

MINISTRY OF EDUCATION AND SCIENCE

Decree Law 55/2013

of 17 April

Within the scope of the Plan to Reduce and Improve Central Administration (PREMAC) which aims to reform the Public Administration to make it efficient and rational in its use of public resources, the Fundação para a Ciência e a Tecnologia, I.P. (Foundation for Science and Technology) has been restructured.

In this context, Decree Law 45/2012, of 23 February 2012, defined the mission, attributes and kind of internal organisation of the Foundation for Science and Technology I.P., which now takes on the mission and part of the responsibilities of UMIC — Agência para a Sociedade do Conhecimento, I.P. (Knowledge Society Agency), as well as some of the responsibilities of the Gabinete de Planeamento, Estratégia, Avaliação e Relações Internacionais do Ministério da Ciência, Tecnologia e Ensino Superior (Planning, Strategy, Assessment and International Relations Office of the Ministry of Science, Technology and Higher Education), regarding international relations and bilateral and multilateral cooperation in the fields of science and technology.

Later, the alterations introduced by Decree Law 266-G/2012, of 31 December 2012, in the organic law of the Ministry of Education and Science, gave the Fundação para a Ciência e a Tecnologia, I.P. (Foundation for Science and Technology) the mission and responsibilities that had been pursued by the Fundação para a Computação Científica Nacional (Foundation for National Scientific Computing - FCCN), a public foundation governed by private law, under the Foundations Framework Law.

The services provided by the FCCN through its network dedicated to research, science and teaching have been, since it began, vital for the proper functioning and structural development of the National Technological and Scientific System and the Higher Education System.

The development and maintenance of this advanced services and communications infrastructure has been, over the years, mainly financed by public funds – national budget and EU funds.

By assuming the responsibilities of the FCCN, the FCT can develop these responsibilities within the framework of the Ministry of Education and Science, bolstering the sustainability of this infrastructure, not only in financial terms, but also by expanding its teaching service mission generally, namely its active participation in managing the national schools network.

Therefore, and pursuant to this law, the FCT shall take over the mission and responsibilities of the FCCN, except for the management, operation and maintenance of the top-level domain registry for Portugal, which shall move to a private law association to be set up, with the participation of the FCT pursuant to the law in order to ensure its independence and autonomy,

according to the best international practice.

All FCCN responsibilities and skills hereby transferred to the FCT are included in the Strategic Overall Plan to Rationalise and Reduce Costs with Information and Communication Technologies (TIC - Tecnologias de Informação e Comunicação) in the public sector, approved by the resolution of Council of Ministers 12/2012, of 7 February 2012, namely compliance with measures 4, 7 and 8.

Therefore:

Pursuant to the provisions in article 16 (1) of law 3/2004, of 15 January 2004, and under article 198 (1), paragraph *a*) of the Portuguese Constitution, the Government hereby decrees the following:

Article 1

Nature

1 - The Fundação para a Ciência e a Tecnologia, I.P. (Foundation for Science and Technology) hereinafter referred to as FCT, is a special regime public institute pursuant to the law, integrated in the indirect administration of the State, which has administrative and financial autonomy and its own assets.

2 - The FCT pursues the aims of the Ministry of Education and Science, hereinafter referred to as MEC, under supervision from that ministry.

3 - The FCT is governed by the applicable legal system for state business bodies regarding recruitment of personnel for the national scientific computing area.

Article 2

Territorial jurisdiction and headquarters

1 - The FCT is a central body with jurisdiction throughout the country.

2 - The FCT headquarters are in Lisbon.

Article 3

Mission and responsibilities

1 - The FCT's mission is to develop, finance and assess institutions, networks, infrastructures, scientific equipment, programmes, projects and human resources in all fields of science and technology, along with the development of scientific and technological cooperation, coordination of public science and technology policies, and the development of national means of scientific computing, encouraging the installation and use of advanced means and services, and its networking.

