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Law 14/2011, of June 1, 2011, on Science, Technology and Innovation.

Head of State
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It should be noted that the provisions referring to the temporary contracts provided for in Article 15.1.a) of the revised text of the Workers' Statute Law, according to the wording of the precept prior to the entry into force of paragraph three of the first article, contained in this regulation, as established in the sole derogatory provision.3 of Royal Decree-Law 32/2021, of December 28, are hereby repealed with effect from March 30, 2022, as set forth in the sole derogatory provision.3 of Royal Decree-Law 32/2021, of December 28. [Ref. BOE-A-2021-21788](#)

JUAN CARLOS I

KING OF SPAIN

To all who see and understand this document,

Be it known: That the Cortes Generales have approved and I have come to sanction the following law.

PREAMBLE

I

The generation of knowledge in all fields, its dissemination and its application for social or economic benefit are essential activities for the progress of Spanish society, the development of which has been key to Spain's economic and social convergence in the international environment. This development, largely fostered by Law 13/1986, of April 14, 1986, on the Promotion and General Coordination of Scientific and Technical Research, is currently facing the challenge of the consolidation and definitive internationalization of science.

On the other hand, Spain's productive sector, in the face of historical inertia, has recently begun to develop a scientific, technological and innovative culture that is essential for its competitiveness. The Spanish economy must move towards a productive model in which innovation is destined to become a systematic activity of all companies, regardless of their sector and size, and in which the medium and high technology sectors will play a greater role.

Both conditions, as well as the emergence of a culture of cooperation between the public science and technology system and the productive fabric, which Spain lacked a few years ago, place our country in the best conditions to achieve a fully cohesive knowledge society and economy. The role of science for this purpose, as well as its dissemination and transfer, are essential elements of modern culture, which wants to be governed by reason and critical thinking in the choice of its objectives and in its decision making.

Law 13/1986, of April 14, 1986, established the basic organization of the State in the field of science and technology, defining a main strategic planning instrument: the National Plan for Scientific Research and Technological Development. More recently, the Autonomous Communities have been developing their own instruments for the organization and planning of science and technology, as well as support for innovation, in accordance with their competencies. All this, together with a growing allocation of public resources to these policies, especially significant in recent years, has created a robust and complex Spanish Science, Technology and Innovation System, with capabilities and challenges that are very different from those of 1986; a system that demands a new legal framework that will enable it to respond to the important challenges facing scientific development itself, providing new support and better instruments for the system's agents, so that they may

can be progressively more effective and efficient in the responsible exercise of their activities.

In particular, there are five situations that distinguish the current context of the Spanish Science, Technology and Innovation System from that which existed at the time the aforementioned law was passed.

Firstly, the development of the competencies in scientific and technical research and innovation of the Autonomous Communities through their Statutes of Autonomy and the approval of their regulatory frameworks. This development has given rise to true autonomous R&D&I systems with their own entity, which coexist with the system promoted by the General State Administration. This "system of systems" demands, for the sake of greater efficiency and the search for synergies, the establishment of new governance mechanisms based on cooperation, while respecting the respective competences.

Secondly, Spain is fully integrated into the European Union. The new legal framework must, therefore, establish efficient coordination and collaboration mechanisms between Public Administrations, and facilitate Spain's leading role in the construction of the European Research Area and the European Knowledge Area. In this sense, the Lisbon Strategy Analysis Group establishes, in particular, the following recommendations:

a) A change in policies, evolving towards open, dynamic and systematic policies, based on an efficient mix of policies and instruments, adapted to diverse scenarios, actors and fields of science and technology, incorporating multidimensional aspects.

b) Incorporate new styles of knowledge policy governance, strengthening strategic intelligence capabilities, incorporating policy experimentation, empowering change agents and establishing clear incentives aimed at the Lisbon objectives.

c) To build a new model of knowledge policies based on the dynamic configuration of knowledge, with a combination of policies that take into account the specificities of sectors and actors, overcoming administrative, regional and national borders. This is the model proposed to build the European Knowledge Space with a dynamic, multidimensional and multi-stakeholder perspective.

Thirdly, the size reached by our system, both in terms of the amount of public resources available and the nature of the funding instruments, requires a profound transformation of the management model of the General State Administration. It is a matter of moving towards a new scheme, the State Research Agency, more efficient and flexible but equally transparent, which guarantees a stable funding framework, and which allows the incorporation of the best international practices in the promotion and evaluation of scientific and technical research.

Fourthly, the Spanish scientific community, which today is six times larger than in 1986, must have a predictable, merit-based and socially recognized scientific and technical career, which is currently lacking, and the Spanish Science, Technology and Innovation System must incorporate the criteria of maximum mobility and openness that prevail in the international scientific arena.

Fifth and lastly, the Spanish production model based fundamentally on construction and tourism has been exhausted, making it necessary to promote a change through a commitment to research and innovation as a means of achieving a knowledge-based economy that will guarantee more balanced, diversified and sustainable growth.

These five realities: autonomous development, growing European dimension, quantitative and qualitative leap in public resources, consolidation of a professionalized scientific and technical community, competitive and open to the world, and transition towards an economy based on knowledge and innovation, require transforming measures such as those specifically contemplated in the present law. It also recognizes the substantial difference between the public intervention required for the promotion of research, including scientific and technical research carried out by companies through the State Plan for the Promotion of Research and Technological Development, and the public intervention required for the promotion of research, including scientific and technical research carried out by companies through the State Plan for the Promotion of Research and Technological Development.

Scientific and Technical Research, and the creation of a favorable environment for innovation, a much more transversal challenge, through the State Innovation Plan.

The effort made by Spain in the last two decades to position its science at the international level must now be complemented by a greater emphasis on technical research and technological development and on the transfer of research results to the productive fabric. However, although necessary, this boost to the so-called valorization of knowledge is not enough to achieve the goal of a more innovative economy; a broader approach is needed. The commitment to innovation is strictly necessary for the growth and competitiveness of our productive system. In this sense, this law also includes other measures, such as those related to greater mobility of researchers between the public R&D sector and companies, or support for the creation and consolidation of technology-based companies through the figure of the Young Innovative Company statute.

Likewise, the text contemplates reforms aimed at correcting some weaknesses of the Spanish Science, Technology and Innovation System that the previous legal framework failed to solve, in particular, the low contribution of the private sector to the financing and execution of R&D&I activities. For this reason, it encourages sponsorship and patronage, and private sector investment in science, technology and innovation.

This law incorporates a set of innovative measures that aim to place Spanish legislation on science and technology and innovation at the international forefront. Among these measures for a "Science of the 21st century" are the incorporation of a cross-cutting gender approach; the establishment of rights and duties of research and technical personnel; the commitment to the universal dissemination of knowledge, through the positioning in favor of policies of open access to scientific information; the incorporation of the professional ethical dimension, embodied in the creation of a Committee that will apply internationally accepted criteria and guidelines; and the concept of scientific and technological cooperation for development.

Lastly, the law goes further in the structuring of relations and dialogue between science, technology, innovation and society. In particular, it recognizes the activities of dissemination and scientific and technological culture as inherent to a research career, to improve understanding and social perception of scientific and technological issues and sensitivity to innovation, as well as to promote greater citizen participation in this field.

II

The law develops the competence title contained in article 149.1.15.^a of the Spanish Constitution and incorporates rules relating to other areas of competence of the General State Administration. The concept of scientific and technical research is considered equivalent to that of research and development, understood as the creative work carried out systematically to increase the volume of knowledge, including that relating to human beings, culture and society, the use of this knowledge to create new applications, its transfer and its dissemination.

The law takes into account the plurality of agents that make up the system today. Together with the Universities, Public Research Organizations, Health Centers and Companies, responsible for most of the research activity, other agents such as research centers attached to the Autonomous Communities, to the General State Administration or to both, such as Technology Centers, Science and Technology Parks and Singular Scientific and Technical Facilities, currently play a very important role. For this extensive group of agents, the law establishes general provisions, and guarantees, in any case, the principle of neutrality by which no agent should be privileged due to its assignment or legal nature.

Among the agents, Universities and Public Research Organizations stand out; the vast majority of the rules contained in this law are applicable to all of them. In the particular field of biomedical research, the key role played by healthcare centers is recognized. In addition, the leading role of companies in the field of technological development and innovation is emphasized, as they play a fundamental role in the development and innovation of biomedical research.

to transform scientific and technical research activity into improvements in Spanish productivity and in the quality of life of citizens. It also recognizes the general interest of the activity carried out by private research organizations such as Technology Centers and the role of agents more closely linked to favoring technology transfer and cooperation between the different agents in the system, such as, among others, Science and Technology Parks, Technology Platforms and Innovative Business Groups. Both these agents and those of more recent creation are widely affected by the present regulation.

III

The preliminary title establishes that the purpose of this law is to consolidate a framework for the promotion of scientific and technical research and its general coordination instruments with a specific purpose: to contribute to sustainable economic development and social welfare through the generation, dissemination and transfer of knowledge and innovation.

The following is a broad catalog of general objectives pursued with the creation of the new legal framework, covering all relevant aspects related to the promotion of scientific and technical research and innovation. Thus, R&D&I is the way to respond to the great strategic challenges of the State in economic matters, combining the need for change and sustainability.

The preliminary title then defines the Spanish Science, Technology and Innovation System, with an inclusive character. It is defined as a System of systems that articulates the public and the private and that integrates in a collaborative way in the public sphere the set of mechanisms, plans and actions that can be defined and implemented for the promotion and development of R&D&I, both by the autonomous administrations and by the General State Administration.

The System, which is governed by inspiring principles including those of efficiency, cooperation and quality, is made up of the system of the General State Administration and those of the Autonomous Communities and is oriented towards the promotion, development and support of scientific and technical research and innovation.

The Spanish Science, Technology and Innovation System currently has a diversity of agents, public and private, of varying scope and significance, committed to the promotion and development of research, development and innovation in science and technology. They are characterized from a functional point of view as agents of coordination, execution and financing.

The variety of agents is, in principle, an indication of the broad commitment to R&D&I. However, this commitment is not, by itself, a sufficient guarantee for the system to respond to the challenges, needs and opportunities offered by the 21st century, with an increasingly globalized economy and society.

Therefore, the following are pending challenges for the system:

- A greater and sufficient dimensioning of the system and its agents to respond to the scale of the problems facing the economy and the society to which it must transfer its knowledge.

- Greater internationalization.

- A greater participation and role for private initiative in the system as a whole.

- Greater openness and flexibility of the system's public agents to the productive system and society as a whole.

- A greater commitment to collaboration among all the agents of the System.

- An extension and deepening of the culture of innovation and the assumption of risk at all levels and scales of the productive system and of society's systems as a whole, with special emphasis on the educational and training spheres.

This is the direction in which the support and measures to be established by the Public Administrations in favor of the adaptation and enhancement of the system should be directed, as a matter of priority.

Therefore, the participation of a wide and diverse range of agents in the Spanish Science, Technology and Innovation System requires, for greater effectiveness and efficiency, the design and implementation of governance that responds to the following criteria:

- The recognition of each and every one of the agents in the role that each one plays within the framework of the System.
- The establishment of rules of the game that, in addition to being operational, effective and efficient, are equitable, based on equal opportunities, for the whole and for each of the agents.
- The definition and implementation of the proper role of the role of the Public Administrations, of each one and of all of them.
- The definition and implementation of a collaborative management of the public-private system.

Finally, the preliminary title contains a significant reference to scientific and technical evaluation as a mechanism to ensure transparency and objectivity in the allocation of public resources for scientific and technical research.

IV

Title I develops the competencies of the State in matters of general coordination of scientific and technical research and innovation and regulates the governance of the system.

The Spanish Science and Technology Strategy is conceived as the multi-year reference framework for achieving a set of general objectives, shared by all the Public Administrations with competencies in the promotion of scientific and technical research. This provides an instrument that will serve as a reference for the elaboration of the scientific and technical research plans of the different Public Administrations, and for their articulation with the research policies of the European Union and International Organizations.

For its part, the Spanish Innovation Strategy is configured as the multi-year reference framework with which, from a multisectorial conception, the aim is to involve all political, social and economic agents in achieving the common objective of promoting innovation and thus transforming the Spanish economy into a knowledge-based economy.

This Strategy must address five main lines of action: generation of a financial environment conducive to innovation, promotion of innovation from public demand, international projection, strengthening of territorial cooperation and human capital, with knowledge transfer as a cross-cutting element that unifies all the lines of action.

The Spanish Innovation Strategy should also consider the need to boost public procurement aimed at strengthening the demand for innovative products, as recommended by the European Parliament in its Resolution of 3 February 2009, taking into account the Commission Communication of 14 December 2007 entitled "Pre-commercial Procurement: Driving innovation to ensure sustainable high quality public services in Europe" (COM(2007)0799), as well as the report of the Group of Independent Experts on Research, Development and Innovation, entitled "Creating an Innovative Europe" (Aho Report).

The formulation of a Spanish Innovation Strategy is part of the forecasts included in the Strategy for the Sustainable Economy, which the Government approved in December 2009. Likewise, the Spanish Innovation Strategy is included within the framework proposed by the European Union in the Europe 2020 Strategy in which, within a joint vision and a common framework of global objectives, the aim is to reach 1% of GDP in public investment and 2% of private investment in R&D&I, making the global investment of countries in R&D&I reach 3% of their GDP.

The Council for Scientific, Technological and Innovation Policy is the body in charge of the general coordination of the system and is made up of representatives of the highest level of the General State Administration and the Autonomous Communities. The Council will be advised by the Advisory Council for Science, Technology and Innovation, which will be formed by

The most representative business associations and trade unions, as well as prominent members of the scientific and technological community.

Finally, Title I creates the Information System on Science, Technology and Innovation, with the aim of having global information from all the agents in the system for the preparation and monitoring of the Spanish Science and Technology Strategy, the Spanish Innovation Strategy and their development plans.

V

Title II focuses on human resources dedicated to research in public universities, public research organizations of the General State Administration and research organizations of other public administrations.

Chapter I is divided into two sections: Section I regulates the general provisions applicable to all research personnel within its scope, and Section II refers specifically to research personnel working under an employment relationship.

Section 1 begins with a definition of research activity. This is followed by a catalog of specific rights and duties of research personnel, in accordance with the Commission Recommendation of March 11, 2005 on the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers, and without prejudice to those applicable to them by virtue of the relationship, whether civil servant or employee, that links them to the entity for which they provide services in accordance with the regulations in force. In addition, the criteria for the selection of research personnel are established to guarantee professional development based on respect for the constitutional principles of equality, merit and ability.

Mobility plays a fundamental role in the professional development of researchers and, consequently, in scientific progress. Its organization and planning, both at national and international level, constitutes a fundamental element in scientific policy, as is shown by the different actions undertaken by the responsible Spanish institutions and by the international cooperation and mobility programs for scientists contemplated in the successive European Union Framework Programs. This law establishes the recognition of mobility in the evaluation processes: for this reason, the law establishes the possibility for researchers to be temporarily assigned to other public agents of execution; new situations of temporary leave of absence are regulated for those researchers who join other agents of a public or private, national, international or foreign nature; an authorization to carry out training stays in centers of recognized prestige is included; and the possibility is established of authorizing research personnel to render part-time services in commercial companies created or participated in by the organizations in which they render their services.

Section 2.^a establishes three contractual modalities which can be used by the Public Research Organizations of the General State Administration and the research organizations of other Public Administrations, as well as by the public universities when they receive funds for the hiring of research personnel. The implementation of these new contractual modalities will not imply a budget increase.

Researchers who, as part of their doctoral studies, carry out research tasks in a specific and innovative project, may be hired under a pre-doctoral contract; this is a temporary contract with a duration of up to four years or up to six years in the case of disabled persons, for which a reduction of 30% of the employer's social security contribution for common contingencies is established. The attainment of a doctorate degree puts an end to the training stage of the research personnel, and from that moment the postdoctoral stage begins. temporary labor contracting.

The contract for access to the Spanish Science, Technology and Innovation System may be signed with those who hold a doctoral degree or equivalent. The main purpose of this temporary contract of up to five years will be to carry out the following tasks

The new research contracts are aimed at obtaining a high level of professional improvement and specialization by the research personnel, leading to the consolidation of their professional experience. It implies a considerable advance in the elimination of the temporary nature of the research personnel, since from the end of the second year of the contract, the research activity developed can be submitted for evaluation and, if the evaluation is passed, it will be taken into account as a merit in the selective processes for permanent labor personnel called by the public Universities, Public Research Bodies of the General State Administration and research Bodies of other Public Administrations; in addition, in the case of research personnel of public Universities, the evaluation passed will be taken into account for the purpose of considering the research merits in the positive evaluation required for the hiring as a Hired Doctoral Professor.

Finally, the so-called distinguished researcher contract has been created, which may be used by researchers of recognized prestige to carry out research activities or to direct human teams, research centers, facilities and singular scientific and technological programs of great relevance.

Article 2.2 of Law 7/2007, of April 12, 2007, of the Basic Statute of the Public Employee, allows the approval of singular rules to adapt the regime established by the Statute to the peculiarities of research personnel. Making use of this authorization, Chapter II regulates in its section 1.^a the peculiarities of the regime of the research personnel serving in the Public Research Bodies of the General State Administration. Section 2 of Chapter II refers to certain aspects related to the research personnel in the service of these agents.

The professional career of civil servant research personnel is structured around a new design of scientific scales, which are reorganized to homogenize their selection, remuneration and promotion system. In addition, an objective system for evaluating the performance of civil servant personnel for the purposes of horizontal professional careers, training, the provision of jobs and the receipt of complementary remuneration will be established.

The selective processes for access to the scientific scales may provide for an internal promotion round for access, either from other scientific scales or from the technical scales, or from the permanent employment contract, or from the university teaching bodies of public universities.

The participation of foreigners in the selective processes of access to the scientific scales is regulated, and the relevant tests may be conducted in English to facilitate the participation of these candidates; the objective is to favor the geographic and inter-institutional mobility of personnel associated with R&D and innovation activities, and to attract talent to Spanish centers.

The research personnel in the service of the Public Research Bodies of the General State Administration is made up of research personnel and those belonging to the technical scales.

On the other hand, it establishes the application of the professional career regulated by the law on the organization of the civil service of the General State Administration to civil servant personnel belonging to Bodies or Scales not included in the scope of application of this law, when they render services in the Public Research Bodies of the General State Administration.

The law includes a catalog of rights and duties of the technical personnel in the service of the Public Research Bodies of the General State Administration, without prejudice to those applicable to them by virtue of the civil servant or labor relationship that links them to the entity for which they provide services in accordance with the regulations in force.

The civil servant technical personnel in the service of the Public Research Bodies of the General State Administration will be grouped into six scales. In addition, the possibility of establishing internal promotion procedures between scientific and technical scales of the same classification subgroup to facilitate the development of the professional career is foreseen.

Chapter III establishes some specificities for research personnel belonging to the university teaching staff at the service of the public universities, such as the possibility for permanent employees hired by the public universities to

In accordance with Article 22.4 of the present law to be accredited as Full Professor of University, provided that he/she obtains a positive report of his/her teaching and research activity in accordance with the procedure established by the Government, and the establishment by the public Universities of the distribution of the dedication of the teaching and research staff at their service.

VI

Title III of the law regulates the promotion and cooperation as elements for the promotion of scientific and technical research, the transfer of the results of research activity and innovation as an essential element for inducing change in the productive system, as well as the dissemination of the results and the scientific and technological culture.

Chapter I establishes an open list of measures to be adopted by the financing agents, which revolve around the promotion of research, development and innovation, business investment in these activities through legal formulas of cooperation, valorization and transfer of knowledge, reverse transfer, dissemination of resources and results, the capacity to attract specialized human resources, support for research, young researchers and young innovative companies, the inclusion of the gender perspective as a cross-cutting category, the strengthening of the innovative role of public administrations by promoting the application of emerging technologies and the promotion of units of excellence, among others.

As regards cooperation between public and private agents of the System, the possibility is foreseen of carrying out collaboration agreements that will allow the joint execution of research, development and innovation projects and actions, the creation or financing of centers, the financing of singular projects, personnel training, dissemination, and the shared use of buildings, facilities and material means.

Chapter II contains the mandate to the Public Administrations to promote the valorization of knowledge, understood as the valorization of the knowledge obtained through the research process, so that the results of the research promoted or generated by it are transferred to society.

This includes the promotion of reverse knowledge transfer led by the business sector in collaboration with research agents for the development of market objectives based on these results.

Regarding the promotion, management and transfer of research results, partnership contracts, collaboration contracts for the valorization and transfer of results, and contracts for the provision of research and technical assistance services will be subject to private law.

One of the novelties of the law is the provision it establishes on open access publication, which stipulates that all researchers whose activity has been mainly financed by the General State Budget are obliged to publish in open access an electronic version of the contents accepted for publication in research publications. For its development, the agents of the System are entrusted with the establishment of open access institutional repositories.

In the area of scientific and technological culture, the law imposes on the Public Administrations the duty to promote activities leading to the improvement of the scientific and technological culture of society, with the aim of facilitating society's access to science. In addition, it establishes the inclusion of measures in the State Plan for Scientific and Technical Research to favor scientific and technological culture.

Chapter III of this Title III incorporates two articles relating to the international sphere: the first deals with the internationalization of the Spanish Science, Technology and Innovation System, which is defined as an intrinsic component of the promotion and coordination actions. It provides for the possibility of creating research centers abroad, as well as promoting actions to increase Spain's international visibility and attractiveness in the field of research and knowledge transfer; the second refers to scientific and technological cooperation for development through the strengthening of human and institutional capacities, especially in projects with priority countries for Spanish cooperation. The Public Administrations should recognize

in the evaluation process of scientific and technological cooperation for development activities.

VII

Chapter I of Title IV contains the regulations relating to the promotion and coordination of scientific and technical research within the scope of the General State Administration. In order to coordinate the scientific and technical research and innovation activities of the different ministerial departments, a high-level body, the Delegate Commission of the Government for Scientific, Technological and Innovation Policy, is contemplated.

On the other hand, in order to carry out the development of the general programming in the field of scientific and technical research in the General State Administration, the State Plan for Scientific and Technical Research is created, a multi-year planning instrument whose purpose is to establish the objectives, priorities and programming of the policies to be developed by the General State Administration within the framework of the Spanish Science and Technology Strategy. This plan will be considered as a strategic subsidy plan for the purposes of Law 38/2003, of November 17, 2003, General Law on Subsidies, and will be approved by the Government at the proposal of the Ministry of Science and Innovation.

In parallel, the elements and instruments at the service of the change in the productive model will be planned in the State Innovation Plan, whose objective is to transform the Spanish economy into a knowledge-based economy. The priority axes of state action will include analyses and measures relating to the modernization of the financial environment, the development of innovative markets, people, the internationalization of innovative activities and territorial cooperation.

Chapter I also states that the competent Ministerial Departments will approve and make public a plan detailing their innovative and pre-commercial public procurement policy.

Although there are other public financing agents, belonging to the Autonomous Communities, to the Local Administration, or private, such as foundations, associations, among others, Chapter II contemplates the existence of two financing agents of the General State Administration as instruments for the exercise of its promotion policies: one newly created, the State Research Agency, and the other, already existing, the Center for the Development of Industrial Technology. Both instruments are essential for improving the implementation of policies and for coordinating with their European counterparts, an essential aspect in the development of the European Research Area, and with those of third countries. These funding agents will carry out their activities in accordance with the principles of independence, transparency, accountability, effectiveness and efficiency in management.

