) Projects and agreements with domestic or foreign research institutions and from consultancy services;
- 6) Resources of companies, economic institutions and associations;
- 7) Resources of foreign funds; and
- 8) Other sources.

The state stimulates legal and physical persons by tax incentives and other measures to invest resources in realisation of scientific research activity determined by this law.

Private institution and other legal and physical persons can gain resources from the public budget, given that they realise a scientific research programme of public interest.

Priorities of co-financing

Article 57

The Government can define priorities in co-financing projects from international cooperation programmes as well as programmes of public interest.

Gaining profit

Article 58

The institution can gain profit by carrying out scientific research activity to the benefit of the institution, in accordance with the law.

Use of resources

Article 59

Resources from the article 56, paragraph 1, point 1 of this law, the institution uses for:

- 1) Financing of the programmes of public interest and the equipment necessary for their realization, in accordance with the Strategy;
- 2) Training and career development of persons with research and scientific ranks;
- 3) International scientific cooperation and mobility of persons who carry out scientific research work;
- 4) scientific publications and communications; and
- 5) other purposes determined by this law.

Tax alleviations

Article 60

Equipment aimed for scientific research activity, obtained as donation from abroad or purchased abroad, can be released from customs and value added tax, upon the opinion of the Ministry.

VII . PENAL PROVISIONS

Penalties for infractions

Article 61

A legal person – institution will be penalised for infraction by a fine ranging from 20-fold to 300-fold amount of the lowest price for work in Montenegro, if:

- 1) makes election to research and scientific ranks based on criteria for which the Council's opinion was not obtained (article 16, point 3);
- 2) starts working without the licence for work (article 36); and
- 3) profit is not gained to the benefit of the institution (article 58).

The responsible person of a legal subject will be penalised for infraction from the paragraph 1 of this article by a fine ranging from half to 20-fold amount of the lowest price for work in Montenegro.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Establishment of the Council

Član 62

Council from article 17 of this law will be established within 90 days from the date of entry into force of this law.

Until formation of the Council from paragraph 1 of this article, the Council's function will be performed by the previous Council.

On the day of constituency of the Council in accordance with this law, the mandate of the Council members nominated by the Decision on establishment of the Council on scientific research activity („Official Gazette of the Republic of Montenegro”, no. 56/06, 25/07 and 38/08) ceases.

Period for adopting by-laws

Article 63

By-laws for implementation of this law will be brought in the period of one year from the day of entry into force of this law.

Until the by-laws from paragraph 1 of this article are brought, the by-laws that were valid until entry into force of this law will be implemented, if they are not contrary to this law.

Cessation of validity

Article 64

On the day of entry into force of this law, the Law on scientific research activity („Official Gazette of the Republic of Montenegro” no. 71/05) and Regulation on expert and scientific training abroad („Official Gazette of the Republic of Montenegro” no. 166/94 and 23/97) cease to be valid.

Entry into force

Article 65

This law enters into force on the 8th day from its publication in the „Official Gazzette of Montenegro”.