2 - The FCT is responsible for:

a) promoting and supporting scientific research and technological development programmes and projects;

b) promoting and supporting research, development and innovation in strategic areas;

c) financing or co-financing approved programmes and projects and ensuring they are enforced, along with training schemes and qualifications for researchers, namely through bursaries both in Portugal and abroad, and research subsidies;

d) ensuring the management of the programme measures and the support or financing systems, borne by

domestic and European funds;

e) signing programme contracts or protocols and awarding subsidies to institutions that encourage or are dedicated to scientific research or technological development;

f) assessing domestic scientific and technological activities;

g) encouraging scientific and technological culture and the disclosure of scientific and technical knowledge;

h) encouraging the transfer of knowledge inside and outside the country, namely through awarding subsidies to projects, programmes or events of scientific and technological interest, as well as offering financial support to scientific papers;

i) promoting the participation of the domestic scientific, technological and innovation community, or as a partner, in relevant domestic or international projects, namely in creating, absorbing or disclosing knowledge and technology, access to highly sophisticated scientific equipment or the computing area;

j) installing, maintaining and managing the advanced computing means available in networks and encouraging access to the different bodies of the Education System and the National Scientific and Technological System, regardless of whether they are private or public;

l) promoting and supporting the creation and modernisation of infrastructures that support scientific research activities, namely the development of the Science, Technology and Society Network (RCTS), and the School Network, ensuring their progression as integrated networks to support research and teaching with the necessary services and the proper domestic and international connectivity;

m) ensuring international relations, notwithstanding the coordination by the MEC General Secretary and the responsibilities of the Ministry of Foreign Affairs, and encouraging international cooperation in the fields of science and technology, as well as following the preparation and enforcement of European Union R&D Framework Programmes and other related instruments;

n) ensuring the physical inventory, management and preservation of the domestic scientific and technological heritage and the bibliographic and document artefacts that it is responsible for, and encouraging the preservation of content available on the domestic Internet, ensuring it is available to the scientific community and the public in general, notwithstanding the coordination by the MEC General Secretary;

o) proposing to the member of the government responsible for science the recognition of the activity of public or private entities as being of scientific or technological interest;

p) ensuring the procedures regarding the recognition of highly qualified activity in the field of science and technology under Law 23/2007 of 4 July 2007;

q) encouraging interaction between central, regional and local initiatives in science, technology and scientific computing;

r) encouraging and making scientific and technological literature and scientific repositories available *online* and ensuring the corresponding

Diário da República (Official Journal), 1st Series— No international interactivity;

s) assisting public and private institutions in making sure access to high-performance distributed computing means is available to support research and teaching activities;

t) encouraging studies to assess the domestic needs in terms of scientific computing and the solutions to adopt to answer these needs.

3 - The FCT articulates the central, regional and local policies regarding the information society field with the Administrative Modernisation Agency.

4 - In order to pursue its responsibilities, the FCT shall articulate and collaborate with the services and bodies from several different ministries in the respective fields, as well as other public or private domestic and international bodies.

Article 4

Bodies

The FCT bodies are:

a) the governing board;

b) the sole auditor;

c) the advisory council;

d) the scientific councils.

Article 5

Governing board

1 - The governing board is composed of a chair, a vice-chair and two members.

2 - Notwithstanding the responsibilities conferred by law, or that are delegated or sub-delegated to it, the FCT governing board is responsible for:

a) ensuring the representation of the FCT on commissions, work groups or international body activities, notwithstanding the coordination of the MEC General Secretary and the responsibilities of the Ministry of Foreign Affairs;

b) deciding on the financing of institutions, scientific research programmes and projects, under the scope of the FCT responsibilities and awarding bursaries and research grants to training schemes and researcher qualification, in the framework of plans approved by the member of the government who is responsible for the scientific field, submitting those that are not foreseen in the approved plans for approval;

c) deciding on the support to give to the creation and modernisation of infrastructures and equipment to support scientific research activities and technological development, pursuant to the preceding paragraph;

d) deciding on awarding grants and other financial support to events of scientific and technological interest and scientific publications, as well as awarding prizes or other awards for actions of scientific merit;

e) managing the domestic and international funds attributed to FCT, namely from Europe;

f) signing cooperation agreements with academic, scientific and business entities.

3 - The responsibilities of the governing board

Diário da República (Official Journal), 1st Series— No regarding the body responsible for domestic scientific computing are delegated to one of the members of the governing board, which is responsible for defining the respective annual action plan, along with the management of the human, asset and budgetary resources at the governing board's disposal.

Article 6

Chair

1 - Notwithstanding the responsibilities conferred by law or that are delegated or sub-delegated, the chair is responsible for:

- a) ensuring the relations between the FCT and the domestic and European bodies, as well as international institutions and counterpart bodies;
- b) speaking as the only FCT spokesperson;

2 - The chair of the governing board can delegate or sub-delegate their duties to any of the other members of the governing board or to FCT staff, and shall indicate which member should replace them in their absence.

Article 7

Sole auditor

The sole auditor is appointed and has the responsibilities provided in the framework law for public institutions.

Article 8

Advisory council

1 - The advisory council is an advisory, support and participative body as defined in the general guidelines for the FCT in terms of domestic scientific computing.