Chapter III is dedicated to the executing agents of the General State Administration, among which are the Public Research Organizations: Agencia Estatal Consejo Superior de Investigaciones Científica (CSIC), Instituto Nacional de Técnica Aeroespacial (INTA), Instituto de Salud Carlos III (ISCIII), Instituto Geológico y Minero de España (IGME), Instituto Español de Oceanografía (IEO), Centro de Investigaciones Energéticas Medioambientales y Tecnológicas (CIEMAT), Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria (INIA), and Instituto de Astrofísica de Canarias (IAC).

VIII

The law contains a set of additional provisions, which first regulate the applicability of certain articles of Title II on human resources to various agents of the system.

Also included are provisions that recognize as executing agents other public and private agents not directly attached to the General State Administration but essential for achieving the objectives of the State Plans for Scientific and Technical Research and Innovation, among which are Universities, companies, Technology Centers, Science and Technology Parks, as well as any others that assume among their objectives those defined in the successive State Plans for Scientific and Technical Research and Innovation and that participate in the actions derived therefrom.

Other provisions introduce the necessary adjustments regarding the suppression, creation and remuneration regime in the scales of the Public Research Bodies of the General State Administration.

The Government is authorized to approve a reorganization of the Public Research Bodies, in order to adapt them to the objectives of the present law for the sake of greater efficiency, and to create the State Research Agency.

The gender perspective is established as a cross-cutting category in scientific and technical research, which must be taken into account in all aspects of the process to ensure effective equality between men and women. In addition, specific measures for equality in this area are established.

It also includes provisions that cover, among other matters, the regulation of the research centers belonging to the Autonomous Communities with exclusive competence, the regime applicable to the Agreement and Agreement systems, and the legal regime of the Instituto de Astrofísica de Canarias (Astrophysics Institute of the Canary Islands).

The transitory provisions regulate the temporary subsistence of the Advisory Council for Science and Technology, the General Council for Science and Technology and the Government Delegate Commission for Science and Technology Policy. The National Plan for Scientific Research, Development and Technological Innovation 2008-2011, the National Science and Technology Strategy approved in the III Conference of Presidents until its replacement by the Spanish Science and Technology Strategy and the State Innovation Plan are also declared subsisting.

A transitional regime is established for the entry into force of the research personnel in training contracts provided for in this law. Likewise, a transitional regime is established for the application of the performance evaluation systems in the scientific scales of the Public Research Bodies of the General State Administration.

The repealing provision provides for the repeal, as from its entry into force, of all provisions that are contrary to the provisions of this law.

Another group of final provisions amend certain laws as a complement to the provisions of this law. Thus, Law 53/1984, of December 26, 1984, on incompatibilities of personnel in the service of the Public Administrations, Law 11/1986, of March 20, 1986, on patents and utility models, Organic Law 6/2001, of December 21, 2001, on Universities, Law 49/2002, of December 23, 2002, on the tax regime for non-profit entities and tax incentives for patronage are amended, Law 38/2003, of November 17, 2003, on General Subsidies, Law 55/2003, of December 16, 2003, on the Framework Statute of the statutory personnel of the health services, Law 29/2006, of July 26, 2006, on guarantees and rational use of medicines and health products, and Law 14/2007, of July 3, 2007, on biomedical research.

The law concludes with three final provisions relating to jurisdiction, regulatory development and entry into force.

INTRODUCTORY TITLE

General Provisions

Article 1. *Object.*

This law establishes the framework for the promotion of scientific and technical research and its general coordination instruments, in order to contribute to the generation, dissemination and transfer of knowledge to solve the essential problems of society. The fundamental objective is the promotion of research, experimental development and innovation as elements on which sustainable economic development and social welfare must be based.

Article 2. *General objectives.*

The general objectives of this law are as follows:

a) Promote open, inclusive and responsible scientific and technical research in all areas of knowledge, as an essential factor for developing competitiveness and competitiveness.

social welfare, through the creation of an economic, social, cultural and institutional environment favorable to knowledge and innovation.

b) Promote basic or fundamental science and its intrinsic and self-sufficient value to generate new knowledge, recognizing the value of science as a common good.

c) Promote open science at the service of society and promote initiatives aimed at facilitating free access to data, documents and results generated by research, develop open infrastructures and platforms, and encourage the open participation of civil society in scientific processes.

d) Promote the transfer of knowledge, favoring the interrelation of agents and encouraging efficient public-private collaboration, as well as cooperation between different areas of knowledge and the formation of transdisciplinary teams. Knowledge transfer must take place in both directions, enriching and improving the productive and business fabric, but also generating benefits and advantages in the public sphere for the benefit of society as a whole.

e) Encourage innovation in all sectors and in society, by creating economic and institutional environments favorable to innovation that stimulate productivity and improve competitiveness for the benefit of social welfare, health and people's living conditions. Encourage citizen participation in the design and objectives of public research programs and projects.

f) Promote public innovation, understood as innovation led by the public sector and, in particular, the ability to experiment in public policy, design interventions based on evidence - especially scientific evidence-, regulate with regard to the regulatory impact on innovation, develop test beds and deploy public procurement committed to incorporating innovative solutions and R&D.

g) To contribute to sustainable development that enables harmonious and fair social progress, based on the major social and economic challenges to which science and innovation must respond.

h) Coordinate science, technology and innovation policies in the General State Administration and among the different Public Administrations, by means of planning instruments that guarantee the establishment of priorities in the allocation of resources and of objectives and indicators for monitoring and evaluation.

i) Promote the institutional strengthening of the agents of the Spanish Science, Technology and Innovation System and collaboration among them.

j) To guarantee access to the Spanish Science, Technology and Innovation System under conditions of equality, merit, capacity, publicity and competition for all applicants and to contribute to the continuous training, qualification and enhancement of the capabilities of the personnel who participate in it.

k) Promote the internationalization of scientific research, technological development and innovation, especially within the European Union.

l) To promote development cooperation in scientific research, technological development and innovation, oriented towards social and productive progress, under the principle of responsible research and innovation.

m) Promote scientific, technological and innovative culture through education, training and dissemination in all sectors and in society as a whole, dedicating specific efforts to include groups with greater difficulty of access, including people living in depopulated areas or areas at risk of depopulation.

n) Promote the inclusion of the gender perspective as a cross-cutting category in science, technology and innovation, as well as a balanced presence of women and men in all areas of the Spanish Science, Technology and Innovation System.

ñ) Promote the active participation of the private sector and civil society in research, development and innovation, and the social recognition of science through scientific training of society, scientific and technological dissemination, citizen participation in scientific decision-making, as well as the recognition of innovative and entrepreneurial activity.

o) Promote innovation and research applied to the development of environments, products, services and benefits that guarantee the principles of diversity, inclusion, accessibility, etc.

design for all and independent living for people with disabilities or in situations of dependency or vulnerability.

p) Promote and guarantee egalitarian, diverse, inclusive and safe work environments wherever science and research is conducted, preventing and eradicating any situation of direct or indirect discrimination.

q) Promote the retention, attraction and return of scientific and research talent.

r) Promote the professional career and professional mobility of all research, scientific, technical and management personnel.

s) To apply science and innovation as essential tools for the modernization of the Spanish economy and for the correction of depopulation and territorial imbalances.

Article 3. *Spanish Science, Technology and Innovation System.*

1. For the purposes of this law, the Spanish Science, Technology and Innovation System is understood to be the set of public and private agents that carry out financing, execution or coordination functions within it, as well as the set of relationships, structures, measures and actions that are implemented to promote, develop and support research, development and innovation policy in all fields of the economy and society.

Said System, which is configured in the terms contemplated in this law, is integrated, as far as the public sphere is concerned, by the public policies developed by the General State Administration and by those developed, in their own sphere, by the Autonomous Communities.

2. Coordination agents are the Public Administrations, as well as the entities linked to or dependent on them, when they carry out planning, programming and coordination functions, in order to facilitate reciprocal information, the homogeneity of actions and the joint action of the agents of the Spanish Science, Technology and Innovation System, in order to obtain the integration of actions in the globality of the system.

The general coordination of actions in the field of scientific and technical research will be carried out by the General State Administration, through the instruments established by this Law."

3. Funding agents are the Public Administrations, entities linked to or dependent on them and private entities, when they cover the expenses or costs of scientific and technical research or innovation activities carried out by other agents, or provide the economic resources necessary to carry out such activities.

4. Executing agents are public and private entities that carry out or support scientific and technical research or innovation.

5. They are part of the Spanish Science, Technology and Innovation System:

a) Research personnel.

b) Technical personnel.

c) Personnel performing management, administration and service functions related to research, development, knowledge transfer and innovation, whose legal regime will be that which corresponds according to the general civil service regulations applicable in each case.

Article 4. *Principles.*

1. The Spanish Science, Technology and Innovation System is governed by the principles of quality, coordination, cooperation, efficacy, efficiency, competition, transparency, internationalization, openness of scientific research, evaluation of results, equal treatment and opportunities, inclusion and accountability. These principles must be in line with the fundamentals of open, inclusive and accountable research.

2. The System is based on inter-institutional administrative collaboration, coordination and cooperation, respecting the distribution of powers established in the Constitution and in each of the Statutes of Autonomy, and on the fit and complementarity of the System with the European Community framework.

Article 4 bis. Gender mainstreaming.

1. The integration of the gender perspective in the Spanish Science, Technology and Innovation System will be based on a dual approach: it will be transversal to science, technology and innovation policies, and will be integrated into the planning instruments approved by the public agents in science, technology and innovation, while specific measures will be adopted to advance towards real and effective gender equality in R&D&I.

2. The composition of the bodies, councils and committees regulated in this law, as well as of the evaluation and selection bodies of the Spanish Science, Technology and Innovation System, will conform to the principles of balanced composition and presence between women and men established by Organic Law 3/2007, of 22 March, for the effective equality of women and men. This same principle will be applied to the collaborators invited to participate in selection or evaluation processes of all types of calls or awards, which, in the case of a single person, will be of the sex less represented in the selection or evaluation body.

Balanced composition shall be understood as the presence of women and men in such a way that, in the group to which it refers, the persons of each sex do not exceed 60 % and are not less than 40 %.

3. The Spanish Strategy for Science, Technology and Innovation and the State Plan for Scientific and Technical Research and Innovation will promote the incorporation of the gender perspective as a cross-cutting category throughout its development, so that its relevance is considered in all aspects of the process, including the definition of scientific-technical or innovative research priorities, research or innovation problems, theoretical and explanatory frameworks, methods, data collection and interpretation, conclusions, applications and technological developments, and proposals for future studies.

4. Gender studies will be promoted, from an inclusive and intercultural point of view, and its transversal consideration in the rest of the areas of knowledge, as well as specific measures to stimulate and give recognition to the presence and leadership of women in research and innovation teams.

5. The procedures for the selection and evaluation of research personnel in the service of public universities and Public Research Bodies of the General State Administration, and the procedures for the granting of aid and subsidies by research funding agents, will establish mechanisms to eliminate gender bias and to integrate the scientific analysis of the gender dimension in the content of the projects.

In addition, the integration of gender expert personnel in the evaluation bodies or advice by specialists will be encouraged, and specific guidance on equality, gender bias and integration of the gender dimension in the contents of R&D&I projects will be provided for the evaluation personnel, as well as the dissemination of guidance through practical guides or manuals.

The procedures for selection and evaluation of teaching and research staff in the service of public universities, and of research and research staff in the service of the Public Research Bodies of the General State Administration, and the procedures for granting aid and subsidies as well as the acts that develop and execute them, will take into account situations of temporary incapacity and periods of time spent on leave, leave, flexitime and leave of absence due to pregnancy, pregnancy, birth, adoption, foster care for the purpose of adoption, family foster care, risk during pregnancy, pregnancy and breastfeeding, breastfeeding, or similar situations related to the above, as well as for reasons of reconciliation or care of minors, family members or dependents, and for reasons of violence during pregnancy, pregnancy and breastfeeding, breastfeeding, or similar situations related to the above, risk during pregnancy, pregnancy and lactation, breastfeeding, or similar situations related to the above, as well as for reasons of reconciliation or care of minors, family members or dependents, and due to gender violence, so that the persons who are or have been in such situations and who have enjoyed or enjoy such periods of time are guaranteed the same opportunities as the rest of the personnel who participate in the selection, evaluation and hiring processes, and their record, merits and *curriculum vitae* are not penalized by the time spent in such situations.

In any case, the appropriate measures will be taken to guarantee non-discrimination and the protection of pregnancy, maternity, childbirth and breastfeeding during the processing and effects of such calls and of the acts that develop and execute them in application of Organic Law 3/2007, of March 22nd.

The Government shall regulate the manner in which these circumstances shall be taken into account.

6. The agents of the Spanish Science, Technology and Innovation System that form part of the state public sector will have Gender Equality Plans in the field of R&D&I, and protocols against sexual harassment and harassment on grounds of sex, as well as on grounds of sexual orientation, gender identity and sexual characteristics, which will be monitored on an annual basis. The results obtained from the annual monitoring will involve the evaluation of its operation and, if necessary, the revision of the approved plans, and will be taken into account in any case in the plans to be approved for subsequent periods.

Article 4 ter. Measures for effective equality.

1. In order to achieve an inclusive, diverse, safe and egalitarian Spanish Science, Technology and Innovation System, the equality plans regulated in Article 4 bis will establish programs and measures of support, promotion, organization, action and monitoring for effective equality, including gender violence.

2. The public agents of the Spanish Science, Technology and Innovation System will implement measures to achieve effective and real equality between women and men, which may consist of, among others, the following:

a) Programs to support the progress of women in research careers under equal conditions in order to avoid abandonment and to enable them to progress on equal terms with men. These programs may include information, training, advice, mentoring, visibility, establishment of support networks, or promotion of good practices in conciliation and mobility, among others.

b) Specific affirmative action measures in favor of women, to correct situations of de facto inequality with respect to men, especially in the higher grades and levels of the research career, which will be applicable as long as such situations persist, must be reasonable and proportionate in relation to the objective pursued in each case, in accordance with the requirements for this type of measures established in Organic Law 3/2007, of March 22nd.

c) Programs to promote innovative entrepreneurship among women, through the financing of knowledge-based business projects with promoter or management teams composed mainly of women.

d) Measures to promote socio-cultural change and encourage co-responsibility, to promote the overcoming of traditional gender roles, and to normalize this integration with equal opportunities, through, among other actions, training, awareness and dissemination.

e) Measures to include equality criteria among social criteria in all phases of public procurement, within the framework regulated by Law 9/2017, of November 8, on Public Sector Contracts, from the definition of the object of the contract and the bidding procedure and preparation of the specifications to the execution of the contract and its monitoring.

f) Periodic follow-up mechanisms to evaluate the degree of execution and gender impact of the measures and instruments implemented.

g) Measures to avoid gender biases that affect the lower recognition, prestige and funding that certain scientific disciplines receive.

3. The public agents of the Spanish Science, Technology and Innovation System will implement measures to promote and guarantee diverse, inclusive and safe working environments, as well as egalitarian ones, and will take measures to prevent, detect early and eradicate any direct or indirect discrimination, such as:

a) Measures to integrate intersectionality both in the design of gender equality policies in science and innovation and in the content of research and knowledge transfer.

- b) Conducting specific studies and research in these areas.
- c) Monitoring and evaluation of the initiatives that address these aspects, as well as their impact on correcting the inequalities detected.

4. The public agents of the Spanish Science, Technology and Innovation System will promote the implementation of measures to achieve the integration of the gender dimension in the content of R&D&I, which may consist of:

- a) Training, counseling and capacity-building mechanisms to guide research personnel, scientific management personnel and evaluation personnel in the integration of the gender dimension in the content of R&D&I projects.
- b) Incorporation of personnel with expertise in gender equality or external advice to research centers, as well as guidance on equality issues.
- c) Information and guidance for the identification of unconscious biases, including gender biases.

Article 5. *Evaluation in the allocation of public resources.*

1. The allocation of public resources in the Spanish Science and Technology and Innovation System will be carried out in accordance with the principles of transparency and efficiency, and on the basis of a scientific and/or technical evaluation, depending on the specific objectives to be achieved.

2. The evaluation will be carried out by specific bodies (including international evaluators where appropriate) under the principles of autonomy, neutrality and specialization, and will be based on the analysis of the available scientific and technical knowledge and its applicability. The guiding criteria of this analysis will be public, will be established according to the objectives pursued and the nature of the evaluated action, and will include scientific, technical, social, industrial applicability, market opportunity and knowledge transfer capacity aspects, or any other considered strategic. In any case, the precepts of equal treatment included in the European Directive 2000/78/EC of the Council of November 27, 2000, and the principles included in the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers (2005/251/EC) will be respected.

3. In the processes in which the peer evaluation system is used, the anonymity of the evaluators will be protected, although their identification will be reflected in the administrative file so that the interested parties may exercise their recognized rights.

TITLE I

Governance of the Spanish System of Science, Technology and Innovation.

Article 6. *Spanish Strategy for Science, Technology and Innovation.*

1. The Spanish Strategy for Science, Technology and Innovation is the instrument for achieving the general objectives established in this law in the field of scientific and technical research and innovation, and it will define, for a multi-year period:

- a) The basic principles, as well as the general objectives and their indicators for monitoring and evaluating results.
- b) The general scientific-technical and social priorities, as well as those corresponding to the innovation policy, and the coordination instruments that will determine the financial effort of the public financing agents of the Spanish Science, Technology and Innovation System, without prejudice to the competences of the Autonomous Communities in relation to their public policies on scientific and technical research and innovation.
- c) The objectives of the scientific and technical research and innovation plans of the General State Administration and the Autonomous Communities.
- d) The mechanisms and criteria for the articulation of the Strategy with the sectorial policies of the Government, the Autonomous Communities, the European Union and the

The role of local entities within their sphere of action is not affected by international organizations, which are necessary to achieve efficiency in the system and avoid redundancies and shortcomings, without prejudice to the role of local entities within their sphere of action.

e) The priority axes in the field of innovation, which will include public-private collaboration, the training and mobility of people and the participation of social actors, in addition to the modernization of the financial and productive environment, the promotion of an innovative public sector, the development of innovative markets, the internationalization of innovative activities, the sustainability of resources, territorial cooperation and the orientation towards missions with clear and defined objectives within a specific time frame.

f) The gender perspective as a transversal axis and the inclusion of the gender dimension in R&D&I and its interaction with other inequalities.

g) The objectives and their indicators of achievement of the lines of research as levers for territorial cohesion and the fight against depopulation.

h) The actions of the public sector may result in the creation of consortiums or public companies in strategic sectors or sectors in which comparative advantages are available.

2. The Ministry of Science and Innovation, in collaboration with the Council for Science, Technology and Innovation Policy, and with a broad consultation of strategic business sectors and social agents, will prepare the Spanish Science, Technology and Innovation Strategy, will submit it to the Council for Science, Technology and Innovation Policy, the Science, Technology and Innovation Advisory Council, the economic planning bodies of the General State Administration, and other appropriate bodies, if any, and will submit it to the Government for approval and subsequent submission to the Spanish Parliament.

In any case, the Strategy must have a gender impact report prior to its approval, prepared by the Ministry of Science and Innovation.

Article 7. *Spanish Innovation Strategy.*

(Deleted)

Article 8. *Council for Scientific, Technological and Innovation Policy.*

1. The Council for Scientific, Technological and Innovation Policy is created as a body for cooperation and general coordination of scientific and technical research of the State and the Autonomous Communities, which is attached to the Ministry of Science and Innovation.

2. The functions of the Board are as follows:

a) To prepare, in collaboration with the Ministry of Science and Innovation, and to report on the proposals of the Spanish Strategy for Science, Technology and Innovation, and to establish, in collaboration, where appropriate, with the corresponding collegiate bodies, the mechanisms for the evaluation of its development, which will prioritize impact and result indicators that reflect the scientific and innovative quality of the results obtained and their capacity to generate and transmit economic growth.

b) To be familiar with the State Plan for Scientific and Technical Research and Innovation and the corresponding plans of the Autonomous Communities for the development of the Spanish Strategy for Science and Technology and Innovation, and to ensure the most efficient use of the available resources and means.

c) Approve the criteria for the exchange of information between the General State Administration and the Autonomous Communities, within the framework of the Information System on Science, Technology and Innovation, always respecting the scope of competence of the different Administrations and the regulations on confidentiality and privacy of information.

These criteria will be established in accordance with those generally accepted at the international level, and their determination will guarantee the correct collection, processing and dissemination of data. In addition, the need to minimize the administrative burden that the supply of the required information may entail for the agents shall be taken into account, so that the use of information already available in public sources shall be optimized for this purpose.

Both the General State Administration and the Autonomous Communities will be able to consult the information from this System, and mechanisms will be articulated so that it can also be made available to the scientific community, within the legal framework established for this purpose.

d) Share experiences and promote joint actions between Autonomous Communities, or between these and the General State Administration, for the development and execution of research programs and projects.

e) Promote actions of common interest in the field of knowledge transfer and innovation, enhancing the role of citizens as the ultimate recipient of knowledge.

f) To propose, for study by the managing authority, the general principles of programming and territorial distribution of non-competitive aid for scientific and technical research financed with European Union funds.

g) To issue the reports and opinions requested by the Government or by the Autonomous Communities.

h) Approve the Map of Singular Scientific and Technical Infrastructures (ICTS), as a long-term planning and development tool for this type of infrastructure in Spain, in coordination between the State and the Autonomous Communities, and its successive updates.

i) To prepare reports on the application of the principles of equality among the agents of the Spanish Science, Technology and Innovation System and the integration of the gender perspective in all aspects of scientific and technical research, including, when appropriate, intersectionality with other relevant aspects, such as socioeconomic level or ethnic origin.

j) Promote the preparation of reports on the economic impact of the Strategy on the territory.

3. This Council is made up of the heads of the ministerial departments designated by the Government and the representatives of each Autonomous Community competent in this field, and will be chaired by the head of the Ministry of Science and Innovation. A vice-presidency will be established, which will correspond, on a rotating basis and for annual periods, to the representatives of the Autonomous Communities.

4. The General State Administration shall have, as a whole, a number of votes equal to the sum of the votes of the Autonomous Communities. Each Autonomous Community shall have one vote, regardless of the number of representatives attending.

The approval of the matters included in paragraphs a), c) and f) of section 2 of this article and in section 5 shall require a two-thirds majority of the members of the Council. In accordance with the principle of financial loyalty, the resolutions which significantly affect the budget or the multi-year financial framework of the regional funds of the Autonomous Communities must have the favorable vote of those which are directly affected.

5. The Council shall adopt its rules of procedure.

Article 9. Science, Technology and Innovation Advisory Council.

1. The Science, Technology and Innovation Advisory Council is created as a body for the participation of the scientific and technological community and economic and social agents in matters related to science, technology and innovation.