2 - The advisory council is chaired by the member of the FCT governing board who is responsible for the unit responsible for national scientific computing and is composed of a variable number of members designated by the institutions that are the recipients of the domestic scientific computing activity.

3 - The advisory council has a term of office lasting three years.

4 - The advisory council meets ordinarily once a year and extraordinarily whenever convened by its chairman.

5 - The advisory council is responsible for:

- a) issuing opinions about all matters that are submitted to it, particularly about domestic scientific computing activities and projects;
- b) presenting proposals and recommendations regarding its areas of intervention under the scope of domestic scientific computing;
- c) approving internal regulations.

6 - The members of the advisory council are not remunerated for their work.

Article 9

Scientific councils

1 - Within the structure of the FCT, there are scientific councils to give advice and support the activity, which act differently depending on the respective scientific fields and technological development, to be defined by a government order from the member of the government who is responsible for the scientific field.

2 - Each scientific council is chaired by someone of recognised merit in the respective scientific field, to be appointed by the member of the government who is responsible for the scientific field upon a proposal from the governing board.

3 - The chair of each scientific council shall meet with the member of the government responsible for scientific policy at the beginning and end of each term of office.

4 - Each scientific council may have up to two vice-chairs who respectively govern the scientific and technological aspects of the council's scientific field and six to 12 Portuguese or foreign members of recognised merit in their scientific field, appointed by the government member responsible for the scientific field upon proposal from the governing board.

5 - The members of the scientific councils, including the chairs and vice-chairs, are appointed for a one-year term of office, which can be renewed up to four times.

6 - Notwithstanding the responsibilities of the governing board, the scientific councils are responsible for:

a) identifying the relevant programmes and projects in the fields of scientific research and technological development, assessing the respective financing needs and supporting the corresponding work;

b) helping the governing board *per se* or through specifically co-opted members with the financing application processes and supporting the respective work regarding:

i) scientific investigation and technological development projects and programmes under the scope of the FCT;

ii) multi-annual financing of the institutions: programme contracts and other kinds of contracts signed with institutions that encourage or are dedicated to scientific research or technological development;

iii) bursaries in Portugal or abroad, research grants and other kinds of researcher training and qualification;

c) helping the governing board with assessing the needs in terms of support infrastructures for scientific research or technological development activities;

d) identifying opportunities to sign programme contracts, protocols and other kinds of agreements with domestic, foreign or international institutions;

e) issuing opinions, whenever asked by the governing board, about creating new scientific institutions or the reorganisation of existing ones;

f) proposing the creation or revision of the relevant scientific policy documents;

g) helping the governing board to define the main lines of FCT activity;

h) proposing to award grants and other financial support to events of scientific and technological interest, as well as awarding prizes or other awards for actions of

scientific merit;

i) proposing proper mechanisms to increase popular interest in science and technology.

7 - The members of the scientific councils are subject to the system of impartiality guarantees provided in articles 44 et seq. in the Administrative Procedure Code.

8 - The scientific councils meet ordinarily once every two months and extraordinarily when convened by their chair, on their own initiative or at the request of any of their members, the chair of the governing board or the member of government responsible for the scientific field.

9 - All scientific councils report their activity to the governing board through opinions, studies or recommendations.

10 - The members of the scientific councils have the right, for each meeting they attend, to receive presence vouchers at an amount set by the Ministers of Finance and of Education and Science.

Article 10

Executive Coordinator of Scientific Programme

1 - The activities that correspond to each of the scientific advice areas are organised into scientific programmes that are coordinated by scientific coordinators.

2 - The executive coordinators of the scientific programmes are domestic or foreign doctoral graduates with a CV proving their research experience and high scientific merit in a particular area of knowledge, appointed by the governing board, following a public call for tenders.

3 - The programme coordinator has a seat on the respective scientific council and reports directly to the governing board.

4 - The scientific programme executive coordinators have to:

a) take the minutes of the scientific council meetings and ensure communication between the scientific councils and the governing board;

b) support the FCT in the representation and permanent dialogue with the respective scientific community in Portugal and abroad;

c) support the participation of Portuguese research teams in joint programmes, networks or other international initiatives to support science, technology and innovation in their scientific field;

d) support specific measures that lead to options, strategic priorities and instruments that support the domestic scientific and technological system.

5 - The executive coordinators are not remunerated for their work.

Article 11

Internal organisation

The internal organisation of the FCT is given in the respective statutes.

Article 12

The members of the governing board are equivalent to public managers in terms of remuneration and designation.