2. The functions of the Science, Technology and Innovation Advisory Council shall be as follows:

a) To advise the Ministry of Science and Innovation in the preparation of the proposal for the Spanish Science, Technology and Innovation Strategy and to report on said proposal.

b) To advise the Ministry of Science and Innovation in the preparation of the proposal of the State Plan for Scientific and Technical Research and Innovation and to report on said proposal.

c) Propose, on its own initiative, objectives and modifications to be incorporated into the instruments indicated in paragraphs a) and b) above, and be informed of their subsequent development by means of annual reports.

d) To advise the Governments of the State and the Autonomous Communities and the Council for Scientific, Technological and Innovation Policy in the exercise of their functions, and to report on the matters determined by them.

e) Promote the introduction in the Spanish Science, Technology and Innovation System of rigorous evaluation mechanisms to measure the social effectiveness of the public resources used, including aspects related to the gender dimension and perspective.

3. The Scientific, Technological and Innovation Policy Council will determine the number of members of the Advisory Council, in which members of the scientific and technological community of recognized international prestige will be represented, as well as business associations, the most representative trade unions and other representatives of civil society. At least two thirds of the members of the Advisory Council must belong to the category of members, of proven prestige, of the scientific, technological or innovative community. The appointment of the members of the scientific and technological community and of the representatives of the civil society will be made on the basis of an open call for expression of interest.

Likewise, the Council for Scientific, Technological and Innovation Policy will be responsible for appointing the Chairperson of the Advisory Council, who must have recognized prestige in the field of scientific and technical research or innovation.

4. The Advisory Council for Science, Technology and Innovation is attached to the Ministry of Science and Innovation. By Royal Decree, at the proposal of the Advisory Council itself and after being approved by a qualified majority of its members, its rules of organization and operation will be approved, which will respond to the principles of quality, independence and transparency.

Article 10. Spanish Research Ethics Committee.

1. The Spanish Research Ethics Committee, attached to the Council for Scientific, Technological and Innovation Policy, is created as a collegiate, independent and advisory body on matters related to professional ethics in scientific and technical research and scientific integrity. The aforementioned Committee is therefore established as a collegiate body of state-wide reference in matters of scientific integrity and responsible research, without prejudice to the competences of the Autonomous Communities that may have their own bodies or programs in this field, which will maintain their activity and independence.

2. The functions of the Spanish Research Ethics Committee are as follows:

a) To issue reports, proposals and recommendations on matters related to professional ethics in scientific and technical research, as well as to scientific integrity and responsible research.

b) Establish the general principles for the elaboration of codes of good practice in scientific and technical research, which will include the treatment of conflicts of interest. These codes will be developed by the ethics committees of the organizations that conduct and finance research.

c) To represent Spain in supranational and international forums and organizations related to scientific integrity, responsible research and research ethics, except in matters of bioethics, where Spain will be represented by the Spanish Bioethics Committee.

d) Prepare an annual report of activities.

e) Any others entrusted to it by the Council for Scientific, Technological and Innovation Policy or the regulations for the development of this law.

3. The Scientific, Technological and Innovation Policy Council will determine the number of members of the Spanish Research Ethics Committee. These will be appointed by the President of the Council, with the following distribution: half of them at the proposal of the

Autonomous Communities and the other half at the proposal of the General State Administration.

4. A Royal Decree, at the proposal of the Council for Scientific, Technological and Innovation Policy, will approve its rules of organization and operation, which may establish the creation of specialized committees within the Council.

5. The members of the Committee, who shall be internationally recognized experts, shall have a term of office of four years, renewable once, unless they replace another member previously appointed before the expiration of the term, in which case their term of office shall be for the remainder of the four years following the appointment of the original member, without prejudice to the possibility of renewal.

6. The renewal of members shall be by halves every two years, except for the first renewal, which shall be carried out by drawing lots.

7. The members of the Committee shall cease to serve for the following reasons:

a) expiration of his term of office;

b) resignation, which shall take effect upon mere notification to the Council for Scientific, Technological and Innovation Policy;

c) separation agreed by the Council for Scientific, Technological and Innovation Policy, after hearing the interested party, due to permanent incapacity to perform his/her duties, serious breach of his/her obligations, supervening incompatibility or prosecution for fraudulent offence. For these purposes, the order opening the oral trial will be assimilated to the indictment.

8. The members of the Committee shall act independently of the authorities that proposed or appointed them, and may not belong to the governing bodies of the General State Administration, Autonomous Communities or Local Entities, the Cortes Generales or the Legislative Assemblies of the Autonomous Communities.

Article 11. *Information System on Science, Technology and Innovation.*

1. The Science, Technology and Innovation Information System is created, under the Ministry of Science and Innovation, as an instrument for data collection and analysis for the preparation and monitoring of the Spanish Science, Technology and Innovation Strategy and its development plans.

2. The Ministry will promote, maintain and manage the Science, Technology and Innovation Information System as an information system coordinated and shared with the rest of the ministerial departments and with the Autonomous Communities and will have the criteria of the Science, Technology and Innovation Policy Council. The Information System on Science, Technology and Innovation will follow criteria of standardization, comparability, coordination and transparency. The General State Administration and the Autonomous Communities may establish collaboration agreements to ensure the correct and normal operation of the Information System.

Both the General State Administration and the Autonomous Communities must provide the necessary information and will be able to consult the information coming from said System, and mechanisms will be articulated so that it can also be made available to the scientific community, within the legal framework established for this purpose.

The data generated, stored, managed, analyzed or transferred during the normal operation of the aforementioned information system must comply with the criteria and recommendations established in the National Interoperability Scheme and the National Security Scheme and the regulations on the reuse of public sector information, as well as the guidelines established by the Data Office.

3. The agents of the Spanish Science, Technology and Innovation System will cooperate by providing information on their actions in the field of scientific and technical research, which will be requested in accordance with the criteria approved by the Council for Scientific, Technological and Innovation Policy. The information to be provided may also cover actions with the private sector. These criteria must respect the scope of competence of the different Administrations and the regulations on confidentiality and privacy of information and protection of personal data.

4. The Information System on Science, Technology and Innovation will be articulated with the systems of the Autonomous Communities, in order to facilitate the homogeneity of data and indicators. Both the General State Administration and the Autonomous Communities will be able to consult the information stored in the Science, Technology and Innovation Information System.

5. Compliance with the criteria and procedures for the exchange of information may be considered as a requirement for the participation of the obligated agents in the calls of the Public Administrations.

6. The Information System on Science, Technology and Innovation will promote the collection, processing and dissemination of data disaggregated by sex, and will include specific information and indicators for monitoring the gender impact of the Spanish Strategy for Science, Technology and Innovation and its development plans, serving as a source for the preparation of, among others, the gender impact reports referred to in Article 6.2.

Article 11 bis. *External and independent evaluation of the State Plan for Scientific and Technical Research and Innovation and the Spanish Strategy for Science, Technology and Innovation.*

Both the State Plan for Scientific and Technical Research and Innovation and the Spanish Strategy for Science, Technology and Innovation will be subject to external and independent evaluation processes, which will prioritize criteria of scientific excellence, efficiency and economic impact on the Spanish territory, with the participation of the private sector and social agents.

TITLE II

Human resources dedicated to research

CHAPTER I

Research personnel in the service of public universities, public research organizations and research organizations of other public administrations.

Section 1 General Provisions

Article 12. *Scope of application.*

The provisions of this section shall be applicable to the research personnel who render their services in public universities, in the Public Research Bodies of the General State Administration and in the research bodies of other Public Administrations, except for the competences that the Autonomous Communities have in these areas and the provisions of the rest of the applicable legislation.

Article 13. *Research personnel.*

1. For the purposes of this law, research personnel are considered to be those who, being in possession of the degree required in each case, carry out research activity, understood as creative work carried out systematically to increase the volume of knowledge, including that relating to human beings, culture and society, the use of such knowledge to create new applications, its transfer and its dissemination.

The teaching and research personnel defined in the Organic Law 6/2001, of December 21, 2001, on Universities, whose functions include carrying out research activities, shall be considered as research personnel.

2. Research personnel may be linked to the public university or organization for which they provide services through a relationship subject to administrative or labor law, and may be career civil servants, interim civil servants or permanent labor personnel.

or temporary, in accordance with Article 8 of Law 7/2007, of April 12, 2007, of the Basic Statute of the Public Employee.

3. Civil servant research personnel shall be governed by the provisions of Law 7/2007, of April 12, 2007, by the provisions of this law, and supplementarily by the applicable civil service development regulations.

4. The labor research personnel shall be governed by the provisions of this law, in the Consolidated Text of the Workers' Statute Law, approved by Royal Legislative Decree 1/1995, of March 24, 1995, and its implementing regulations, and in the conventional regulations. It shall also be governed by the precepts of Law 7/2007, of April 12, 2007, which are applicable to it.

5. However, research personnel in the service of public universities shall be governed by the provisions of Organic Law 6/2001, of December 21, 2001, and its implementing regulations, in the Royal Decree approving the statute of university teaching and research personnel, in the statutes of the Universities, in the provisions issued by the Autonomous Communities by virtue of their powers, in Law 7/2007, of April 12, 1995, and in Royal Legislative Decree 1/1995.

Article 14. *Rights of the research personnel.*

1. Research personnel rendering services in public universities, in public research organizations of the General State Administration or in research organizations of other public administrations shall have the following rights:

a) To formulate initiatives for research, experimental development, knowledge transfer and innovation, through the corresponding bodies or organizational structures.

b) To freely determine problem-solving methods, within the framework of recognized ethical principles and practices and applicable intellectual property regulations, and taking into account possible limitations arising from research and environmental circumstances, supervision, guidance or management activities, budgetary or infrastructure constraints.

c) To be recognized and protected in the authorship or co-authorship of scientific works in which he/she participates.

d) Respect for the principle of gender equality in the performance of their research functions, in the hiring of personnel and in the development of their professional careers.

e) To full integration in the research teams of the entities for which it provides services.

f) To have adequate means and facilities for the development of its functions, within the limits derived from the application of the principles of effectiveness and efficiency in the allocation, use and management of such means and facilities by the entities for which it provides services, and within the budgetary availabilities.

g) To the consideration and respect of their scientific activity and its evaluation in accordance with public, objective, transparent and pre-established criteria.

h) To use the name of the entities for which it provides services in the performance of its scientific activity.

i) To participate in the benefits obtained by the entities for which they provide services, as a consequence of the eventual exploitation of the results of the research, development or innovation activity in which they have participated. This participation will not be considered in any case as remuneration or salary for the research personnel.

j) To participate in the programs favoring the reconciliation of personal, family and work life implemented by the entities for which they provide services.

k) To their professional development, through access to continuous training measures for the development of their skills and competencies.

l) To geographical, intersectorial and interdisciplinary mobility, in order to strengthen the scientific knowledge and professional development of research personnel, under the terms set forth in this law and in the rest of the applicable regulations.

m) To perform their duties in equal, inclusive, diverse and safe work environments, in which respect and non-discrimination, direct or indirect, are guaranteed in the workplace.

performance of their activity, in the hiring of personnel or in the development of their professional careers.

2. These rights shall be without prejudice to those established by Law 7/2007, of 12 April, as well as the other rights applicable to research personnel, depending on the type of entity for which they provide services and the activity performed.

Article 15. Duties of the research personnel.

1. The duties of research personnel providing services in public universities, in Public Research Bodies of the General State Administration or in research bodies of other Public Administrations shall be as follows:

a) To observe the recognized ethical practices, the ethical principles corresponding to their disciplines, and the integrity of research, as well as the ethical standards contained in the various applicable codes of ethics.

b) Avoid plagiarism and misappropriation of the authorship of scientific or technological works of third parties.

c) To inform the entities for which it provides services of all findings, discoveries and results susceptible to legal protection, and to collaborate in the processes of protection and transfer of the results of its research.

d) Disseminate the results of their research, where appropriate, as indicated in this law, so that the results can be used by means of communication and transfer to other research, social or technological contexts, and if appropriate, for their commercialization and valorization. In particular, the research personnel must ensure and take the initiative so that their results generate social value.

e) To ensure that their work is relevant to society.

f) Participate in the meetings and activities of the governing and management bodies of which he/she is a member, and in the evaluation and improvement processes for which he/she is required.

g) To direct its investigations towards the achievement of the strategic objectives of the entities for which it provides services, and to obtain or collaborate in the processes of obtaining the necessary permits and authorizations before starting its work.

h) Inform the entities for which it provides services or which finance or supervise its activity of possible delays and redefinitions in the research projects for which it is responsible, as well as of the completion of projects, or of the need to abandon or suspend projects ahead of schedule.

i) Be accountable for their work to the entities for which they provide services or that finance or supervise their activity, and be responsible for the effective use of the funding of the research projects they develop. To this end, he/she must observe the principles of correct, transparent and efficient management, and cooperate in the audits of his/her research as required by current regulations.

j) To use the name of the entities for which it provides services in the performance of its scientific activity, in accordance with the internal regulations of said entities and the agreements, pacts and conventions signed by them.

k) To follow safe work practices at all times in accordance with applicable regulations, including the adoption of the necessary precautions for the prevention of occupational hazards, and to ensure that the personnel in their charge comply with these practices.

l) Adopt the necessary measures to comply with the applicable regulations on data protection and confidentiality.

m) At all times follow egalitarian practices in accordance with applicable regulations, including the adoption of the necessary precautions to prevent any type of discrimination, and ensure that the personnel under their charge comply with these practices.

2. The provisions of this article shall be understood without prejudice to the provisions of the revised text of the Basic Statute of the Public Employee Law, approved by Royal Legislative Decree 5/2015, of October 30, as well as the other rules applicable to research personnel, depending on the type of entity for which they provide services and the activity carried out.

Article 16. *Criteria for the selection of research personnel.*

1. The selection procedures for research personnel will guarantee the constitutional principles of equality, merit and capacity, and will be carried out in accordance with the provisions of Law 7/2007, of April 12, 2007, and the rest of the legal system, in such a way as to allow for a transparent, open, egalitarian and internationally recognized professional development.

In the case of the Public Research Organizations, the Public Employment Offer will contain the forecasts for the coverage of the necessary positions of career civil servant and permanent labor research personnel.

2. The selection processes for research personnel shall respect the principles of:

- a) Publicity of the announcements and their bases.
- b) Transparency.
- c) Impartiality and professionalism of the members of the selection bodies.
- d) Independence and technical discretion in the actions of the selection bodies.
- e) Adequacy between the content of the selective processes and the functions or tasks to be performed.
- f) Agility, without prejudice to objectivity, in the selection processes.
- g) Any interruptions that may have occurred in the research career and their effects on the candidates' *curricula vitae* will not be taken into consideration.

3. In the selective processes for internal promotion in the Public Research Bodies of the General State Administration and in the research bodies of other Public Administrations, the quality and relevance of the results of the research activity and, if applicable, of the application of the same will be examined.

4. The selection processes for research personnel providing services at the University shall be governed by the provisions of Organic Law 6/2001, of December 21, 2001, and its implementing regulations.

Article 17. *Mobility of research personnel.*

1. The public agents of the Spanish Science, Technology and Innovation System will promote geographic, intersectoral and interdisciplinary mobility, as well as mobility between the public and private sectors under the terms provided for in this article, and will recognize its value as a means of strengthening the scientific knowledge, experimental development, knowledge transfer, innovation and professional development of research personnel. This recognition will be carried out through the assessment of mobility in the selection and professional evaluation processes in which such personnel participate.

To this end, the mobility, exchange and return of research personnel between different agents of the Spanish Science, Technology and Innovation System, public and private, in Spain, in the European Union and in the international reciprocal cooperation agreements and public-private collaboration agreements, which will be developed within the framework of the Spanish Strategy for Science, Technology and Innovation, will be promoted in accordance with the terms set forth in this law and in the rest of the applicable regulations.

2. The public agents of the Spanish Science, Technology and Innovation System may authorize the assignment, on a full or part-time basis, of research personnel who provide services in them to other public agents and to other private agents, both national and international, regardless of their dedication regime. Likewise, they may authorize the full or part-time secondment of research personnel from other public agents.

In both cases, the labor or statutory relationship with the public agent of origin will be maintained, and the purpose of the assignment will be the performance of scientific and technical research, experimental development, transfer or dissemination of knowledge, or management of research centers, scientific facilities or scientific programs and projects, for the time necessary for the execution of the research project, and after a favorable report from the organization of origin and in accordance with what the statutes, if any, establish regarding the procedure and effects of the assignment.

In the case of partial secondment, research personnel belonging to a public agent of the Spanish Science, Technology and Innovation System will have a double affiliation, that of the center to which they are originally linked and that of the center to which they are partially seconded. This double affiliation must be made explicit in any production derived from the activity carried out during the period of partial affiliation.

3. Research personnel, whether career civil servants or permanent employees, who provide services in public agents of the Spanish Science, Technology and Innovation System with a minimum seniority of five years, may be declared on temporary leave of absence to join other public agents of the Spanish Science, Technology and Innovation System, provided that the administrative situation of active service does not apply.

The granting of this temporary leave of absence will be subordinated to the needs of the service and to the interest that the public university, organization or entity for which he/she provides services has in the performance of the work to be developed in the destination entity, and will be granted, under a labor contract, for the management of research centers and scientific facilities, or scientific programs and projects, for the development of tasks of scientific and technical research, experimental development, transfer or dissemination of knowledge and innovation related to the activity that the research personnel had been performing in the public university, organization or entity of origin. For this purpose, the unit of the public university, organization or entity of origin in which they render services must issue a favorable report in which the above-mentioned points are contemplated.

The duration of the temporary leave of absence may not exceed five years, without it being possible, once this period has expired, to grant a new temporary leave of absence for the same reason until at least two years have elapsed since the reinstatement to active service or the incorporation to the job position from the previous leave of absence.

During this period, research personnel on leave of absence to join other public agents of the Spanish Science, Technology and Innovation System will not receive remuneration for their original position, and will be entitled to the reservation of the position, to its calculation for the purposes of seniority, to the consolidation of personal grade in the corresponding cases according to the applicable regulations, and to the evaluation of the research activity and of the research and technical merits, as the case may be.

If before the end of the period for which the leave of absence had been granted for the incorporation to other public agents of execution of the Spanish Science, Technology and Innovation System, the person on leave does not request the reinstatement to active service or, as the case may be, the reincorporation to his/her job, he/she will be declared ex officio in a situation of voluntary leave of absence for particular interest or analogous situation for the labor personnel that does not entail the reservation of the job position, allowing, at least, the possibility of requesting the incorporation again to the public university, organization or entity of origin.

The expiration of the maximum period for resolving the granting of the leave of absence or its extensions without an express resolution having been notified shall be considered as a rejection.

4. Research personnel, whether career civil servants or permanent employees, who provide services in public agents of the Spanish Science, Technology and Innovation System with a minimum seniority of five years may be declared on leave of absence for a maximum period of five years, in order to join private agents of the Spanish Science, Technology and Innovation System, or international or foreign agents, or to carry out a professional activity on their own account.

The granting of this leave of absence will be subordinated to the needs of the service and to the interest that the public university, organization or entity for which he/she provides services has in the performance of the work to be developed in the entity of destination or autonomously, and will be granted, under an employment contract if it is an employed activity, or a self-employed professional activity, for the management of research centers and scientific facilities, or scientific programs and projects, or for the development of scientific and technical research tasks, experimental development, transfer or dissemination of knowledge and innovation related to the activity that the research personnel had been carrying out in the public university, organization or entity of origin.

In the case of incorporation to private agents working for others, the public university, organization or entity of origin must maintain a legal link with the agent of destination through any instrument valid in law that allows to record the existing link, related to the work that the research personnel will develop, which may consist of the existence of any transfer of industrial and intellectual property rights owned by the public university, organization or entity of origin made in favor of the private agent, international or foreign. For such purposes, the unit of the public university, organization or entity of origin for which the services are rendered must issue a favorable report in which the above-mentioned points are contemplated.

The duration of the temporary leave of absence may not exceed five years, without it being possible, once this period has expired, to grant a new temporary leave of absence for the same reason until at least two years have elapsed since the reinstatement to active service or the incorporation to the job position from the previous leave of absence.

During this period, research personnel on temporary leave of absence will not receive remuneration for their original position, and will be entitled to the reservation of their job and to the evaluation of their research activity and of their research and technical merits, if applicable.

Research personnel on leave of absence must protect the knowledge of the research teams in accordance with intellectual and industrial property regulations, the regulations applicable to the public university, organization or entity of origin, and the agreements and conventions that they have signed.

The protection of knowledge and intellectual property in the public sector shall be ensured through the appropriate mechanisms, and shall be applicable to all personnel assigned to a public or private entity other than the one of origin.

The signing of any agreement between the public university, organization or entity of origin and the private agent for the execution of the Spanish Science, Technology and Innovation System or the international or foreign agent in which the research personnel provides services, if applicable, must be carried out in strict compliance with the applicable rules and principles, and the necessary measures must be adopted in its preparation to prevent potential situations of conflict of interest.

If before the end of the period for which the leave of absence was granted, the public employee does not request reinstatement to active service or, as the case may be, reincorporation to his/her job, he/she will be declared ex officio in a situation of voluntary leave of absence for private interest or a similar situation for labor personnel that does not entail the reservation of the job position, allowing, at least, the possibility of requesting reinstatement to the public university, agency or entity of origin.

The expiration of the maximum period for resolving the granting of the leave of absence or its extensions without an express resolution having been notified shall be considered as a rejection.

5. Exceptionally, personnel who are part of the Spanish Science, Technology and Innovation System may be authorized to carry out research, experimental development, knowledge transfer and innovation activities of a non-permanent nature, or scientific or technical advice in specific cases, which do not correspond to their functions, as well as for the development of specialization courses or specific training activities in public and private entities dedicated to research or teaching.

Said exception shall be accredited by the assignment of the assignment in public competition, or by requiring special qualifications held only by persons affected by the scope of application of this law, and shall be in accordance with the provisions of Law 53/1984, of December 26, 1984, on Incompatibilities of Personnel in the Service of the Public Administrations.

6. Research personnel who provide services in public universities, in Public Research Organizations of the General State Administration, in research organizations of other Public Administrations or in centers of the National Health System or those linked to or subsidized by it, may be authorized by them to carry out training stays in centers of recognized prestige, both in national territory and abroad.

The granting of the authorization will be subordinated to the needs of the service and to the interest of the public university, organization or entity for which the research personnel will work.

The student will be required to provide services in the studies to be carried out by the interested party. To this effect, the unit of the public university, organization or entity of origin in which he/she provides services must issue a favorable report that includes the aforementioned points.

The authorization of the training stay will be granted for the extension of the training in subjects directly related to the activity of scientific and technical research, technological development, transfer or dissemination of knowledge that the research personnel had been carrying out in the public university, organization or entity of origin, or in those others considered of strategic interest for the public university, organization or entity. The research personnel will keep their remuneration system.

The cumulative duration of the authorizations granted to each person every five years may not exceed two years.

7. The conditions for granting the leaves of absence provided for in sections 3 and 4 within the scope of the research centers and structures of the Autonomous Communities shall be established by the corresponding Autonomous Community, within the scope of its competences. In the absence thereof, the conditions established in the aforementioned sections 3 and 4 shall be applied on a supplementary basis.

8. Research personnel assigned to public universities shall be governed, in addition to the provisions of this article, by Organic Law 6/2001, of December 21, 2001, and its implementing regulations.

9. Research personnel assigned to the General State Administration or any of its agencies and related entities, included in the scope of application of Royal Decree 598/1985, of April 30, 1985, on incompatibilities of personnel in the service of the State Administration, the Social Security and the dependent Entities, Agencies and Companies, may apply to the personnel bodies and units with competence in personnel matters of the departments, agencies and entities to which they are assigned for the reduction of the amount of the specific allowance or comparable concept corresponding to the post they hold in order to adapt it to the percentage referred to in article sixteen.4 of Law 53/1984, of December 26, 1984, on Incompatibilities of Personnel in the Service of the Public Administrations, including personnel who hold positions with assigned allowances of level 30 and 29.

Article 18. *Participation of the research personnel of the public sector implementing agents in commercial companies.*

1. The provision of services by research personnel in commercial companies created or participated by the entity for such personnel to provide services, will be considered as an activity of general interest. As such, this law protects, protects and promotes these activities. The public universities, the Ministry of Finance and Public Function in the case of the Public Research Bodies of the General State Administration, or the competent authorities in the case of the centers of the National Health System or linked or concerted with it, including the biomedical research foundations, or of research bodies of other Public Administrations, may authorize research personnel to provide services through a part-time employment contract in mercantile companies and other entities with legal personality created or participated by the entity for which said personnel provides services.

This authorization will require prior justification, duly justified, of the participation of the research personnel in an action related to the scientific-technical priorities established in the Spanish Strategy for Science, Technology and Innovation, in knowledge transfer activities or in the development and exploitation of the results of the scientific-technical activity generated in research, development and innovation activities of the entity for which they provide services.

2. Recognitions of compatibility may not modify the working day or schedule of the initial job of the interested party, and shall be automatically without effect in the event of a change of position in the public sector.

3. The limitations established in articles twelve.1.b) and d) and sixteen of Law 53/1984, of December 26, 1984, on the incompatibilities of personnel in the service of the public sector, as well as the limitations established in

Public Administrations, shall not apply to research personnel rendering their services in the companies and other entities with legal personality that create or in which the entities referred to in paragraph 1 participate, provided that such exception has been authorized by the public universities, the Ministry of Finance and Public Function or the competent authorities of the Public Administrations as appropriate.

4. Along the same lines, and as a measure to promote public-private collaboration, it will be taken into consideration that the private entity, on its own initiative, may collaborate with expert personnel in R&D&I from the public sector in works and projects of both private and public agents aimed at research, experimental development, knowledge transfer or innovation.

Article 19. *Collaborating persons and scientific and technological and innovation experts or specialists.*

The public financing agents and their bodies, agencies and entities may temporarily assign, on a full or part-time basis, research or technical personnel, career civil servants, or on a labor basis, experts in technological development or specialists related to the field of research, experimental development or innovation to collaborate in the tasks of preparation, management, monitoring and evaluation of scientific and technical research and innovation programs, with the prior authorization of the competent bodies and of the entity in which the research personnel provide their services.

In the case of occasional collaborations for the preparation of scientific-technical and innovation evaluation reports for the award or monitoring of grants, the authorization of the entity in which the researcher or technical personnel provide their services will not be required, as a general rule.

Section 2.^a *Hiring of labor research personnel*

Article 20. *Contractual Modalities.*

1. The specific types of employment contracts for research personnel are as follows:

- a) Predoctoral contract.
- b) Access contract for doctoral research personnel.
- c) Distinguished researcher contract.
- d) Contract for scientific and technical activities.

The legal regime applicable to these types of employment contracts will be that established in this law and its implementing regulations, in the revised text of the Workers' Statute Law and its implementing regulations, as well as in the applicable collective bargaining agreements and, if applicable, in the revised text of the Basic Statute of the Public Employee Law.

2. The following entities may hire research personnel through the specific employment contracts established in this section:

a) The Public Research Bodies of the General State Administration and the research bodies of other Public Administrations, including the centers of the National Health System or those linked to it or in collaboration with it, the public sector foundations and the public research consortiums.

b) Public universities.

In addition, the aforementioned entities may hire research personnel through the types of employment contracts established by the revised text of the Workers' Statute Law.

The provisions of this section shall be understood without prejudice to the fact that the Autonomous Communities that have statutorily assumed exclusive competence for the regulation of their own research centers and structures shall be responsible for the management and organization of the research personnel of their own research centers and structures, within the framework of the labor legislation in force.

3. In the Public Research Organizations, fixed-term employment contracts, in any of their modalities, shall be subject to the provisions that the corresponding annual budget laws determine in relation to the authorizations to carry out this type of contracts. Permanent contracts shall be subject to the provisions of the Public Employment Offer.

4. The attainment of a doctorate degree will bring the research personnel training stage to an end, and from that moment the postdoctoral stage will begin. The initial phase of this stage is aimed at the professional improvement and specialization of the research personnel, and may be developed, among other mechanisms, through mobility processes and employment contracts.

5. The aid programs of the Public Administrations whose purpose is the performance of research tasks in the provision of services by research personnel who are not permanent employees or career civil servants, must require the hiring of the personnel by the beneficiary entities of the aid for which they are going to provide services.

Article 21. *Pre-doctoral contract.*

Employment contracts under the pre-doctoral contract modality shall be entered into in accordance with the following requirements:

a) The purpose of the contract will be the performance of research tasks, within the scope of a specific and novel project, by those who hold a Bachelor's, Engineer's, Architect's, University Graduate's degree with at least 300 ECTS (European Credit Transfer System) or Master's degree, or equivalent, and have been admitted to a doctoral program. These personnel will be considered as pre-doctoral research personnel in training.

Likewise, the purpose of the contract shall be postdoctoral orientation for a maximum period of twelve months. In any case, the duration of the contract may not exceed the maximum indicated in paragraph c).

b) The contract will be made in writing between the pre-doctoral research personnel in training, as an employee, and the public university or research organization in charge of the research unit, as an employer, and must be accompanied by a letter of admission to the doctoral program issued by the unit responsible for said program, or by the doctoral or postgraduate school, as the case may be. When the contract is linked in its entirety to external funding or funding from calls for public grants in competitive concurrence in its entirety, it will not require prior authorization.

c) The contract will be a fixed-term, full-time contract.

The term of the contract may not be less than one year nor exceed four years. When the contract has been entered into for a term of less than four years, it may be extended successively, but in no case may the extensions be for a term of less than one year. No employee may be hired under this type of contract, in the same or a different entity, for a period of more than four years, including any possible extensions. However, when the contract is made with a disabled person, the contract may have a maximum duration of six years, including extensions, taking into account the characteristics of the research activity and the degree of limitations in the activity. Without prejudice to the above established in this section, in the event that, because the worker has already been hired under this modality, the time remaining up to the maximum of four years, or six years in the case of persons with disabilities, is less than one year, the contract, or its extension, may be entered into for the time remaining up to the maximum established in each case.

The activity developed by the pre-doctoral research personnel in training will be evaluated annually by the academic committee of the doctoral program, or in its case of the doctoral school, during the time they remain in the program, and the contract may be terminated in the event that the evaluation is not passed favorably.

Situations of temporary incapacity and periods of time spent on full-time leave due to pregnancy, pregnancy, risk during pregnancy, childbirth, pregnancy and childbirth are not included in the period of temporary incapacity.

pregnancy and breastfeeding, birth, maternity, paternity, adoption for the purpose of adoption or foster care, or breastfeeding accumulated to full working days, or for similar situations related to the above, as well as the enjoyment of full-time leave for reasons of reconciliation or care of minors, relatives or dependents, and the time spent on leave of absence to care for a child, relative or gender violence during the term of the contract will interrupt the calculation of the duration of the contract.

The periods of time dedicated to the enjoyment of part-time leave for birth, maternity, paternity, adoption or foster care, and the reduction of the working day for reasons of breastfeeding, birth of a premature or hospitalized child after childbirth, legal guardianship, care of minors affected by cancer or serious illness, of family members affected by accident or serious illness or of dependent persons, or due to gender violence, or reductions in working hours due to analogous situations related to the above, as well as for reasons of conciliation or care of minors, family members or dependent persons, during the term of the contract will give rise to the extension of the contract for the time equivalent to the reduced working hours.

d) The remuneration of this contract may not be less than 56% of the salary established for the equivalent categories in the collective bargaining agreements of its scope of application during the first two years, 60% during the third year, and 75% during the fourth year. Nor may it be less than the minimum interprofessional salary established each year, in accordance with Article 27 of the Consolidated Text of the Workers' Statute Law.

e) Upon termination of the contract due to expiration of the agreed term, the employee shall be entitled to receive compensation of an amount equivalent to that provided for fixed-term contracts in Article 49 of the revised text of the Workers' Statute Law.

Article 22. Access contract for doctoral research personnel.

1. Access contracts for doctoral research personnel will be held within the framework of a stable access pathway to the Spanish Science, Technology and Innovation System, in accordance with the following requirements:

a) The contract will be held with personnel with a Doctor's or Doctorate degree.

b) The purpose of the contract will be to carry out primarily research, development, knowledge transfer and innovation tasks, aimed at providing research personnel with a high level of professional improvement and specialization, leading to the consolidation of their professional experience.

c) The contract will be a fixed-term, full-time contract.

d) The duration of the contract shall be at least three years, and may be extended up to a maximum of six years. Extensions may not have a duration of less than one year.

However, when the contract is made with a person with a disability, the contract may have a maximum duration of eight years, including extensions, taking into account the characteristics of the research activity and the degree of limitations in the activity.

No employee may be hired under this type of contract, in the same or a different entity, for a period of more than six years, including any possible extensions, except in the case of the disabled persons indicated in the previous paragraph, for whom the period may not exceed eight years. The contract time elapsed under the extinct modality of Contract for access to the Spanish Science, Technology and Innovation System will be counted for the calculation of these maximum periods.

Situations of temporary disability and periods of time spent on full-time leave due to pregnancy, pregnancy, risk during pregnancy, pregnancy and breastfeeding, birth, maternity, paternity, adoption for the purpose of adoption or foster care, or breastfeeding accumulated full time, or similar situations related to the above, as well as the enjoyment of full-time leave for reasons of reconciliation or care of children, relatives or dependents, and the time devoted to the enjoyment of leave of absence for child care, from

The calculation of the contract's term limit will be interrupted by family or gender violence during the term of the contract.

The periods of time dedicated to the enjoyment of part-time leave for birth, maternity, paternity, adoption or foster care, and the reduction of the working day for reasons of breastfeeding, birth of a premature or hospitalized child after childbirth, legal guardianship, care of minors affected by cancer or serious illness, of family members affected by accident or serious illness or of dependent persons, or due to gender violence, or reductions in working hours due to analogous situations related to the above, as well as for reasons of conciliation or care of minors, family members or dependent persons, during the term of the contract will give rise to the extension of the contract for the time equivalent to the reduced working hours.

Notwithstanding the provisions of the preceding paragraphs, in the event that, because the employee has already been hired under this type of contract, the time remaining until the maximum of six years, or eight years in the case of disabled persons, is less than one year, the contract or its extension may be entered into for the time remaining up to the maximum established in each case.

e) The remuneration of this contract may not be less than that corresponding to research personnel carrying out analogous activities, and will be fixed, where appropriate, within the limits established by the budget laws, by the competent body in matters of remuneration. When the contract is linked in its entirety to external financing or financing from calls for public aid in competitive competition in its entirety, it shall not require prior authorization.

f) Research personnel hired under the provisions of this article may carry out teaching activities up to a maximum of one hundred hours per year, subject to prior agreement with the department involved, with the approval of the entity for which they provide services, and subject to the current regulations on incompatibilities of personnel in the service of the Public Administrations.

g) Upon termination of the contract due to expiration of the agreed term, the employee shall be entitled to receive compensation of an amount equivalent to that provided for fixed-term contracts in Article 49 of the revised text of the Workers' Statute Law.

In all matters not provided for in this article, the revised text of the Law of the Basic Statute of the Public Employee and the revised text of the Law of the Workers' Statute shall be applicable.

2. Research personnel contracted under this modality by public universities, Public Research Organizations of the General State Administration or research organizations of other Public Administrations, including the centers of the National Health System and those linked to or subsidized by it and the public sector foundations and public research consortiums, may opt, as of the end of the second year of the contract, for an evaluation of the research activity carried out which, if positive in accordance with previously established requirements, may be recognized with the effects foreseen in the itinerary of stable access to the Spanish Science, Technology and Innovation System in which the contract is framed. This evaluation will be used only for promotion and recognition purposes along the postdoctoral itinerary.

If the contract is carried out within the framework of postdoctoral incorporation programs financed by the funding agencies of the Spanish Science, Technology and Innovation System, the evaluation will be carried out by the corresponding funding agency. Otherwise, the evaluation may be carried out by another agency as appropriate:

a) In the case of personnel hired by the Public Research Bodies of the General State Administration, and other research bodies, foundations and consortiums that make up the state public sector, the evaluation may be carried out by the State Research Agency.

b) In the case of personnel hired by the research organizations of other Public Administrations, the evaluation may be carried out by a single body designated for this purpose in each Autonomous Community, or, failing this, by the State Research Agency itself.

c) Notwithstanding the above, in the case of personnel hired by centers of the National Health System or those linked to it, or by health research institutes, the evaluation may be carried out by the Instituto de Salud Carlos III.

d) In the case of personnel hired by public universities, the evaluation may be carried out by the National Agency for Quality Assessment and Accreditation (ANECA) or the regional teacher evaluation agencies, in accordance with their competencies in each case.

The funding bodies of the Spanish Science, Technology and Innovation System may also include in their calls, under the principles of publicity and competitive concurrence, the possibility of evaluating the research activity carried out by persons who, without having been hired through the contractual modality foreseen in this article, have postdoctoral experience of more than three years, including postdoctoral programs carried out abroad. For these purposes, the favorable curricular evaluation carried out in the process of awarding grants and subsidies will be considered sufficient evaluation to access the corresponding stage of the itinerary for stable access to the Spanish Science, Technology and Innovation System, provided that this is contemplated in the call for proposals.

3. After having passed the evaluation regulated in section 2, the research personnel may obtain certification as an established researcher (hereinafter R3 certificate).

In all cases, the competent body for the evaluation of the quality requirements of the scientific-technological production and activity established for the R3 certificate as an established researcher will be the State Research Agency. It may be considered a sufficient requirement to obtain this certification to have passed the evaluation described in the previous section, provided that, according to the technical criteria of the State Research Agency, the quality and homogeneity of the criteria of these evaluations is guaranteed.

The expiration of the maximum term to resolve the granting of the R3 certificate without an express resolution having been notified shall be considered as a rejection.

4. The research work that may be carried out by postdoctoral research personnel will in any case be subject to the regulations in force.

Postdoctoral labor personnel hired under the provisions of this article by public universities shall be considered as teaching and research personnel for the purposes of the development of the research function.

Article 22 bis. *Recognition of the R3 certificate as an established researcher and participation in selective processes.*

1. The R3 certificate as an established researcher will be recognized in the selective processes for new stable entry personnel called by the universities, by the Public Research Bodies and other research bodies of the General State Administration, by the research bodies of other Public Administrations, including the centers of the National Health System or those linked to or subsidized by it and the biomedical research foundations and consortiums, as well as the public consortiums and foundations of the public sector. Regardless of the Public Administration that calls them, the access contract for doctoral research personnel will end from the moment in which the stable entry becomes effective.

The positions of new stable admission to whose selective processes the research personnel with R3 certificate will be able to access will be:

a) In the case of personnel hired by the Public Research Bodies of the General State Administration, those of the scale of tenured scientific personnel and those of permanent labor personnel;

b) In the case of personnel hired by public universities, those of tenured professors and contracted doctoral professors;

c) In the case of personnel hired by the research organizations of other Public Administrations, the equivalent scales of civil servant or statutory personnel and those of permanent labor personnel.

The R3 certificate will be taken into account for the purposes of its evaluation as research merits in said selective processes, and will be projected on the tests or phases of evaluation of the curriculum of the research personnel who are part of these processes, so that it will have the effect of exemption or compensation of part of the tests or phases of curricular evaluation or equivalent, for all the Public Administrations.

At the university level, such compensation or exemption from the evaluation of research merits for those who hold the R3 certificate will be carried out in the process of accreditation for the positions of contracted doctoral professors or tenured university professors.

2. In the Public Employment Offer, within the limit of the replacement rate corresponding to the positions for entry into the scales of research personnel of the Public Research Organizations, a reserve of at least 25% of positions will be established for the incorporation of doctoral research personnel who have participated in postdoctoral aid programs or subprograms and who have obtained the R3 certificate in accordance with article 22.3 or have passed an evaluation equivalent to that of the Incentive Program for the Incorporation and Intensification of Research Activity (I3).

In the event that not all the vacancies foreseen in the reserves of the previous paragraph are filled, the vacancies that remain vacant will be accumulated to the rest of the vacancies offered for the same scale within the replacement rate corresponding to the vacancies for entry to the scales of research personnel of the Public Research Organizations.

3. In the Public Employment Offer, within the limit of the replacement rate corresponding to the university teaching bodies and to the contracted doctors or the equivalent labor figures or those that may replace them, a reserve of a minimum of 15% of positions will be established for the incorporation of doctoral research personnel who have obtained the R3 certificate in accordance with article 22.3 or have passed an evaluation equivalent to that of the Incentive Program for the Incorporation and Intensification of Research Activity (I3).

In the event that not all the vacancies foreseen in the reserves of the previous paragraph are filled, the vacancies that remain vacant will be accumulated to the rest of the vacancies offered within the replacement rate corresponding to the university teaching bodies and to the contracted doctors or equivalent labor figures.

Article 23. *Distinguished researcher contract.*

The work contracts under the modality of distinguished researcher may be signed with Spanish or foreign researchers of recognized prestige who are in possession of the title of Doctor and who enjoy a consolidated international reputation based on the excellence of their contributions in the scientific or technical field. Likewise, they may also be held with technologists who enjoy a consolidated international reputation based on the excellence of their contributions, both in the advancement of specific research techniques and in the valorization and transfer of the knowledge and innovation they have generated. In both cases they will be hired according to the following requirements:

a) The purpose of the contract will be the management of human teams as principal investigator, management of research or knowledge transfer and innovation centers, or of singular scientific and technological facilities and programs of great relevance in the field of knowledge in question, within the framework of the employer's functions and objectives.

b) The contract shall have the duration agreed upon by the parties.

c) The duration of the working day, hours, holidays, leaves and vacations shall be those established in the clauses of the contract.

d) Contracted research personnel may not enter into employment contracts with other entities, except with the express authorization of the employer or written agreement to the contrary, respecting in all cases Law 53/1984, of December 26, 1984, on Incompatibilities of personnel in the service of the Public Administrations.

e) The contract shall be subject to the objective monitoring system established by the employer.

f) The contract may be terminated by termination by the employer, communicated in writing with three months' notice, without prejudice to the possibilities of termination of the contract by the employer for cause. In the event of total or partial breach of the notice, the contracted research personnel shall be entitled to compensation equivalent to the salaries corresponding to the duration of the breached period.

In the event of termination by the employer, the contracted research personnel shall be entitled to receive the compensation provided for unfair dismissal in the revised text of the Workers' Statute Law, without prejudice to the compensation that may be due for total or partial breach of notice.

g) Research personnel hired under the provisions of this article may carry out teaching activities up to a maximum of one hundred hours per year, subject to prior agreement with the department or organization involved, with the approval of the entity for which they provide services, and subject to the current regulations on incompatibilities of personnel in the service of the Public Administrations.

Article 23 bis. *Contract for scientific-technical activities.*

1. The purpose of the contracts for scientific-technical activities will be the performance of activities linked to lines of research or scientific-technical services, including the scientific-technical management of these lines, which are defined as a set of knowledge, concerns, products and projects, systematically built around a thematic axis in which activities carried out by one or more research groups converge, and will require their development following the appropriate methodological guidelines in the form of R&D&I projects or contracts.

2. The contracts for scientific-technical activities, of indefinite duration, will not form part of the Public Employment Offer nor of the similar instruments for the management of personnel needs referred to in article 70 of the revised text of the Basic Statute of the Public Employee Law, nor will their announcement be limited by the wage bill of the labor personnel.

The following requirements shall apply:

a) The contract may be entered into with personnel with a Bachelor's Degree, Engineering, Architecture, Diploma, Technical Architecture, Technical Engineering, Degree, University Master's Degree, Higher Technician or Technician, or with research personnel with a Doctor's Degree. Likewise, it may be held with personnel whose training, experience and competencies are in accordance with the requirements and tasks to be performed in the position to be covered.

b) The selection procedures for labor personnel provided for in this article shall be governed in all cases by means of public announcements in which the principles of equality, merit, capacity, publicity and concurrence are guaranteed.

3. In any case, when the contracts are linked to external financing or financing from calls for public aid in competitive bidding in their entirety, they will not require prior authorization.

4. In all matters not provided for in this article, with special reference to their rights and obligations, the revised text of the Law of the Basic Statute of the Public Employee and the revised text of the Law of the Workers' Statute shall be applicable, with the corresponding indemnity to the contracted personnel upon termination of the employment relationship.

CHAPTER II

Specificities applicable to personnel in the service of the Public Research Bodies of the General State Administration

Research personnel in the service of the public research organizations of the General State Administration.

Article 24. Scope of application.

As a consequence of the singularities that concur in the development of the research work of the research personnel in the service of the Public Research Bodies of the General State Administration, this section regulates the peculiarities applicable to such personnel referred to in article 2.2 of Law 7/2007, of April 12, 2007.

In all matters not provided for in this law, the provisions of Law 7/2007, of April 12, 2007, in the Revised Text of the Workers' Statute Law and its implementing regulations, and in the provisions regulating the civil service of the General State Administration that are approved for the rest of the public employees, shall be applicable to research personnel.

Article 25. Professional career of research personnel.

1. Research personnel and technical personnel in the service of the Public Research Bodies of the General State Administration or of the Executing Agent Bodies of the Spanish Science, Technology and Innovation System will have the right to a professional career, understood as the ordered set of opportunities for promotion and expectations of professional progress, in accordance with the principles of equality, merit and capacity.

2. Career civil servant research personnel in the service of the Public Research Bodies of the General State Administration are grouped into the following categories:

- a) Scale of Research Professors of Public Research Organizations.
- b) Scale of Scientific Research Personnel of Public Research Organizations.
- c) Scale of Tenured Scientific Staff of Public Research Organizations.

The scientific scales shall have the same remuneration, selection and promotion system. The personnel belonging to these scales will have full research capacity.

3. Career civil servant research personnel shall consolidate the personal grade corresponding to the level of their position in accordance with the provisions of the general civil service regulations.

4. The Government shall establish an objective system that allows for the evaluation of the performance of career civil servant research personnel in the service of the Public Research Bodies of the General State Administration, in order to make their professional career possible.

This system will be accompanied by mechanisms to eliminate gender bias in the evaluation and will determine the effects of the evaluation on the horizontal professional career, training, the provision of jobs and the receipt of the complementary remuneration provided for in article 24 of the revised text of the Basic Statute of the Public Employee Law.

The performance evaluation systems, for professional career purposes, will be adapted to criteria of transparency, objectivity, impartiality and non-discrimination, will guarantee the principle of equal opportunities between women and men, will be applied without detriment to the rights of civil servant research personnel and will be treated on an individual basis.

This evaluation shall be carried out in accordance with the provisions of Article 20 of the revised text of the Basic Statute of the Public Employee Law.