Article 13

Revenue

1 - The FCT receives revenues from the State budget.

2 - The FCT also has the following revenues of its own:

a) income from taxes or revenues from services or structures that the FCT makes available and other revenues it has the right to;

b) income from the sale of its publications and other goods and services;

c) income from studies, inquiries and other works and services provided by the FCT within its remit;

d) amounts charged for attending courses, seminars or other training schemes run by the FCT;

e) contributions, subsidies or donations awarded by any public or private domestic, foreign or international body;

f) contributions from user bodies of the Online Knowledge Library (b-on);

g) contributions from user bodies of the Science, Technology and Society Network;

h) any other revenue attributed by law, contract or other document.

3 - The revenues provided in paragraphs f) and g) are offset against expenses related to national scientific computing activities.

Article 14

Expenses

FCT expenses are those arising from their responsibilities.

Article 15

Assets

The FCT assets include all their goods, rights and obligations.

Article 16

Creation and participation in other units

1 - The FCT can, on authorisation from the members of the government who are responsible for the finance and scientific fields, create or participate in the creation or acquire stakes in private not-for-profit science and technology institutions and ensure the continuity of the stakes it holds.

2 - The FCT encourages and participates in setting up science and technology consortia.

3 - The FCT can become an affiliate or participate in domestic or international institutions or similar bodies.

4 - The FCT can participate, pursuant to point 1, in other domestic or international private bodies that undertake relevant activity to pursue its responsibilities

Article 17

Winding up and liquidation

1 - The relevant bodies of the FCCN shall do everything necessary, according to the respective articles, to wind up the Foundation within 90 days of this decree law coming into force, adopting the proper legal mechanisms pursuant to the applicable legislation.

2 - In the winding-up process, the relevant FCCN bodies shall provide the FCT governing board with all the information and assistance needed to integrate the FCCN responsibilities and resources into the FCT, and:

a) draw up an inventory of all the FCCN property and other assets;

b) draw up the management reports and accounts for 2012 and 2013.

Article 18

Succession

1 - The FCT takes over the obligations and responsibilities of the FCCN, except for the activities regarding the management, operation and maintenance of the top-level registry for Portugal.pt.

2 - The FCT takes over the rights and obligations in the FCCN, contractual relations regarding the obligations and responsibilities the latter has due to the provisions in point 1, notwithstanding the previous point.

3 - The succession and transfer of FCCN assets are governed by article 61 of the Foundations Framework Law, approved by Law 24/2012 of 9 July 2012.

4 - This decree law is sufficient for all purposes to sign any administrative or other acts or records required to ensure the transfer of the rights and obligations contained herein, including those regarding assets.

Article 19

Staff reallocation

Employees with a private law work contract with FCCN, whose jobs are transferred to the FCT pursuant to point 1 in the previous article, shall be transferred to the Foundation without any change to their employment relationship.

Article 20

Organisational chart

1 - The FCT shall draw up an organisational chart as required by law, corresponding to its needs to pursue its obligations and responsibilities with jobs for public sector workers.

2 - The FCT shall also draw up an organisational chart as required by law, corresponding to its needs to pursue its obligations and responsibilities concerning national scientific computing, with jobs for workers with private law work contract.

3 - The FCCN workers who are included in the FCT organisational chart keep all the labour rights arising from the previous working relationship, namely the seniority since beginning work.

Article 21

Top-level domains

1 - The management, operation and maintenance of the top-level domain for Portugal.pt are assigned to a private law association to be set up by the FCT and other possible associates pursuant to article 167 of the Civil Code.

2 - The constitution of the association mentioned in the previous point must be concluded before the end of the deadline referred to in article 17 (1).

3 - The FCT competes for the assets of the association referred to in the previous points with the right to its fair share, which reverts in its favour from the liquidation of the FCCN pursuant to article 17, up to a limit of EUR 1.9 million.

Article 22

Reorganisation

The reorganisation of the FCT caused by this decree law begins after the extinction of the FCCN and the creation of the association referred to in the previous article.

Article 23

Revocation order

Decree law 45/2012, of 23 February 2012, is hereby revoked.

Article 24

Entry into force

This decree-law comes into force the day after its publication.

Approved by Council of Ministers meeting on 14 February 2013. — *Pedro Passos Coelho* — *Vítor Louçã Rabaça Gaspar* — *João Filipe Cortez Rodrigues Queiró*.

Promulgated on 10 April 2013.

To be published.

President of Portugal, ANÍBAL CAVACO SILVA.

Endorsed on 11 April 2013.

Prime Minister, *Pedro Passos Coelho*.