5. For the purposes of the horizontal professional career, the performance evaluation will take into account the merits of the research personnel in the fields of research, experimental development, leadership, management or knowledge transfer.

Both the merits of research and experimental development and those of knowledge transfer may have their own substantivity and be subject to differentiated evaluation. The evaluation will include the activities and tasks carried out throughout the professional career of the research personnel.

The recognition of such merits will have the economic effects foreseen in the regulations in force for complementary remuneration related to the degree of interest, initiative or effort with which the research personnel perform their work and the performance or results obtained.

Consequently, in the specific complement, in addition to the ordinary component, which will correspond to that assigned to the position held, a component for research or knowledge transfer merits is recognized. For such purposes, career civil servant research personnel may submit to evaluation the activity carried out in Spain or abroad, in the public sector and in universities, on a full-time basis every five years, or equivalent period if they have served on a part-time basis. The personnel will acquire and consolidate a component of the specific complement for research or knowledge transfer merits for each of the favorable evaluations.

Likewise, career civil servant research personnel may submit the research or knowledge transfer activity carried out every six years on a full-time basis, or the equivalent period if they have served on a part-time basis, to an evaluation in which the performance of the work carried out during said period will be judged. The personnel will acquire and consolidate a component of the productivity bonus for each favorable evaluation.

Access to public employment and internal promotion.

1. The Public Employment Offer, approved each year by the Government for the General State Administration, will contain the forecasts for the coverage of the positions with the required budgetary allocation of civil servant research personnel in the service of the Public Research Bodies of the General State Administration through the incorporation of new personnel, as well as those of permanent labor research personnel.

The Public Research Organizations shall be responsible for the constitution of the selection bodies and the carrying out of the selection processes, which shall be formed mainly by personnel not belonging to the same Public Research Organization to which the job position that is the object of the corresponding call is to be assigned.

2. They may participate in the selective processes of access to the status of career civil servant research personnel, provided that they hold the title of Doctor and meet the rest of the requirements demanded in the call for access:

- a) Persons with Spanish nationality.
- b) Nationals of other member states of the European Union.
- c) Nationals of third countries who are members of the family of Spaniards or nationals of other European Union Member States under the terms established by the specific regulations on this matter.
- d) Foreign persons who are regularly present in Spanish territory.
- e) Foreign persons included in the scope of application of the International Treaties concluded by the European Union and ratified by Spain in which the free movement of workers is applicable, in accordance with the provisions of Article 57.1 of the revised text of the Law of the Basic Statute of the Public Employee.

These persons must be in one or more of the situations contemplated in this paragraph at the time of appointment as an official.

3. The following shall be eligible for the types of employment contracts referred to in the following article 20.1 and those provided for in the revised text of the Workers' Statute Law for persons who are in one or more of the situations referred to in the preceding paragraph at the time of signing the contract.

4. The selective system of access to public employment in the Public Research Bodies of the General State Administration for research personnel will be by public competition, the call for which will be published in the "Official State Gazette" and on the web page of the ministerial department and of the institution calling the competition. This competition will be based on the evaluation of the curriculum vitae of the research personnel, including the merits provided related to the research activity, experimental development, knowledge transfer and innovation, as well as the adequacy of the competences and capacities of the candidates to the characteristics of the positions.

In the curricular evaluation phase, the following elements will be taken into account:

a) The evaluation of the curriculum vitae of the research personnel may be carried out by the State Research Agency, and its result will be binding in the event of being negative. For the purposes of this law, the implementation of a single standardized *curriculum vitae* model will be promoted.

b) The R3 certificate or equivalent regulated in article 22.3 shall have the effect of exemption or compensation of part of the tests or phases of curricular evaluation.

Nationals of other European Union Member States and third countries may take the tests in English.

5. The selection of career or interim research personnel will be carried out by the selection bodies specified in each call for applications.

Admission to the scientific scales will be carried out, through the corresponding selective processes, by means of an open selection process to which those who hold the title of Doctor or Doctorate and meet the requirements referred to in the previous numbers may have access, and an internal promotion process.

For access to the Scale of Scientific Researchers of Public Research Organizations, civil servant personnel belonging to the Scale of Senior Scientists of Public Research Organizations, as well as research personnel hired by the Public Research Organizations of the General State Administration under the modality of distinguished researcher, in accordance with article 23, may participate in the internal promotion shift.

For access to the Scale of Research Professors of Public Research Organizations, the civil servant personnel belonging to the Scales of Scientific Researchers of Public Research Organizations and of tenured scientists of Public Research Organizations, as well as the research personnel hired by the Public Research Organizations of the General State Administration under the modality of distinguished researcher, in accordance with article 23, may participate in the internal promotion shift.

In addition, in the selective processes called for access to the Scale of Senior Scientists of Public Research Organizations, research personnel hired as permanent labor personnel or under the modality of distinguished researcher by the Public Research Organizations of the General State Administration may participate in the internal promotion shift.

Likewise, the selective processes of access to the scientific scales may provide for the participation in the internal promotion shift of career civil servant personnel of the university teaching bodies at the service of public universities and of the contracted doctoral personnel of said universities or equivalent figures.

Internal promotion shall be carried out by means of selective processes that guarantee compliance with the constitutional principles of equality, merit and capacity, as well as those contemplated in Article 55.2 of the revised text of the Basic Statute of the Public Employee Law.

Personnel who access by the internal promotion route must meet the requirements for admission, have at least two years of service in the condition of research personnel hired as labor, or two years of active service in the scale or body of origin in the case of career civil servants, and pass a selection process that will include an external evaluation phase of the curriculum of the research personnel, which will be carried out by the State Research Agency, whose result will be binding in case of a negative result. The R3 certificate or equivalent

regulated in article 22.3 shall have the effect of exemption or compensation of part of the tests or phases of curricular evaluation.

In order to promote the development of the personal professional career, internal promotion processes will be facilitated between the technical and scientific scales of the same subgroup of those foreseen in article 76 of the revised text of the Basic Statute of the Public Employee Law.

6. Those persons, Spanish or foreign, whether or not they have a service relationship with the Public Research Organization and regardless of the type of relationship, who may be considered professionals of recognized prestige in research, experimental development, knowledge transfer or innovation in the field in question, may form part of the selection bodies for civil servant and labor personnel.

Section 2.^a Research personnel in the service of the public research organizations of the General State Administration

Article 27. Research personnel.

1. Research personnel in the service of the Spanish Science, Technology and Innovation System are considered to be research personnel, technical personnel and management personnel.

2. The professional career and the legal regime regulated by the law on the organization of the civil service of the General State Administration and its development regulations will be applicable to the technical and management staff, both civil servants and permanent employees in the service of the Spanish Science, Technology and Innovation System. Likewise, these personnel will have the right to a professional career under this law in similar terms to those contemplated in article 25 for research personnel.

3. In any case, the professional career and the legal regime regulated by the law on the organization of the civil service of the General State Administration and its development regulations shall be applicable to civil servant personnel belonging to bodies or scales not included in this law who render services in the Public Research Bodies of the General State Administration.

4. The Ministries of Science and Innovation and of Defense will draw up, in their respective areas, departmental Management Plans for research personnel, in which they will link the personnel needs and the Public Employment Offer with the general planning of their activity in the sectoral area, in the manner established by the law for the management of the civil service of the General State Administration and its development regulations.

Article 28. Rights and duties of the technical personnel in the service of the Public Research Organizations of the General State Administration.

1. Articles 16.1 and 2 of this law shall be applicable to the technical personnel in the service of the Public Research Bodies of the General State Administration. In addition, articles 17, 18 and 19 of this law shall be applicable to the technical personnel, whether career civil servants or permanent employees in the service of the Public Research Bodies of the General State Administration.

2. Technical personnel providing services in Public Research Organizations of the General State Administration shall have the following rights:

a) To freely determine problem-solving methods, within the framework of recognized ethical principles and practices and applicable intellectual property regulations, and taking into account possible limitations arising from the circumstances of the activity and the environment, supervision, guidance or management activities, budgetary or infrastructure constraints.

b) To be recognized and protected in the authorship or co-authorship of the technical works in which he/she participates.

c) Respect for the principle of gender equality in the performance of their duties, in the hiring of personnel and in the development of their professional careers.

d) To have adequate means and facilities for the development of their functions, within the limits derived from the application of the principles of efficiency and effectiveness.

efficiency in the allocation, use and management of such means and facilities by the entity for which it provides services, and within the available budget.

e) To the consideration and respect of its activity.

f) To use the name of the entities for which it provides services in the performance of its activity.

g) To participate in the benefits obtained by the entities for which it provides services, as a consequence of the eventual exploitation of the results of the activity in which the technical personnel has participated. The aforementioned benefits shall in no case be of a remunerative or salary nature for the technical personnel.

h) To participate in the programs favoring the reconciliation of personal, family and work life implemented by the entities for which they provide services.

i) To their professional development, through access to continuous training measures for the development of their skills and competencies.

These rights shall be understood to be without prejudice to those established by Law 7/2007, of April 12, 2007, as well as the other rights applicable to technical personnel, depending on the type of entity for which they provide services and the activity performed.

3. The duties of the technical personnel providing services in Public Research Organizations of the General State Administration shall be the following:

a) Observe recognized ethical practices and the ethical principles corresponding to their disciplines, as well as the ethical standards contained in the various applicable codes of ethics.

b) To inform the entities for which it provides services of all findings, discoveries and results susceptible to legal protection, and to collaborate in the processes of protection and transfer of the results of its activity.

c) Participate in the meetings and activities of the governing and management bodies of which he/she is a member and in the evaluation and improvement processes for which he/she is required.

d) To ensure that their work is relevant to society.

e) To use the name of the entities for which it provides services in the performance of its activity, in accordance with the internal regulations of said entities and the agreements, pacts and conventions signed by them.

f) To follow safe work practices at all times in accordance with applicable regulations, including the adoption of the necessary precautions for the prevention of occupational hazards, and to ensure that the personnel in their charge comply with these practices.

g) Adopt the necessary measures to comply with the applicable regulations on data protection and confidentiality.

These duties shall be understood to be without prejudice to those established by Law 7/2007, of April 12, 2007, as well as the other duties applicable to technical personnel, depending on the type of entity for which they provide services and the activity carried out.

Civil servant technical personnel in the service of the Public Research Organizations of the General State Administration.

1. The scales of career civil servant technical personnel in the service of the Public Research Bodies of the General State Administration are as follows:

a) Technologists from Public Research Organizations.

b) Senior Specialized Technicians of Public Research Organizations.

c) Senior Defense Scientists.

d) Specialized Technicians of Public Research Organizations.

e) Research Assistants of Public Research Organizations.

f) Research Assistants of Public Research Organizations.

2. Internal promotion processes between the technical and scientific scales of the same subgroup of those provided for in article 76 of Law 7/2007, of April 12, 2007, may be foreseen in order to facilitate the development of the personal professional career.

Hiring of technical labor personnel for the execution of specific scientific and technical research projects.

(Suprimed)

CHAPTER III

Specificities applicable to teaching and research staff in the service of public universities

Article 31. *Access to the university teaching bodies of the public universities.*

1. Those who hold a doctoral degree or equivalent and meet the requirements of Organic Law 6/2001, of December 21, Law 7/2007, of April 12, 2007, and other applicable regulations, and the corresponding calls, may obtain national accreditation and, consequently, may apply for admission to university teaching bodies.

2. The evaluations for obtaining national accreditation and access competitions will be carried out by commissions in which Spanish experts may participate, whether or not they have a service relationship with the University and regardless of the type of relationship, as well as up to a maximum of two national experts from other Member States of the European Union or foreigners. These experts must be considered professionals of recognized scientific or technical prestige.

3. The personnel hired by the public universities as permanent labor personnel in accordance with Article 22 bis.1 may be accredited as tenured university professors, for the purposes of the provisions of Title IX of Organic Law 6/2001, of December 21, when they obtain a positive report on their teaching and research activity in accordance with the procedure established by the Government.

Dedication of teaching and research personnel.

The public universities, in the exercise of their autonomy, may establish the distribution of the dedication of the teaching and research staff in their service in each of the functions of the University established in the Organic Law 6/2001, of December 21, always in accordance with the provisions of said law and its regulatory development.

Article 32 bis. *Contracts for the realization of projects and for the execution of public scientific and technical research or innovation plans and programs.*

Public universities may hire technical personnel to support research and knowledge transfer in accordance with the provisions of Article 23 bis.

TITLE III

Promoting scientific and technical research, innovation, knowledge transfer, dissemination and scientific, technological and innovative culture.

CHAPTER I

General Provisions

Article 33. *Measures.*

1. The financing agents of the Spanish Science, Technology and Innovation System will promote the active participation of public agents in the development of research and in the implementation of innovation to stimulate quality research and the generation of knowledge and its transfer, as well as to improve productivity and competitiveness, the knowledge society and social welfare through the creation of a culture of innovation, for the benefit of social welfare, health and people's living conditions. To this end, they will carry out, among others, the following measures:

a) Measures for the promotion of research, development and innovation, such as the establishment of mechanisms for public-private collaboration in stable scientific research, development and innovation projects, or the promotion of the generation of new knowledge-based entities. Expert personnel in R&D&I from the private sector will be able to participate in works and projects of public agents of the Spanish Science, Technology and Innovation System aimed at research, experimental development, knowledge transfer or innovation.

b) Measures to encourage investment in research, development and innovation activities and to stimulate cooperation between companies and between companies and research organizations, through legal cooperation formulas such as economic interest groupings and temporary joint ventures in which collaborators share investment, project execution or exploitation of research results. These entities will benefit from the tax incentives provided for in the legislation in force, in accordance with the requirements and conditions established in said legislation.

c) Measures for the valorization of knowledge, which will include the promotion of the transfer activity from the public execution agents through the knowledge transfer offices, and from the science and technology parks, the technology centers and other innovation dynamizing structures, as well as the promotion of the cooperation of the public agents of execution with the private sector through the instruments established by the legal system and, in particular, through the participation in commercial companies, with the aim of favoring business diversification and the transformation of the results of scientific and technical research into sustainable economic and social development. Knowledge transfer measures that are not oriented towards commercialization or commercialized exploitation, such as the creation of common public spaces, will also be promoted. Likewise, initiatives will be promoted to establish collaboration projects between companies and the public research system. Likewise, the simplification of administrative procedures will be promoted to facilitate an equitable and symbiotic relationship between the academic and business sectors.

d) Measures for the development of bidirectional knowledge transfer, which will include the identification of the needs of agents in the productive sector and civil society in order to contribute to orienting the research lines and objectives of the research centers, with a view to achieving a greater socioeconomic impact. To this end, structures such as technology and innovation platforms, science and technology parks, among others, and digital tools that allow the articulation of challenges, citizen participation, competitions and, in general, the best coordination between supply and demand of knowledge will be used.

e) Measures to promote the training and incorporation of human resources specialized in science, technology and innovation in the business sector, as well as the articulation of a quality system in science, technology and innovation that promotes innovation among economic agents.

f) Measures for the open access dissemination of the resources and results of scientific research, development and innovation for their use by all agents of the System, as well as for their protection and use in technical standardization (standardization).

g) Measures to support research and innovation, such as the establishment of information and management support programs necessary for participation in European Union or other international programs; the creation of infrastructures and structures to support research and innovation; the promotion of technology centers, technological innovation support centers, science and technology parks, and any other entities that carry out activities related to the generation, sharing and dissemination of knowledge. To this end, instruments will be used to strengthen and develop their capacities, to cooperate among them and with other research organizations, or to promote their activities of transfer to companies; or to support frontier research.

h) Measures to support young researchers.

i) Measures to support young innovative companies.

j) Measures for the inclusion of the gender perspective as a cross-cutting category in science, technology and innovation, and to promote a balanced presence of women and men in all areas of the Spanish Science, Technology and Innovation System.

k) Measures to strengthen the innovative role of public administrations by promoting the application of emerging technologies, especially through instruments such as accelerators, incubators and demonstration centers; spaces for experimentation and dissemination; public procurement of innovation; and framework service agreements for the development of solutions involving the introduction of disruptive technologies in the Administration.

l) Measures for the promotion of units of excellence. Consideration as a unit of excellence may be accredited by the Ministry of Science and Innovation with the aim of recognizing and strengthening research units of excellence, which contribute to placing research in Spain in a position of international competitiveness in both the public and private sectors, in the form of centers, institutes, foundations, consortiums or others.

m) Measures for the promotion of research, development and innovation of environments, products, services and benefits aimed at creating an inclusive and accessible society for people with disabilities and dependent persons.

n) Measures for the promotion of scientific, technological and innovation culture.

ñ) Measures to ensure egalitarian, inclusive, diverse and safe research and innovation environments, such as the creation of a gender equality label in R&D&I for research centers, universities and innovation centers that demonstrate excellence in gender equality in research, innovation and knowledge transfer, and the integration of the gender dimension in R&D&I projects, a label that may be awarded by the Ministry of Science and Innovation.

o) Measures to promote research careers in companies, collaborative research between public and private research centers, the participation of research personnel working for private entities in R&D&I projects developed by public research centers, and public-private partnerships.

p) Measures to promote innovation in the projects developed by local entities in their area of activity, especially through the Innpulso Network of science and innovation cities.

q) Measures to support research personnel who may be in a situation of vulnerability.

r) Measures for the promotion of entrepreneurial return for the start-up of innovative projects.

s) Measures to promote research programs developed by higher education institutions.

t) Measures to promote eco-innovation or eco-efficient innovation.

2. The aforementioned measures shall be adapted to their purpose and shall be developed on the basis of the principle of neutrality, according to which the scope of application of the measures shall be general and there shall be no discrimination on the basis of the affiliation of the agents or their legal form.

Article 34. *Agreements.*

1. The public agents of financing or execution of the Spanish Science, Technology and Innovation System, including the Public Administrations, the public universities, the public research organizations of the General State Administration, the consortiums and foundations participated by the public administrations, the research organizations of other public administrations, and the centers and institutions of the National Health System, may sign agreements subject to administrative law. These agreements can be signed by the public agents themselves among themselves, or with private agents that carry out scientific and technical research activities, national, supranational or foreign, for the joint execution of the following activities:

a) Scientific research, development and innovation projects and activities.

b) Creation or financing of research centers, institutes, consortiums or units, and scientific infrastructures.

- c) Financing of singular scientific-technical projects.
- d) Training of scientific and technical personnel.
- e) Scientific and technological dissemination.
- f) Shared use of real estate, facilities and material means for the development of scientific research, development and innovation activities.

2. For the purposes of the provisions of Article 49.h) of Law 40/2015, of October 1, 2015, of the Public Sector Legal Regime, the term of the agreements in paragraphs a), c), d) and e) of the preceding paragraph, linked to a Spanish, European or international R&D&I program or project, will be determined in the clauses of the agreement itself, and in no case may the initial term of the agreement exceed five years. The signatories may unanimously agree on its extension, before the end of the term of the agreement, for a period of up to five additional years.

The agreements of letters b) and f) of the previous section that affect European research infrastructure consortiums, as well as the agreements of letter b) of the previous section by which centers, institutes, consortiums or research units and scientific infrastructures that are agents of the Spanish Science, Technology and Innovation System are created or financed, may have an indefinite term, linked to the duration of the corresponding center, institute, consortium, research unit or scientific infrastructure, depending on the fulfillment of the purposes for which they were created, on the requirements of the scientific project, or on the nature of the investments required or the amortization thereof.

3. These agreements will include the contributions made by the participants, as well as the regime of distribution and protection of the rights and results of research, development and innovation. The transfer of the rights over these results must be carried out with a consideration corresponding to their market value.

4. The object of these agreements may not coincide with that of any of the contracts regulated in the legislation on public sector contracts.

5. The creation of research centers, institutes and units through collaboration agreements will take into consideration in each case the applicable rules of incorporation.

6. Agreements may also be entered into with foreign institutions and companies as a way of promoting the internationalization of the Spanish Science, Technology and Innovation System.

CHAPTER II

Transfer and dissemination of the results of research, development and innovation activities and scientific, technological and innovative culture.

Ownership and patrimonial nature of the results of the research activity and the right to request the corresponding titles and to resort to mechanisms for safeguarding industrial and intellectual property, plant varieties and business secrets for their protection.

1. The results of the research, development and innovation activities carried out by the research personnel of the public agents of the Spanish Science, Technology and Innovation System, as a consequence of their functions, as well as the right to request the titles and resort to the mechanisms for safeguarding industrial or intellectual property, plant varieties and business secrets appropriate for their legal protection, shall belong to the entity to which said research personnel is linked, unless said entity communicates its waiver expressly and in writing.

2. The exploitation rights, as well as those associated with transfer activities carried out on the basis of industrial or intellectual property, plant varieties or trade secrets, shall correspond to the entity to which the author is linked, under the terms and to the extent provided for in the legislation on industrial and intellectual property, plant varieties and trade secrets.

3. In the case of personnel in the service of Public Research Organizations, state public sector entities and universities, the participation in the profits obtained by the Public Research Organization or state public sector entity for the exploitation of the research results will amount to at least one third of such profits for the research and technical personnel who have participated as author or co-author of the invention, in the manner established by regulation.

In the case of research and technical personnel in the service of public universities and research bodies of the Autonomous Communities who have participated as authors or co-authors of the invention, the Autonomous Communities may establish another minimum percentage of participation in the profits obtained. The minimum percentage of one third will be applied on a supplementary basis. This same percentage will be applied to the research and technical personnel in the service of state-owned public universities.

Article 35 bis. Valorization and transfer of knowledge.

1. The Public Administrations, within the scope of their respective competences, will promote the valorization, protection and transfer of knowledge so that the results of research are transferred to society, following the common practices of the European Union, through a multiplicity of channels, forms and actors that will include all social, territorial and local agents, for the benefit of people's welfare. In this same context, cooperation and bidirectional knowledge transfer will be promoted in projects led by Public Administrations or the business sector in collaboration with research entities for the development of social and market objectives based on research results.

2. Valorization, understood as the valorization of the knowledge obtained through the research process, will reach all processes that bring the results of publicly funded research closer to all sectors and social agents, and generate social value through various manifestations and types of transfer, and will have the following objectives:

a) Detect research groups that carry out scientific and technological developments with potential applications in the different sectors.

b) Facilitate adequate protection of knowledge and research results, in order to facilitate their transfer.

c) Establish mechanisms for the transfer of knowledge, skills and technology, with special emphasis on the creation and support of knowledge-based entities.

d) To foster relations between public research centers, technology centers and companies, especially small and medium-sized ones, with the aim of facilitating the incorporation of technological, design or management innovations that will boost productivity and competitiveness.

e) Promote relations between public research centers, research personnel and companies.

f) To promote relations between public research centers, research personnel and local corporations in order to facilitate the incorporation of scientific evidence in the design and execution of public policies in local corporations.

g) Create environments that stimulate the demand for knowledge, capabilities and technologies generated by research, development and innovation activities.

h) Stimulate public and private initiatives that mediate the transfer of knowledge generated by research, development and innovation activities.

i) Contribute to respond to the challenges of society, facilitating the implementation of public strategies and the resolution of needs not covered by the Public Administrations.

3. The public executing agents will promote efficient structures dedicated to facilitating and promoting the transfer activity, which may be carried out through dependent or related entities, including trading companies and other public business entities, for reasons of economic advantage, management or social impact and dissemination that make it advisable to do so.

4. The role of intermediate knowledge transfer organizations is recognized as strategic environments for the transfer of research results to the productive sectors and for the bidirectional transfer of knowledge.

5. The Public Administrations will promote investment and co-investment actions in seed capital and venture capital for investment in technology and financing of Spanish technological and innovative companies for their growth and transformation into relevant players in global markets, establishing the necessary agreements and mechanisms for the protection of the public interest.

6. Agencies and entities belonging to the General State Administration will regularly publish detailed information on the knowledge valorization and transfer activities they carry out.

Application of private law to contracts relating to the promotion and management of the results of research, development and innovation activities.

1. Without prejudice to the provisions of paragraph 3, the following contracts relating to the promotion, management and transfer of research, development and innovation results, signed by the Public Research Bodies of the General State Administration, public universities, state public sector foundations and other entities dedicated to research, development and innovation and dependent on the General State Administration, are governed by the generally applicable private law, subject to the principle of freedom of agreements, and may be awarded directly:

a) Option contracts to explore business and corporate viability entered into in connection with the incorporation of or participation in companies.

b) Financing and collaboration contracts for the valorization and transfer of research, development and innovation results.

c) Contracts for the provision of research, development and technical assistance services with public and private entities, for the performance of scientific and technical work or for the development of specialization courses or specific training activities.

2. Without prejudice to the provisions of paragraph 3, in the case of public executing agents dependent on or attached to an Autonomous Community or a local administration, the contracts referred to in the preceding paragraph shall be governed by private law in accordance with the provisions of the regulations of each Autonomous Community. In the absence of specific regulations on the matter, such entities may supplementarily apply the regime set forth in the preceding paragraph.

3. The provisions of this article shall not apply to contracts subject to Law 9/2017, of November 8, on Public Sector Contracts, transposing into Spanish law the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of February 26, 2014.

Article 36 bis. *Application of private law to transfers to third parties of rights over the results of research activity by Public Research Bodies, public universities and entities dependent on the General State Administration.*

1. The transfer to third parties of rights over the results of research activity, which includes industrial or intellectual property rights, plant varieties or trade secrets, by Public Research Bodies, public universities, state public sector foundations, state trading companies and other research centers dependent on the General State Administration, shall be governed by private law under the terms provided in this article and the regulatory provisions and bylaws of such entities, applying the principles of the legislation on the assets of Public Administrations to resolve any doubts and loopholes that may arise.

2. The transfer of rights by these entities will be carried out by direct award in the following cases:

a) When the rights are transferred to another Public Administration or, in general, to any legal person under public or private law belonging to the public sector. For these purposes, a legal person under private law belonging to the public sector shall be understood as the entity in whose capital the direct or indirect participation of one or more Public Administrations or legal persons under public law is a majority.

b) When the rights are transferred to a non-profit entity, declared of public utility.

c) When the procedure promoted for the sale is declared void or the same is unsuccessful as a consequence of the failure of the successful bidder to comply with his obligations, provided that not more than one year has elapsed since the conclusion of the same. In this case, the conditions of the sale may not be lower than those previously announced or those under which the award was made.

d) When the ownership of the right corresponds to two or more owners and the sale is made in favor of one or more co-owners.

e) When the transfer is made in favor of a person having a preferential acquisition right.

f) When the ownership of the right corresponds to two or more owners, one of which does not belong to the public sector, and the private co-owner or co-owners have formulated a specific proposal for the conditions of the transfer. In this case, the public co-owners must expressly approve the proposed conditions, after verifying their reasonableness.

g) When the transfer is made in favor of a knowledge-based entity, as defined in Article 36 quater.1.d), created or participated by the entity owning the right, or to be created by such entity or by its research personnel for the exploitation of such research results.

h) When due to the peculiarities of the law, the limitation of demand, the urgency resulting from unforeseeable events or the singularity of the operation, a direct award is appropriate.

i) When it is appropriate due to the nature and characteristics of the right or the transfer, according to the regulations in force, as in the case of licenses of right or compulsory licenses.

3. In cases other than those listed in the previous section, a procedure based on the competitive concurrence of interested parties must be followed for the transfer, in which an adequate prior dissemination of the object and conditions of the transfer is guaranteed, which may be carried out through the institutional pages maintained on the Internet by the body or entity holding the right and the ministerial department on which it depends or to which it is attached. This procedure must also ensure the secrecy of the proposals and the awarding based on economic criteria, the social impact of the exploitation of the results of the research activity or dissemination.

4. In any case, the transfer of the rights to these results will be made with a consideration that corresponds to their market value.

5. When the rights to the results of the research activity are transferred to a private entity, the contract must include clauses that guarantee the protection of the public position, in particular the following:

a) Better fortune rights that allow public entities to recover part of the capital gains obtained in the event of successive transfers of the rights or when, due to circumstances that were not taken into account at the time of the appraisal, it is determined that the transfer value of the ownership of the right was lower than that which would have resulted had such circumstances been taken into account, as well as to participate in the revaluation of the private entity derived from the transfer of the right.

b) Right of reversion for cases of non-exploitation of rights or exploitation contrary to the general interest.

c) Reservation by the holder entity of a non-exclusive, non-transferable and free license of use limited to teaching, health and research activities, provided that the activity is not for profit.

Article 36 ter. *Application of private law to the transfer to third parties of rights over the results of research activity by research organizations of other Public Administrations.*

The transfer to third parties of rights over the results of research activity, which includes industrial or intellectual property rights, plant varieties or business secrets, by public agents of execution dependent on or attached to an Autonomous Community or a local Administration, shall be governed by private law in accordance with the provisions of the regulations of each Autonomous Community. In the absence of specific regulations on the subject, such entities may apply the regime provided for in this Chapter on a supplementary basis.

Article 36 quater. *Cooperation of public enforcement agents with the private sector through participation in knowledge-based entities.*

1. The public agents of the Spanish Science, Technology and Innovation System may participate in the capital of entities whose corporate purpose is to carry out any of the following activities:

- a) Research, development or innovation.
- b) The realization of concept tests.
- c) The exploitation of patents and, in general, the assignment and exploitation of industrial and intellectual property rights, plant varieties and trade secrets.
- d) The use and exploitation, industrial or commercial, of innovations, scientific knowledge and results obtained and developed by these agents.
- e) The provision of technical services related to its own purposes.

2. The participation of Public Research Bodies, state public sector foundations, state trading companies and other public executing agents dependent on or attached to the General State Administration in trading companies must be subject to authorization by the Council of Ministers, in accordance with the provisions of Article 169.f) of Law 33/2003, of November 3, 2003, on the Assets of the Public Administrations, in relation to the entities referred to in the previous section, as well as the acts and businesses that imply that said companies acquire or lose the status of state trading company, as defined in Article 166.1.c) of the aforementioned Law 33/2003, of November 3. In these cases, the Ministry of Science and Innovation will be the Ministry of Trusteeship.

The participation of the Public Research Bodies of the General State Administration in the capital of commercial companies whose capital is mainly privately owned will require the prior authorization of the ministerial department to which they are attached.

The authorizations provided for in the preceding paragraph may be delegated by the competent body, for reasons of speed, in favor of delegated committees with an express mandate to that effect, or when the entity is structured in accordance with Article 35 bis.3.

3. In the case of public universities, the authorization procedure for the creation of or participation in knowledge-based entities shall be governed by the provisions of the applicable university legislation, without prejudice to the possibility of delegation by the competent body of such competence, for reasons of speed, in favor of delegated committees with an express mandate to that effect, or of such entity being structured in accordance with the provisions of Article 35 bis.3.

4. The participation of research organizations dependent on other Public Administrations in knowledge-based entities shall be governed by the regulations applicable to such centers, without prejudice to the provisions of Article 36.2 and Article 36 ter *in fine*.

Article 36 quinquies. *Mechanisms for the evaluation of transfer activities.*

Knowledge transfer is a function of the executing agents of the Spanish Science, Technology and Innovation System, which can be deployed through the following means

multiple channels, from the commercialization of patents, participation in knowledge-based entities or the creation of spin-off companies, to consulting or technical assistance contracts, as well as various models of collaboration between agents, the development of technical norms or standards, and other more informal mechanisms for disseminating and communicating research results.

Knowledge transfer should not be understood only as a linear process from science to business and society, but as a bidirectional and collaborative process in which companies also play a fundamental role in the production of knowledge and in the definition of priority technological trajectories. This multidimensional and bidirectional character of knowledge transfer will be taken into account in the design of evaluation mechanisms, also considering the differences between different scientific specialties and areas of knowledge.

The knowledge transfer activities carried out in any of the formulas foreseen in this article by the research personnel must be considered an evaluable concept for remuneration and promotion purposes, so that the transfer merits are considered in the selection and promotion and resource allocation processes together with the research merits. Likewise, the execution of the transfer activity and the impacts it produces in the economic, social, health and environmental fields must be considered an evaluable concept for the public agent of execution with a view to the allocation of public resources, in the same way as the fulfillment of the objectives foreseen in article 35 bis.2.

Article 36 sexies. *Public procurement of innovation.*

1. The Public Administrations, agencies and entities of the public sector will promote the development of public procurement of innovation, in order to meet the following objectives:

- a) The improvement of public services and infrastructure, through the incorporation of innovative goods or services that meet duly identified and justified public needs.
- b) Economic dynamization, internationalization and competitiveness of innovative companies.
- c) The promotion of knowledge transfer and application of research results, and the generation of launching markets for new technology-based companies.
- d) Cost savings in the short, medium or long term.
- e) Experimentation in the design of public policies.

2. The purpose of the public purchase of innovation may be the acquisition of innovative goods or services, which do not currently exist in the market as a final product or service, or the research of solutions to future public needs, and the resulting technologies must be included in any of the lines of the Spanish Strategy for Science, Technology and Innovation or in the plans and instruments of the corresponding Autonomous Administration.

3. The public purchase of innovation may adopt any of the following modalities:

- a) Public procurement of innovative technology.
- b) Pre-commercial public procurement.

4. Prior to the initiation of public procurement processes for innovation within the scope of their respective competencies, the Public Administrations, agencies and public sector entities shall determine the specific needs of the public service not satisfied by the market, detail the corresponding functional specifications of the solution to be achieved, as well as carry out the necessary studies and consultations to verify the innovative content of said solution.

5. The tenders to which the procedures for the public purchase of innovative technology give rise shall be governed by the provisions of Law 9/2017, of November 8, with the exclusions in the field of R&D&I provided for in Article 8 of

the aforementioned law. On the other hand, the use of the innovation partnership procedure will be encouraged.

6. Within the scope of the General State Administration, the Ministry of Science and Innovation and the Center for Technological Development and Innovation (CDTI) will be responsible for developing policies, plans and strategies for public procurement of innovation.

Article 37. *Open Science.*

1. The public agents of the Spanish Science, Technology and Innovation System will promote the dissemination of the results of scientific, technological and innovation activity, and that the results of research, including scientific publications, data, codes and methodologies, are available in open access. Free and open access to the results will be promoted through the development of institutional or thematic open access repositories, either proprietary or shared.

2. Research personnel in the public sector or whose research activity is mainly financed with public funds and who choose to disseminate their research results in scientific publications, must deposit a copy of the final version accepted for publication and the associated data in institutional or thematic open access repositories, simultaneously with the date of publication.

3. The beneficiaries of research, development or innovation projects financed mainly with public funds must comply at all times with the open access obligations set forth in the grant conditions or agreements of the corresponding calls for proposals. The beneficiaries of public grants and subsidies shall ensure that they retain the intellectual property rights necessary to comply with the open access requirements.

4. Research results available in open access may be used by Public Administrations in their evaluation processes, including the evaluation of research merit.

5. The Ministry of Science and Innovation will facilitate access to open access repositories and their interconnection with similar national and international initiatives, promoting the development of systems that facilitate this, and will promote open science in the Spanish Strategy for Science, Technology and Innovation, recognizing the value of science as a common good and following European recommendations on open science.

In addition to open access, and always with the aim of making science more open, accessible, efficient, transparent and beneficial to society, the Ministries of Science and Innovation and Universities, each in their respective areas of action, as well as the Autonomous Communities within the framework of their competencies, will also promote other initiatives aimed at facilitating free access to and management of data generated by research (open data), according to the international FAIR principles (easy to find, accessible, interoperable and reusable), to develop open infrastructures and platforms, to promote the publication of scientific results in open access, and the open participation of civil society in scientific processes, as developed in article 38.

6. The above will be compatible with the possibility of taking the appropriate measures to protect, prior to scientific publication, the rights over the results of the research, development and innovation activity, in accordance with national and European regulations on intellectual and industrial property, plant varieties or trade secrets.

Article 38. *Scientific and technological culture.*

1. The Public Administrations will promote activities leading to the improvement of the scientific and technological culture of society through education, training and dissemination, and will give appropriate recognition to the activities of the agents of the Spanish Science, Technology and Innovation System in this field.

2. The State Plan for Scientific and Technical Research and Innovation will include measures to achieve the following objectives:

a) To improve the scientific and innovative training and culture of society, so that all people can acquire greater scientific knowledge, understand the scientific and technological

processes and nature of science and its relationship with society, interpret scientific information, and have their own criteria on the modifications that take place in their natural and technological environment.

b) Encourage citizen participation in the scientific and technical process through, among other mechanisms, the definition of research agendas, observation, data collection and processing, impact assessment in the selection of projects and monitoring of results, and other citizen participation processes.

c) Promote scientific, technological and innovative dissemination.

d) To support institutions involved in the development of scientific and technological culture, by promoting and encouraging the activity of museums, planetariums and centers for the dissemination of science and the promotion of scientific and innovative communication by the agents of the Spanish Science, Technology and Innovation System.

e) To encourage and recognize the role of research personnel in the promotion of scientific, technological and innovative dissemination, and of the Scientific Culture and Innovation Units of universities and research centers.

f) Protect the historical scientific and technological heritage.

g) Include scientific, technological and innovation culture as a transversal axis throughout the educational system.

h) Promote access to scientific culture and innovation for groups with greater barriers to access, for socioeconomic, territorial, age or other reasons.

3. In order to contribute to society's awareness of science and to provide truthful and contrasted information, the state-owned public radio and television channels will promote spaces for the popularization of science in their programming.

CHAPTER III

Internationalization of the system and development cooperation

Article 39. *Internationalization of the Spanish Science, Technology and Innovation System.*

1. The international dimension will be considered as an intrinsic component in the actions of promotion, coordination and execution of the Spanish Science and Technology Strategy and the Spanish Innovation Strategy.

2. The General State Administration and the Autonomous Communities will promote actions to increase Spain's international visibility and attractiveness in the field of research and innovation.

3. The General State Administration and the Autonomous Communities will promote the participation of public entities, companies and other private entities in international projects, knowledge networks and especially in initiatives promoted by the European Union, the mobility of research personnel, and the presence in international or foreign institutions linked to scientific and technical research and innovation.

4. The Ministry of Science and Innovation will set up a monitoring system to ensure that Spain's contributions to International Organizations in the field of research and innovation have an adequate scientific and technical return and impact, with special attention to the European Union's Framework Program for Research and Technological Development.

5. The public agents of the Spanish Science, Technology and Innovation System may create research centers abroad, on their own or through agreements with other national, supranational or foreign agents, which will have the structure and regime required by the applicable regulations.

In the case of public universities, the creation of such centers will be subject to the provisions of Organic Law 6/2001, of December 21.

In the case of the General State Administration and the entities attached to it, the creation of research centers abroad will be adjusted to the provisions that regulate the General State Administration abroad, and will be carried out after obtaining favorable reports from the Ministry of Economy and Finance and the Presidency.

Article 40. Cooperation for development.

1. The Public Administrations will promote, in collaboration and coordination with the Ministry of Foreign Affairs and Cooperation, international cooperation for development in the scientific, technological and innovation fields in the priority countries for Spanish cooperation and in the programs of the international organizations in which Spain participates, in order to favor the processes of generation, use by the country itself and utilization of scientific and technological knowledge to improve living conditions, economic growth and social equity in accordance with the Master Plan for Spanish Cooperation.

2. Priority programs and lines of work will be established within the framework of the Spanish Science and Technology Strategy and the Spanish Innovation Strategy, and the transfer of knowledge and technology will be promoted within the framework of cooperation projects for the productive and social development of priority countries for Spanish cooperation.

3. The Public Administrations shall give appropriate recognition to the development cooperation activities carried out by the participants in such activities.

TITLE IV

Promotion and coordination of scientific and technical research in the General State Administration.

CHAPTER I

Governance

Government Delegate Commission for Scientific, Technological and Innovation Policy.

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Article 42. State Plan for Scientific and Technical Research and Innovation.

1. The development by the General State Administration of the Spanish Science, Technology and Innovation Strategy will be carried out through the State Plan for Scientific and Technical Research and Innovation.

This plan will finance actions in the field of scientific and technical research and innovation that correspond to the priorities established by the General State Administration, with the aim of transforming the knowledge generated into social value, in order to more effectively address the social and global challenges posed, and it will define, for a multi-year period:

a) In the field of scientific and technical research:

1.º) The objectives to be achieved, and their monitoring indicators and evaluation of results.

2.º) Scientific-technical and social priorities, which will determine the distribution of the financial effort of the General State Administration.

3.º) The programs to be developed by the executing agents of the General State Administration to achieve the objectives. These programs will integrate the sectorial initiatives proposed by the different ministerial departments, as well as by the financing and execution agents attached to the General State Administration. Each program will determine its duration and the entity in charge of its management and execution.

4.º) The criteria and mechanisms for coordinating the Plan with the sectoral policies of the Government, the Autonomous Communities and the European Union, to avoid redundancies and prevent shortcomings in order to make the best use of the available resources and achieve the greatest overall efficiency of the system.

5.º) The foreseeable costs for its realization and the sources of financing. An estimate of the contributions of the European Union and of other public or private organizations participating in the promotion actions, as well as those that, taking into account the

The principle of complementarity is taken into account, and the beneficiaries of the subsidies are entitled to receive them.

b) In the field of innovation:

- 1.º) The objectives to be achieved, and their monitoring and results evaluation indicators.
- 2.º) The priority axes of state action, as vectors for the promotion of innovation, which will include analyses and measures relating to the modernization of the financial environment, the development of innovative markets, people, the internationalization of innovative activities, education and training, the sustainability of resources, the collaboration and participation of social actors, and territorial cooperation as a fundamental basis for innovation.
- 3.º) The agents, among which are universities, Public Research Organizations, other R&D&I organizations such as technology centers, and companies.
- 4.º) The mechanisms and criteria for the articulation of the Plan with the sectorial policies of the Government, the Autonomous Communities and the European Union, in order to achieve efficiency in the system and avoid redundancies and deficiencies.
- 5.º) The foreseeable costs for its realization and the sources of financing.

The State Plan for Scientific and Technical Research and Innovation will establish the priority axes for state action in the field of innovation, which will include analyses and measures relating to the modernization of the financial environment, the development of innovative markets, people, the internationalization of innovative activities, education and training, the sustainability of resources, the collaboration and participation of social actors, and territorial cooperation as a fundamental basis for innovation.

Instruments will be designed to facilitate the access of innovative companies to financing for their activities and projects, by promoting specific lines of credit for this purpose and encouraging private investment in innovative companies.

Public procurement of innovative activities will be promoted, in order to align private technological supply and public demand, through actions in cooperation with the Autonomous Communities and Local Entities.

The relevant ministerial departments will approve and make public a plan detailing their innovative and pre-commercial public procurement policy.

The participation of Spanish entities in European and international programs will be supported, and joint instruments will be promoted within the European Union to protect industrial and intellectual property.

The calls for innovation grants will include, among their evaluation criteria, the assessment of the expected international impact of the projects.

The signing of collaboration, cooperation and shared management agreements by the General State Administration with the Autonomous Communities will be encouraged for the development of the objectives of the State Plan for Scientific and Technical Research and Innovation, in which the development of the Plan's priority axes will be established.

Programs will be developed for the incorporation into companies of doctoral personnel, technological personnel and knowledge transfer management personnel linked to research groups, dedicated to protecting and transferring the industrial and intellectual property generated by research excellence.

2. The State Plan will develop the principle of gender equality in a cross-cutting manner in all its sections, establishing quantitative objectives and monitoring indicators, so that gender equality and the fight against gender gaps are independent basic principles.

3. The Ministry of Science and Innovation will prepare the proposal of the State Plan for Scientific and Technical Research and Innovation in coordination with the competent ministerial departments, will integrate the gender perspective and will take into account the human, economic and material resources necessary for its development, as well as its future forecasts.

The State Plan will be approved by the Government, at the proposal of the Ministry of Science and Innovation, following a report from the Advisory Council on Science, Technology and Innovation and the appropriate bodies.

In any case, the State Plan must have a gender impact report prior to its approval, promoted by the Ministry of Science and Innovation, and with the advice of the Equality Unit of the Ministry of Science and Innovation.

4. The State Plan will be financed with funds from the General State Budget, whose allocation will be subject to compliance with the budget stability and expenditure efficiency objectives, and with contributions from public and private entities and from the European Union.

5. The State Plan may be revised on an annual basis, by means of the procedure established therein. The revisions may result in the modification of the State Plan or its extension.

6. The State Plan for Scientific and Technical Research and Innovation may include complementary plans that develop the measures contemplated in its different priority axes, as well as those others that are considered strategic in the field of R&D&I policy, and the Autonomous Communities and public agents of the Spanish Science, Technology and Innovation System that contribute to their financing may participate in their programming and execution.

7. The State Plan for Scientific and Technical Research and Innovation will be considered a Strategic Subsidy Plan for the purposes of the provisions of article 8 and the thirteenth additional provision of Law 38/2003, of November 17.

8. The State Plan will include mechanisms for the monitoring and evaluation of its development, in collaboration with the competent ministerial departments. The monitoring and evaluation during the development of the Plan and once it has been finalized must include a gender impact report promoted by the Ministry of Science and Innovation. In addition, the Independent Authority for Fiscal Responsibility will be able to give its opinion. The results of the monitoring and evaluation of the projects must be disseminated on an annual basis.

Article 43. State Innovation Plan.

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Priority axes of the State Innovation Plan.

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CHAPTER II

Financing agents

Financing agents attached to the Ministry of Science and Innovation.

1. Among the financing agents of the General State Administration, the State Research Agency and the Center for Industrial Technological Development are financing agents attached to the Ministry of Science and Innovation.

2. The functions of the State Research Agency and the Center for the Development of Industrial Technology are as follows:

a) Manage the programs or instruments assigned to them by the State Plan for Scientific and Technical Research or by the State Innovation Plan, and, if applicable, those derived from collaboration agreements with Spanish entities or with their counterpart agents in other countries.

b) Contribute to the definition of the objectives of the State Plan for Scientific and Technical Research and the State Innovation Plan, and collaborate in the tasks of evaluation and monitoring of the same.

c) To carry out the scientific and technical evaluation of the actions of the State Plan for Scientific and Technical Research, the State Innovation Plan, and other actions of scientific and technological policy for the allocation of resources, as well as the evaluation for the verification of the justification of aid and of the performance of the activity and of the

fulfillment of the purpose for which the aid was granted or enjoyed. The results of the evaluations will be disseminated.

d) Advise on management, financing systems, justification and monitoring of the State Plan for Scientific and Technical Research and the State Innovation Plan.

e) Any other duties entrusted to them by their bylaws, their regulations or the regulations in force.

3. The State Research Agency will be oriented to the promotion of the generation of knowledge in all areas of knowledge through the promotion of scientific and technical research, and will use scientific or technical merit as an evaluation criterion for the allocation of resources in accordance with the provisions of Article 5 of this law.

4. The Center for the Development of Industrial Technology will be oriented to the promotion of innovation through the promotion of research, experimental development and the incorporation of new technologies. For the allocation of its resources it will use evaluation criteria that will take into account the technical or market merit and the socioeconomic impact of the projects in accordance with the provisions of Article 5 of this law.

5. Both the State Research Agency and the Center for the Development of Industrial Technology will develop their activities as financing agents in a coordinated manner and in accordance with the principles of autonomy, objectivity, transparency, accountability, effectiveness and efficiency in management. Their evaluation and financing procedures will be adjusted to the criteria linked to the best practices established at the international level. Furthermore, they shall cooperate with their Spanish and foreign counterparts within the scope of their functions.

CHAPTER III

Executing agents

Article 46. *Executing Agents of the General State Administration.*

The executing agents of the General State Administration are the Public Research Bodies, as well as other public research bodies dependent on, created or majority owned by the General State Administration.

Article 47. *Public Research Bodies of the General State Administration.*

1. Public Research Bodies are those created for the direct performance of scientific and technical research activities, activities for the provision of technological services, and those other activities of a complementary nature, necessary for the adequate scientific and technological progress of society, which are attributed to them by this law or by their rules of creation and operation. In addition, the Instituto de Salud Carlos III will carry out activities for the financing of scientific and technical research.

2. The following have the status of Public Research Organizations of the General State Administration: the Agencia Estatal Consejo Superior de Investigaciones Científicas (CSIC), the Instituto Nacional de Técnica Aeroespacial (INTA), the Instituto de Salud Carlos III (ISCIII), the Centro de Investigaciones Energéticas Medioambientales y Tecnológicas (CIEMAT), and the Instituto de Astrofísica de Canarias (IAC), without prejudice to their own consortial nature.

3. Measures will be established to improve and optimize the evaluation processes of the activity of the Public Research Organizations.

First additional provision. *Application of the provisions of Title II of this law to other entities.*

1. Article 13.1 may also apply to private universities and universities of the Catholic Church. Articles 21, 22.1 and 23 may also apply to them, but only when they receive funds for the hiring of research personnel. In addition, they may be applicable to universities

The following articles 23 bis and 32 bis, when they are recipients of funds whose destination includes the hiring of personnel.

2. Articles 13.1, 20, 21, 21, 22.1 and 23 bis may be applicable to those private non-profit entities that carry out research and technological development activities, generate scientific or technological knowledge, facilitate its application and transfer or provide innovation support services to business entities, and to the technology centers included in the register of Technology Centers and Technological Innovation Support Centers regulated in Royal Decree 2093/2008, of December 19, which regulates Technology Centers and Technological Innovation Support Centers at the state level and creates the Register of such Centers. However, Articles 20, 21, 22.1 and 23 bis may only be applicable to them when they are beneficiaries of public aid or subsidies whose purpose is the hiring of personnel, through the use of the contract referred to in each article, granted within the framework of the Spanish Science and Technology Strategy or the Spanish Innovation Strategy.

3. Articles 13.1, 14, 15, 20, 21, 22, 22 bis, 23 and 23 bis may be applicable to public consortia and public sector foundations in which the state participation is equal to or greater than that of each of the other Public Administrations, whose corporate purpose or object includes the direct execution of scientific and technical research activities or the provision of technological services, or those of a complementary nature necessary for the adequate scientific and technological progress of society.

4. Articles 13.1, 20, 21, 22, 22 bis, 22 bis, 23 and 23 bis may be applicable to public consortia and public sector foundations in which the State participation is less than that of each of the other Public Administrations, whose corporate purpose or object includes the direct execution of scientific and technical research activities or the provision of technological services, or those of a complementary nature necessary for the adequate scientific and technological progress of society.

5. Articles 13.1, 20, 21, 21, 22, 22 bis and 23 bis shall be applicable to other research bodies of the General State Administration different from the Public Research Bodies regulated in this law. Likewise, articles 21, 22, 23 and 23 bis may be applicable to the Bank of Spain and to the Fundación Centro de Estudios Monetarios y Financieros, in relation to their research activity.

6. In the cases indicated in paragraphs 3, 4 and 5, the references to reserves on the Public Employment Offer made in Article 22 bis shall be understood to be made to the similar instrument of management of the provision of personnel needs referred to in Article 70 of the consolidated text of the Law of the Basic Statute of the Public Employee.

Second additional provision. Statute of research personnel in training.

Within two years of the entry into force of this law, the Government will draw up a statute for research personnel in training, which must be submitted for a prior report to the Council for Scientific, Technological and Innovation Policy. Said statute will replace the current Statute for research personnel in training, and will include the prescriptions included in the present law for the pre-doctoral contract.

Third additional provision. Young innovative company.

1. The Ministry of Science and Innovation will grant the status of young innovative company to a company that has been in existence for less than 6 years and meets the following requirements:

a) It must have made expenditures on research, development and technological innovation that represent at least 15% of the company's total expenditures during the two previous fiscal years, or in the previous fiscal year in the case of companies less than two years old.

b) The Ministry of Science and Innovation has ascertained, by means of an expert assessment, in particular on the basis of a business plan, that the company will develop, in the foreseeable future, technologically advanced products, services or processes.

novel or substantially improved with respect to the current technological state of the art in the corresponding sector, and which entail technological or industrial risks.

2. The Government, within one year after the entry into force of this law, will approve the Statute of the Young Innovative Company, inspired by successful European experiences, as a key aspect for the support of recently created companies that dedicate a significant part of their turnover to R&D&I activities.

Fourth additional provision. *Personnel of the National Health System.*

The personnel rendering services in centers of the National Health System or those linked to it or concerted with it who, together with the healthcare activity, perform research activity, will be considered research personnel for the purposes of the provisions of Chapter I, Title II of this law, without prejudice to the career and working conditions established by their corresponding work regulations.

Fifth additional provision. *Suppression of scales of the State Agency of the Higher Council for Scientific Research, of the National Institute for Aerospace Technology and of the Public Research Bodies of the General State Administration.*

The following scales belonging to the Public Research Bodies of the General State Administration are abolished:

- a) Scale of Research Professors of the Consejo Superior de Investigaciones Científicas.
- b) Scale of Scientific Researchers of the Consejo Superior de Investigaciones Científicas.
- c) Scale of Tenured Scientists of the Consejo Superior de Investigaciones Científicas (Spanish National Research Council).
- d) Scale of Senior Researchers of Public Research Organizations.
- e) Scale of Graduates Higher Specialized of Council Superior of Scientific Research.
- f) Scale of Senior Technical Specialists of the Public Research Organizations.
- g) Scale of Senior Scientists of the National Institute of Aerospace Technology.
- h) Scale of Specialized Scientists of the National Institute of Aerospace Technology.
- i) Scale of Senior Service Graduates of the Instituto Nacional de Técnica Aeroespacial (National Institute of Aerospace Technology).
- j) Scale of Technical Specialists of the National Institute of Aerospace Technology.
- k) Scale of Specialized Technical Graduates of the National Institute of Aerospace Technology.
- l) Scale of Middle Level Specialized Technicians of the Public Research Organizations.
- m) Scale of Aviation Specialists of the National Institute of Aerospace Technology.
- n) Scale of Analysts and Laboratory Operators of the National Institute of Aerospace Technology.
- ñ) Workshop Personnel Scale of the National Institute of Aerospace Technology.
- o) Scale of Draftsmen and Designers of the National Institute of Aerospace Technology.
- p) Scale of Trainers of the National Institute of Aerospace Technology.
- q) Scale of Calcadores of the Instituto Nacional de Técnica Aeroespacial (National Institute of Aerospace Technology).

Sixth additional provision. *Scales of the Public Research Organizations of the General State Administration.*

1. The Scale of Research Professors of Public Research Organizations is created, attached to the Ministry of Science and Innovation and classified in Group A, Subgroup A1, as provided for in Article 76 of Law 7/2007, of April 12, 2007.

For access to this scale it will be required to be in possession of a doctorate degree or equivalent. The civil servant personnel integrated in this scale will be entrusted with the functions that corresponded to the Scale of Research Professors of the suppressed Superior Council of Scientific Research and, specifically, those of special requirement and

responsibility, within the different activities that constitute the specific purpose of the Agency, with its own research work of singular relevance.

Civil servant personnel who, at the time of entry into force of this law, belong to the Scale of Research Professors of the Higher Council for Scientific Research will be integrated into this scale, regardless of the administrative situation in which they find themselves.

The personnel who, at the entry into force of the present law, are participating in selective processes for admission by open access or internal promotion in the Scale of Research Professors of the suppressed Higher Council for Scientific Research, once they have passed the corresponding selective process, will be appointed as civil servant personnel in the new Scale of Research Professors of Public Research Bodies.

Civil servant personnel belonging to the new Scale of Research Professors of Public Research Organizations may be accredited as University Professors, for the purposes of the provisions of Title IX of Organic Law 6/2001, of December 21, when they obtain a positive report on their teaching and research activity, in accordance with the procedure established by the Government.

2. The Scale of Scientific Researchers of Public Research Organizations is created, which is attached to the Ministry of Science and Innovation and classified in Group A, Subgroup A1, as provided for in Article 76 of Law 7/2007, of April 12, 2007.

For access to this scale it will be required to be in possession of a doctoral degree or equivalent. The civil servant personnel integrated in this scale will be entrusted with the functions of the Scale of Scientific Researchers of the Superior Council for Scientific Research, which has been abolished, and specifically the high-level functions, within the different activities that constitute the specific purpose of the Agency.

Civil servant personnel who, at the time of entry into force of this law, belong to the Scale of Scientific Researchers of the suppressed Superior Council of Scientific Research, regardless of their administrative situation, will be integrated into this scale.

The personnel who, at the entry into force of the present law, are participating in selective processes for admission by open access or internal promotion in the Scale of Scientific Researchers of the suppressed Superior Council of Scientific Research, once they have passed the corresponding selective process, will be appointed as civil servants in the new Scale of Scientific Researchers of Public Research Organizations.

Civil servant personnel belonging to the new Scale of Scientific Researchers of Public Research Organizations may be accredited as Full University Professor, for the purposes of the provisions of Title IX of Organic Law 6/2001, of December 21, when they obtain a positive report on their teaching and research activity, in accordance with the procedure established by the Government.

3. The Scale of Senior Scientists of Public Research Organizations is created, which is attached to the Ministry of Science and Innovation and classified in Group A, Subgroup A1, as provided for in Article 76 of Law 7/2007, of April 12, 2007.

For access to this scale it will be required to be in possession of a Doctorate Degree or equivalent. The civil servant personnel integrated in this scale will be entrusted with the functions that corresponded to the scales of Senior Scientists of the Consejo Superior de Investigaciones Científicas and Senior Researchers of the suppressed Public Research Bodies, and specifically the functions that include scientific or technological research activities.

Civil servant personnel who, at the time of entry into force of this law, belong to the Scales of Senior Scientists of the Higher Council for Scientific Research or Senior Researchers of the Public Research Bodies that have been abolished, regardless of their administrative situation, will be integrated into this scale.

The personnel who, at the entry into force of this law, are participating in selective processes for admission by open access or internal promotion in the Scales of Senior Scientists of the Higher Council for Scientific Research or Senior Researchers of the Public Research Organizations that have been abolished, once they have passed the corresponding selective process, will be appointed as civil servants in the new Scale of Senior Scientists of Public Research Organizations.

Civil servant personnel included in the list of researchers in functions referred to in Article 35.4 of Law 14/2000, of December 29, 2000, on fiscal, administrative and social measures, may apply, from the entry into force of this law and for a maximum period of three years, for integration into the Scale of Senior Scientists of Public Research Organizations, when they meet the requirements of the following paragraphs.

a) and c) of article 35.2 of Law 14/2000, of December 29, 2000, by submitting a request addressed to the Secretary of State for Research of the Ministry of Science and Innovation.

Civil servant personnel belonging to the new Scale of Tenured Scientists of Public Research Organizations may be accredited as Full University Professor, for the purposes of the provisions of Title IX of Organic Law 6/2001, of December 21, when they obtain a positive report on their teaching and research activity, in accordance with the procedure established by the Government.

4. The Scale of Technologists of Public Research Organizations is created, which is attached to the Ministry of Science and Innovation and classified in Group A, Subgroup A1, as provided for in Article 76 of Law 7/2007, of April 12, 2007.

The civil servant personnel belonging to this scale will be entrusted with the functions that involve special demands and responsibilities, to develop tasks of human team management, knowledge valorization, formulation of technological and innovation initiatives, or study, inspection or supervision in scientific or technical facilities, in their respective specialties within the different activities that constitute the specific purpose of the Agency.

5. The Scale of Senior Defense Scientists is created, which is attached to the Ministry of Defense, and classified in Group A, Subgroup A1, as provided for in Article 76 of Law 7/2007, of April 12, 2007.

The functions to be performed by the personnel who join or accede to this Scale will be those entrusted to the Scales of Senior Scientists of the National Institute for Aerospace Technology and of Specialized Scientists of the National Institute for Aerospace Technology, which have been abolished.

The civil servants who, at the time of the entry into force of this law, belonged to the Scales of Senior Scientists of the National Institute for Aerospace Technology or of Specialized Scientists of the National Institute for Aerospace Technology, whichever the administrative situation in which they are, shall be integrated into this Scale.

The personnel that at the entry into force of the present law are immersed in the selective processes for admission by open access or internal promotion in the scales of Senior Scientists of the National Institute of Aerospace Technology or Specialized Scientists of the National Institute of Aerospace Technology, once they have passed the corresponding selective process, will be appointed as civil servants in the new Scale of Senior Scientists of the Ministry of Defense.

6. The Scale of Specialized Senior Technicians of Public Research Organizations is created, which is attached to the Ministry of Science and Innovation and classified in Group A, Subgroup A1, as provided for in Article 76 of Law 7/2007, of April 12, 2007.

The functions to be performed by the civil servants integrated in this scale will be those entrusted to the scales of Senior Specialized Graduates of the Consejo Superior de Investigaciones Científicas, of Senior Specialized Technicians of the Public Research Organizations, of Senior Service Graduates of the Instituto Nacional de Técnica Aeroespacial, and of Specialized Technicians of the Instituto Nacional de Técnica Aeroespacial, which have been abolished, and specifically the development of tasks of conception, design, application or improvement in experimental scientific facilities, formulation of technological and innovation initiatives, or management, advice, analysis or preparation of reports in their respective specialties, within the different activities that constitute the specific purpose of the Agency.

Civil servants who, at the time this law enters into force, belong to the scales of Senior Specialized Graduates of the Higher Council for Scientific Research, Senior Specialized Technicians of the Public Research Organizations, Senior Service Graduates of the National Institute for Aerospace Technology, or Senior Specialized Technicians of the National Institute for Aerospace Technology, will be integrated into this scale.

Aerospace Technology, regardless of their administrative status.

The personnel who, at the entry into force of the present law, are participating in selective processes for admission by open access or internal promotion in the Scales of Specialized Senior Graduates of the Consejo Superior de Investigaciones Científicas, of Specialized Senior Technicians of the Public Research Bodies, or of Specialized Senior Technicians of the Instituto Nacional de Técnica Aeroespacial, of Senior Service Technicians of the National Institute of Aerospace Technology, or of Specialist Technicians of the National Institute of Aerospace Technology, once they have passed the corresponding selective process, they will be appointed as civil servants in the new Scale of Senior Specialized Technicians of Public Research Organizations.

7. The Scale of Specialized Technicians of Public Research Organizations is created, which is attached to the Ministry of Science and Innovation and classified in Group A, Subgroup A2, as provided for in Article 76 of Law 7/2007, of April 12, 2007.

The functions to be performed by the civil servants integrated in this scale will be those of support and collaboration in the design, implementation, maintenance and improvement of scientific facilities, preparation of reports, studies or analyses, and in general, participation in the technical management of plans, projects, programs or applications and results of research, within the different activities that constitute the specific purpose of the Agency.

Civil servant personnel who, at the time of the entry into force of this law, belong to the scales of Middle Grade Specialized Technicians of the Public Research Bodies or Specialized Technical Graduates of the National Institute of Aerospace Technology, whichever the administrative situation in which they are, will be integrated into this scale.

The personnel who, upon the entry into force of the present law, are participating in selective processes for admission by open access or by internal promotion in the scales of Middle Grade Specialized Technicians of the Public Research Organizations or of Specialized Technical Graduates of the National Institute of Aerospace Technology, once they have passed the corresponding selective process, will be appointed as civil servants in the new Scale of Specialized Technicians of Public Research Organizations.

8. The subsistence of the current Scale of Research Assistants of Public Research Organizations is declared.

Civil servant personnel who, at the time this law enters into force, belong to the scales of Aviation Specialists of the National Institute of Aerospace Technology, Analysts and Laboratory Operators of the National Institute of Aerospace Technology, Workshop Personnel of the National Institute of Aerospace Technology, or Draftsmen and Designers of the National Institute of Aerospace Technology will be integrated into the Scale of Research Assistants of Public Research Organizations, regardless of the administrative situation in which they find themselves, will be integrated into the Scale of Research Assistants of Public Research Organizations.

The personnel who, at the entry into force of the present law, are participating in selective processes for admission by open access or internal promotion in the Scale of Analysts and Laboratory Operators of the National Institute of Aerospace Technology, once they have passed the corresponding selective process, will be appointed as civil servants in the Scale of Research Assistants of Public Research Organizations.

9. The current Scale of Research Assistants of Public Research Organizations is declared to continue to exist.

Civil servant personnel who, at the time of entry into force of this law, belong to the scales of Preparers of the National Institute of Aerospace Technology or Calcadores of the National Institute of Aerospace Technology, whichever the administrative situation in which they are, will be integrated into the Scale of Research Assistants of Public Research Organizations.

The personnel who, at the entry into force of the present law, are participating in a selective process for admission by open access or internal promotion in the Scale of Preparers of the National Institute of Aerospace Technology, once they have passed the corresponding selective process, will be appointed as civil servants in the Scale of Research Assistants of Public Research Organizations.

Seventh additional provision. *Remuneration regime of the scientific and technical scales of the Public Research Organizations of the General State Administration.*

1. The civil servant research personnel who join the Scale of Research Professors of Public Research Organizations shall have the remuneration system corresponding to the Scale of Research Professors of the Higher Council for Scientific Research, which has been abolished, under the terms of the provisions of this law on the professional career of civil servant research personnel.

2. The civil servant research personnel who join the Scale of Scientific Researchers of Public Research Organizations will have the remuneration system corresponding to the Scale of Scientific Researchers of the suppressed Superior Council of Scientific Research, under the terms of the provisions of this law on the professional career of the civil servant research personnel.

3. The civil servant research personnel who join the Scale of Senior Scientists of Public Research Organizations will have the remuneration system corresponding to the Scale of Senior Scientists of the suppressed Higher Council for Scientific Research, under the terms of the provisions of this law on the professional career of civil servant research personnel.

4. All civil servant research personnel who, as a result of this integration, are affected by a reduction in their annual remuneration, shall be entitled to a transitional personal allowance to absorb it.

5. The remuneration system of the scales of career civil servant technical personnel of the Public Research Bodies of the General State Administration will be that established by Law 7/2007, of April 12, 2007, the law on the organization of the civil service of the General State Administration and other implementing regulations.

Eighth additional provision. *Reorganization of the Public Research Organizations of the General State Administration.*

1. The Government is authorized so that, by means of a Royal Decree agreed upon by the Council of Ministers at the initiative of the Ministries of assignment and at the joint proposal of the Ministers of Economy and Finance and of the Presidency, it may proceed to reorganize the current Public Research Organizations of the General State Administration in order to adapt them to the objectives of the present law, in accordance with the principles of effectiveness, efficiency, quality, coordination, accountability and cooperation with the rest of the agents of the Spanish Science, Technology and Innovation System. Said reorganization will entail the extinction of those Public Research Organizations in which a substantial part of their aims and objectives coincide with those of other Public Research Organizations, which will be subrogated in the employment contracts of the personnel of the former and to which their assets and rights will be assigned.

2. The Government will approve the new statutes of the resulting Public Research Organizations. In addition to the contents required according to their legal form, the statutes must comply with the following organizational principles:

a) Coordination mechanisms will be established among all the Public Research Organizations through the elaboration of their Multi-year Action Plans, reciprocal representation in the Governing Councils and the joint management of facilities and services. All the Multiannual Action Plans will have a multiannual projection coinciding in time; for their design and execution they may incorporate the collaboration of the rest of the agents of the Spanish Science, Technology and Innovation System, especially the Autonomous Communities and Universities.

b) Within the Spanish Science and Technology Strategy, mechanisms will be established for the collaboration of the Public Research Organizations with the other agents of the science and technology system of the Autonomous Communities in which their centers are located.

c) For the fulfillment of their purposes, the Public Research Organizations will be organized in institutes as the basic organizational nucleus, through which they will execute their specific policies defined in the Multi-year Action Plans. The institutes

shall enjoy autonomy for the management of the resources assigned to them, within the budgetary availabilities and the limitations established in the applicable regulations. The institutes may be organized with resources belonging to a single Agency or by means of association with other agents of the System, through the instruments foreseen in the following paragraphs.

in the present law.

d) In those cases in which it is considered necessary to reach the critical mass required for an activity of excellence, research or service provision centers may be created through the physical or networked grouping of institutes of the Public Research Organization itself and/or of other agents associated to it, belonging to the same thematic area. The statutes of the Public Research Organizations will determine the nature and functions of these centers, which may have a territorial scope of action greater than that of the agents associated with the Public Research Organization.

e) Research in priority thematic areas will be promoted through the constitution of research units, either their own or in cooperation with other agents of the System, with the legal form of a foundation or any other form appropriate to the nature of the functions to be carried out. These units will be considered as centers attached to the Public Research Body that promotes them and will be subject to its coordination and strategic direction.

The foundations will be under the protectorate established by Law 50/2002, of December 26, 2002, on Foundations.

f) The governing bodies of the Public Research Organizations may include members who are experts in scientific and technical research, as well as experienced managers.

g) Each Agency may have an advisory committee, which shall be composed of experts in scientific and technical research, and whose tasks shall include the proposal and follow-up of the Agency's Multi-year Action Plans.

h) In no case may this reorganization lead to an increase in public expenditure.

Ninth additional provision. *Protection of personal data.*

1. The provisions of Organic Law 3/2018 of December 5, 2018, on the Protection of Personal Data and Guarantee of Digital Rights, and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) shall apply to the processing and transfer of data derived from the provisions of this law.

2. The public financing and executing agents must adopt the necessary technical and organizational measures to ensure the security of personal data and prevent their alteration, processing or unauthorized access.

3. The Government shall regulate, subject to a report from the Spanish Data Protection Agency, the academic and scientific content of the curricula vitae of the teaching and research staff of Universities and of the research staff that the financing and executing agents may make public without the prior consent of such staff.

Tenth additional provision. *Evaluation reports on applications for grants under the State Plan for Scientific and Technical Research.*

1. Within the framework of the procedures for granting aid under the State Plan for Scientific and Technical Research, the reports of the Center for Technological and Industrial Development (CDTI), or of the National Agency for Evaluation and Prospective (ANEP) or of the equivalent body to be determined within the State Research Agency will be mandatory and binding, with the effects provided for in Law 30/1992, of November 26, 1992, on the Legal Regime of Public Administrations and Common Administrative Procedure.

2. In order to facilitate the evaluation of the application, and within the framework of the above-mentioned procedures, the basic orders may foresee the cases in which the following may apply

that a patent technology report must be issued by an Industrial Property Office.

Eleventh additional provision. *Subsidies and grants.*

1. The regulatory bases for subsidies and grants will promote the application of electronic, computerized and telematic management techniques and means to reduce or eliminate the documentation required and reduce response times and deadlines.

2. The Ministry of Science and Innovation may promote the creation and operation of a digital portal of the General State Administration through which individuals, organizations, entities and companies can access all the information on R&D&I grants and subsidies in this field.

3. The justification of public aid and subsidies granted by the public agents of the Spanish Science, Technology and Innovation System, regardless of the amount thereof, may be carried out by means of the simplified supporting account referred to in article 75 of the Regulations of Law 38/2003, of November 17, approved by Royal Decree 887/2006, of July 21, unless the corresponding regulatory bases establish another method of justification.

Said justification shall be subject to verification by sampling by the awarding body under the terms provided for in section 3 of article 75 of the Regulations of Law 38/2003, of November 17, 2003, General Law on Subsidies; in the event that the sampling detects deficiencies in the supporting documents analyzed, the results obtained shall be applied to the entire supporting account to determine the amount of subsidy correctly applied and to demand, if applicable, the corresponding reimbursement. The regulatory bases may specify how to generalize the conclusions of the sampling in the event that the supporting account must be presented structured in chapters or concepts of expenditure.

The sampling and other activities of economic-administrative verification of the subsidized activities of said entities in the event that the beneficiaries of the aforementioned aid or subsidies are Public Research Bodies of the General State Administration or foundations, consortiums and other agents of execution of the Spanish Science, Technology and Innovation System of the General State Administration that are subject to the permanent financial control of the General State Administration, Technology and Innovation of the General State Administration that are subject to the permanent financial control of the General Intervention of the State Administration, shall be governed by the provisions of the previous paragraph and may be carried out by internal bodies of said entities, provided that their due separation from the managing bodies of each aid is guaranteed and under the terms established in the regulatory bases. The result of the examination shall be reported to the granting body for the appropriate purposes.

4. When it is not necessary to present the documentation that makes up the content of the supporting account with the provision of supporting documents of expenditure, the regulatory bases shall determine the content of the supporting account.

5. The aids and subsidies financed with European Union funds shall be justified in accordance with the applicable Community rules in each case and with the national rules of development or transposition of those rules. The justification procedures regulated in this provision shall be supplementary to the rules of direct application to the aids and subsidies financed by European Union funds.

6. The regulatory bases for subsidies and public aid for the development of research projects granted by the public agents of the Spanish Science, Technology and Innovation System will establish the percentage of the same that corresponds to the indirect costs that can be attributed by the beneficiary to the subsidized activity. As a general rule, the amount of indirect costs will not be less than 21% of the cost of such activity, without the need for justification, provided that the corresponding applicable regulations allow it.

7. In accordance with the provisions of Articles 22.2.b) and 28.1 of Law 38/2003, of November 17, 2003, grants may be awarded directly, by means of a resolution of the head of the corresponding public financing agent of the Spanish Science, Technology and Innovation System, to carry out the following activities

scientific, technical research and innovation projects resulting from the following competitive calls:

a) Public calls made by the structures set up by several Member States to implement the European Union's multiannual framework program, pursuant to the provisions of Articles 182, 185, 186 and 187 of the Treaty on the Functioning of the European Union, as well as those made within the framework of the partnerships set up under the European Union's own Framework Program for Research and Innovation.

b) Competitive public calls for research and innovation, evaluated according to international peer review standards and managed by the structures created on the basis of international treaties or agreements signed by Spain or the public funding agents of the Spanish Science, Technology and Innovation System.

8. In addition, the Public Administrations may base their calls for grants framed within the scope of the Spanish Strategy for Science, Technology and Innovation, on the evaluations made by the public agents of the same or by other Public Administrations in their calls for grants for the same purpose within the scope of the Spanish Strategy for Science, Technology and Innovation. In these cases the aid may be granted directly, by means of a resolution of the competent body for the granting of aid in the corresponding public agent, and in accordance with the provisions of Articles 22.2.b) and 28.1 of Law 38/2003, of November 17. In any case, the provisions of the regulations on the protection of natural persons with regard to the processing of personal data shall be taken into account.

9. Law 9/2017, of November 8, shall apply in the event that in the execution of grants and subsidies, contracts are entered into that must be subject to said law.

Twelfth additional provision. *Legal authorization for the creation of the State Investigation Agency.*

1. The Government is authorized to create a State Research Agency, aimed at promoting the generation of knowledge in all areas of knowledge through the promotion of scientific and technical research, to which Law 28/2006, of July 18, 2006, on State Agencies for the Improvement of Public Services, will apply. The Agency will have the same fiscal regime as the Autonomous Organizations, and will use scientific or technical merit as an evaluation criterion for the allocation of resources.

The creation of the Agency shall be carried out without any increase in public expenditure, and shall not be financed with credits from the State's financial budget, except in the cases and within the limits established by the State's general budget law.

2. The Government shall create within a maximum period of one year the State Research Agency by approving its statute.

Thirteenth additional provision. *Implementation of the gender perspective.*

The Gender Equality Plans in the field of R&D&I of the agents of the Spanish Science, Technology and Innovation System that are part of the state public sector, referred to in Article 4 bis.6, will include a plan for their implementation, monitoring and evaluation, as well as transparency measures to know their results. The results obtained from the annual monitoring will entail the revision and updating of the approved plans in a maximum of two years, and will be taken into account in any case in the plans approved for subsequent periods.

The development of guides and protocols that homogenize the scope and treatment of these plans and their development and adaptation to the corresponding organizations in their specific environments will also be encouraged.

Fourteenth additional provision. *Other agents of execution of the Spanish Science, Technology and Innovation System belonging to the public sector.*

The Spanish Foundation for Science and Technology (FECYT), the Biodiversity Foundation, the State Foundation for Health, Childhood and Social Welfare (FCSAI), the National Prado Museum, the National Library of Spain O.A. (BNE), the Institute of Cultural Heritage of Spain (IPCE), the Spanish Film Library, attached to the Institute of Cinematography (Instituto de la Cinematografía), the Spanish National Library of Spain O.A. (BNE), the Spanish Institute of Cultural Heritage (IPCE), the Spanish Film Library, attached to the Institute of Cinematography (Instituto de la Cinematografía)

and Audiovisual Arts O.A., the museums and archives owned and managed by the State, the Directorate General of the National Geographic Institute, the National Center for Geographic Information O.A., the Center for Studies and Experimentation of Public Works O.A. (CEDEX), the Spanish Metrology Center O.A., the National Statistics Institute O.A. and the Royal Academies and Associated Academies linked to the Institute of Spain, and the State Meteorology Agency and the Spanish Medicines and Health Products Agency, the National Institute of Statistics O.A. and the Royal Academies and Associated Academies linked to the Institute of Spain, and the State Agency of Meteorology and the Spanish Agency of Medicines and Health Products shall have the status of executing agents for the purposes of the provisions of this Act.

Fifteenth additional provision. *Consideration of priority activities for the purposes of Law 49/2002, of December 23, 2002, on the tax regime for non-profit entities and tax incentives for patronage.*

The annual laws of the General State Budget that declare the aforementioned research, development and innovation activities as priorities for patronage may declare the Institutions of Excellence as beneficiaries of patronage, for the purposes set forth in articles 16 to 24, both inclusive, of Law 49/2002.

Sixteenth additional provision. *Research personnel of the Ramón y Cajal, Miguel Servet, Juan Rodés, and other programs and subprograms of postdoctoral grants.*

The effects established by article 22 bis, and by paragraphs 4 and 5 of this article shall apply. 5 of article 26, to research personnel who have participated in postdoctoral aid programs or subprograms and who have obtained the R3 certificate in accordance with article 22.3 or have passed an evaluation similar to that regulated in said article or an evaluation equivalent to that of the Incentive Program for the Incorporation and Intensification of Research Activity (I3).

Seventeenth additional provision. *Mechanisms to facilitate the participation of Spanish entities, personnel or research groups in the European Research Infrastructure Consortia (ERIC).*

The Government is empowered to approve the appropriate rules to facilitate the participation of Spanish entities, personnel or research groups in the European Research Infrastructure Consortiums (ERIC) created according to the European Union rules related to them.

Eighteenth additional provision. *Social Security in the predoctoral contract.*

(repealed)

It should be noted that this provision is repealed, effective September 1, 2023, by the sole repealing provision.f) of Royal Decree-Law 1/2023, of January 10, [Ref. BOE-A-2023-625](#), as established in its final provision 13.

Previous wording:

"A 30% reduction is established in the employer's Social Security contribution for common contingencies in the contribution relating to research personnel hired under the pre-doctoral contract modality established in Article 21 of this law, who will be covered by the General Social Security Regime."

Nineteenth additional provision. *Financial compensation for intellectual works.*

1. In cases where the exploitation rights of the created intellectual work correspond to a public research center, the personnel dedicated to the research shall be entitled to a financial compensation based on the results of the research.

in the production and exploitation of the work, which shall be fixed according to the commercial importance of the work and taking into account the employee's own contributions.

2. The modalities and amount of the participation of the research personnel of the public research centers in the benefits obtained from the exploitation or assignment of the rights regulated in the previous paragraph will be established by the Government, the Autonomous Communities or the Universities, taking into account the specific characteristics of each research center. Said participation in the profits will in no case be considered as a remuneration or salary for the research personnel.

Twentieth additional provision. *Regulation of the research centers belonging to the Autonomous Communities with exclusive competence.*

The research centers and structures belonging to an Autonomous Community that has statutorily assumed exclusive competence for the regulation of its own research centers shall be governed by the regulations approved for such purpose by its Autonomous Community, without prejudice to the provisions of the ninth final provision with respect to the extension to them of the articles of a basic nature or of general application of this Law.

For the purposes of the preceding paragraph, own research centers and structures shall be understood to be those whose capital or patrimonial fund or governing body is majority owned by the Autonomous Community or by entities of its public sector, or whose budgets are normally endowed by more than 50% with subsidies or other income from the Administration of the Autonomous Community or entities of its public sector.

In the case of research centers and structures in which entities that form part of the public sector of the General State Administration or of Autonomous Communities that have statutorily assumed exclusive competence for the regulation of their own research centers have a majority participation, it will be understood, for the purposes of the application of public regulations, that they form part of the public sector that holds a participation that, although being a minority, is greater than that of each of the remaining public entities, considered individually.

For the calculation of the participation calculations, the economic contributions made individually and specifically from the General State Budget will not be taken into consideration.

Twenty-first additional provision. *Regulation of the research entities shared between the State and the Autonomous Communities.*

Dependent research entities, created or participated in equal parts by the General State Administration or its agencies and entities, and by an Autonomous Community or its agencies and entities, will be governed by the regulations indicated in the rules or legal instruments of creation.

Twenty-second additional provision. *Application of article 18 of this law.*

Article 18 of this law shall also apply to research personnel who, prior to the entry into force of this law, had been rendering their services in the companies created or participated by the entities referred to in paragraph 1 of said article, provided that said exception is authorized by the public Universities, the Ministry of Territorial Policy and Public Administration or the competent authorities of the Public Administrations, as the case may be.

Twenty-third additional provision. *Rules common to contracts for the execution of projects and for the execution of public scientific and technical research or innovation plans and programs.*

(Deleted)

Twenty-fourth additional provision. *Regime applicable to the Agreement and Agreement systems.*

1. By virtue of its foral regime, the application to the Comunidad Foral de Navarra of the provisions of this law shall be carried out in accordance with the provisions of Article 64 of the Organic Law of Reintegration and Improvement of the Foral Regime of Navarra, in accordance with the provisions of the Economic Agreement between the State and the Comunidad Foral de Navarra.

2. The provisions of the present law shall be understood without prejudice to the competences transferred to the Autonomous Community of the Basque Country in the field of scientific and technical research and development, and innovation, in accordance with the terms contemplated in Royal Decree 3/2009, of January 9, on the transfer of functions.

In order to guarantee an adequate collaboration between the General State Administration and the Administration of the Basque Autonomous Community in this matter, the appropriate cooperation instruments will be articulated, in accordance with the provisions of the aforementioned Royal Decree 3/2009, of January 9, under the terms set forth in the Agreement of the Joint Commission on Transfers, which is attached as an Annex thereto.

Twenty-fifth additional provision. *Horizontal internal promotion to the Scales of Research Professors of Public Research Organizations and Scientific Researchers of Public Research Organizations.*

The Ministry of Science and Innovation, in the first public offer of employment to be approved after the entry into force of this law, in its request for research personnel positions, will preferentially include positions in the Scales of Research Professors and Research Scientists of Public Research Organizations so that, through the horizontal internal promotion system, civil servants belonging to the Scale of Senior Scientists of Public Research Organizations can access the aforementioned scales when they can prove that they have the requirements and merits to enter them under the terms provided for in this law.

Twenty-sixth additional provision. *Technological centers and support centers for technological innovation at the state level.*

1. Technological centers are considered to be those non-profit entities, legally constituted and resident in Spain, that have their own legal personality and are created with the purpose, stated in their statutes, of contributing to the benefit of society and improving the competitiveness of companies through the generation of technological knowledge, carrying out R&D&I activities and developing their application.

This knowledge application function will include, among others, the implementation of R&D&I projects with companies, intermediation between knowledge generators and companies, the provision of innovation support services and dissemination through technology transfer and training activities.

2. Those non-profit entities, legally constituted and resident in Spain, which have their own legal personality and are created with the purpose, stated in their statutes, of facilitating the application of the knowledge generated in research organizations, including technology centers, through their intermediation between them and the companies, providing support services for innovation, will be considered as technological innovation support centers.

3. The Government, at the proposal of the Ministry of Science and Innovation, will regulate the registry of technology centers and state technological innovation support centers.

Twenty-seventh additional provision. *Legal regime of the Instituto de Astrofísica de Canarias.*

1. The public consortium Instituto de Astrofísica de Canarias, created by Royal Decree-Law 7/1982, of April 30, 1982, which creates the Instituto de Astrofísica de Canarias and establishes its legal regime, and integrated by the General State Administration, the Public Administration of the Autonomous Community of the Canary Islands, the University of La Laguna and the Consejo Superior de Investigaciones Científicas, is governed by the provisions of this law and its respective statutes.

The Instituto de Astrofísica de Canarias is considered a Public Research Organization of the General State Administration.

The Consortium shall be in force indefinitely. However, the consortium member administrations may disassociate themselves from the consortium or promote its termination as provided for in the bylaws.

2. The Instituto de Astrofísica de Canarias has legal personality and capacity to act for the fulfillment of the following purposes:

a) To carry out and promote any type of astrophysical or related research, as well as to develop and transfer its technology.

b) To disseminate astronomical knowledge, to collaborate in the specialized university teaching of astronomy and astrophysics, and to educate and train scientific and technical personnel in all fields related to astrophysics.

c) To administer the astronomical centers, observatories and facilities already existing and those that in the future will be created or incorporated to its administration, as well as the dependencies at its service.

d) Promote relations with the national and international scientific community.

3. The bylaws of the Consortium, which must be approved by the Governing Council before the beginning of the fiscal year following the entry into force of this Law, shall determine the peculiarities of its organic, functional and financial regime.

The approval of the bylaws requires the favorable vote of the representatives of the General State Administration and the Public Administration of the Autonomous Community of the Canary Islands in the body referred to in the preceding paragraph.

Until the bylaws are approved, the legal regime resulting from Royal Decree-Law 7/1982, of April 30, 1982, and its implementing provisions will continue to apply to the Consortium.

4. The supreme body of the Consortium shall be the Governing Council, on which the entities that comprise it shall be represented, in the proportion established in the bylaws.

Until the approval and entry into force of the bylaws, the decision-making and management bodies of the Consortium regulated by current legislation shall continue to operate. Once the bodies provided for in the by-laws have been constituted, the former will cease to exist and will be replaced by the latter.

5. The Director of the Institute is the executive body of the Governing Council and is responsible for deciding on scientific matters, and must therefore be an astrophysicist of recognized prestige.

6. The material means at the service of the Consortium for the fulfillment of its purposes include:

a) The assets and securities comprising its assets, together with the products and income obtained therefrom, subsidies and, in general, any resources it receives.

In the event of the dissolution of the Consortium, the destination of this patrimony shall be freely determined by the consortium member administrations.

b) Assigned or transferred under any other regime by national or foreign personnel or entities that retain ownership of them.

If the governing bodies of the Consortium deem it advisable to carry out acts of disposition with respect to these assets, they shall inform the person or entity that owns them so that the latter may decide what is appropriate, subject, if applicable, to the procedure that, due to the nature of the assets, is applicable.

Upon dissolution of the Consortium, these assets will revert in full to the persons or entities that maintain their ownership.

7. The personal resources at the service of the Consortium for the fulfillment of its purposes may include:

a) Own labor personnel, hired under the terms provided for in the present law for the labor personnel in the service of the Public Research Bodies of the General State Administration and in the statutes of the Consortium.

b) Own civil servant personnel, belonging to the scales provided for in the present law for the Public Research Bodies of the General State Administration.

c) Civil servant or labor personnel belonging to the consortium member administrations. Said personnel shall be assigned to the Consortium as related personnel, maintaining the administrative or labor status they had in their Administrations of origin.

d) Personnel in the service of other institutions or entities, public or private, assigned to the Consortium in the manner provided for in the bylaws and subject to an agreement with the respective institution or entity.

The legal regime established in the present law shall be applicable to the personnel in the service of the Consortium, with the corresponding character according to the Administration to which such personnel belong.

The civil servant personnel who, under Royal Decree-Law 7/1982, of April 30, 1982, which created the Instituto de Astrofísica de Canarias and established its legal regime, are rendering their services in the Consortium at the entry into force of the present law, will retain their status as civil servants of the General State Administration, and will be integrated into the scales of the Public Research Bodies of the General State Administration created by the same, in the same terms as the rest of the civil servants affected by the fifth, sixth and seventh additional provisions of the present law.

All the faculties, rights and obligations, with respect to the civil servant and labor personnel who, in accordance with this article, render services in the public consortium Instituto de Astrofísica de Canarias, will correspond exclusively to the said entity, which will exercise them through the bodies determined by its statutes. Specifically, the competent bodies of the Consortium shall be responsible for the exercise of the functions related to the organization, system of posts, working conditions and those foreseen in the regulations governing the disciplinary system.

8. The Instituto de Astrofísica de Canarias has the status of own means and technical service of the General Administration of the State and may assume the management assignments made by the ministerial departments with competences in the field for the performance of actions related to astrophysical research.

The management entrustments will be of obligatory execution for the Instituto de Astrofísica de Canarias, will be remunerated by means of fees or remunerations subject to the regime foreseen in the following paragraph, and will entail the power for the body that confers the entrustment to issue the necessary instructions for its execution.

The tariff or remuneration of the assignment shall cover the value of the services commissioned, taking into account for its calculation the direct and indirect costs, as well as reasonable margins, in accordance with the amount of those services, to cover deviations and unforeseen events.

The amount of the fee or remuneration shall be set by the Minister of Science and Innovation.

The Instituto de Astrofísica de Canarias, acting as an own means and technical service of the General State Administration, may not participate in public tenders called by the contracting authorities belonging to the same, without prejudice to the fact that, when no bidder participates, it may be entrusted with the execution of the service that is the object of the same.

The Autonomous Community of the Canary Islands may grant the Instituto de Astrofísica de Canarias the status of its own means and technical service under the terms established by its specific legislation.

9. The Consortium assumes the functions, rights and obligations corresponding to the Instituto de Astrofísica de Canarias, in accordance with the Agreement on Cooperation in Astrophysics signed on May 26, 1979 between the Governments of the Kingdom of Spain, the Kingdom of Denmark, the Kingdom of Great Britain and Northern Ireland and the Kingdom of Sweden, and the Protocol on cooperation in astrophysics, signed on the same date by the Consejo Superior de Investigaciones Científicas de España, the Danish Research Secretariat, the United Kingdom Council for Scientific Research and the Royal Swedish Academy of Sciences, as well as its successive extensions and addenda.

Likewise, subrogation is maintained in the rights and obligations of a contractual nature that the Instituto de Astrofísica de Canarias, dependent on the Consejo Superior de Investigaciones Científicas, had acquired prior to the entry into force of Royal Decree-Law 7/1982, of April 30, 1982, and especially in the Cooperation Agreement.

The project was signed on September 16, 1975 between the Consejo Superior de Investigaciones Científicas, the University of La Laguna and the Mancomunidad Provincial Interinsular de Santa Cruz de Tenerife.

10. The competent administrations will initiate the procedures for the transfer to the consortium Instituto de Astrofísica de Canarias of the shares representing the capital stock of the trading company Gran Telescopio de Canarias, S.A.

11. The modification of the legal regime foreseen in this provision for the Instituto de Astrofísica de Canarias shall not cause an increase in public expenditure in any of the consortium administrations.

12. The Instituto de Astrofísica de Canarias is subject to the limits on the offer of public employment and salary increases established by the General State Budget Laws.

Twenty-eighth additional provision. *Research aid programs for research personnel.*

The research aid programs that involve the performance of research tasks in the provision of services by research personnel must establish the hiring of their beneficiaries by the entities to which they are assigned, through the formalization of an employment contract in accordance with the provisions of the Revised Text of the Workers' Statute Law, approved by Royal Legislative Decree 1/1995, of March 24, 1995, and the collective bargaining agreement in force in the assigned entity.

Twenty-ninth additional provision. *Consideration of research, development and innovation projects as functional units.*

Provided that they are autonomous in their purpose, the research, development and innovation projects that have been entrusted to the public agents of the Spanish Science, Technology and Innovation System by means of contracts, grant award resolutions in competitive concurrence or any other legal instrument, shall each have the consideration of separate functional units within said public agents of the Spanish Science, Technology and Innovation System, for the purposes of calculating the estimated value established in Article 101.6 of Law 9/2017, of November 8, on Public Sector Contracts.

Thirtieth additional provision. *Map of Singular Scientific and Technical Infrastructures.*

1. The Map of Singular Scientific and Technical Infrastructures (ICTS) is established as an instrument for the long-term planning and development of this type of publicly-owned infrastructure in Spain, in coordination between the General State Administration and the Autonomous Communities.

2. The ICTS Map and its subsequent updates will be approved by the Council for Scientific, Technological and Innovation Policy.

3. The General State Administration, the Autonomous Communities and the entities that own or manage ICTS may collaborate in the development of the ICTS Map by coordinating the application of national and regional resources, community funds and other sources. To this end, the General State Administration and the Autonomous Communities may define specific financing programs or joint programming actions for this purpose. Likewise, the ICTS will be considered included in the strategies of specialization in the field of research and innovation of their Public Administrations of dependence.

4. The Ministry of Science and Innovation will submit to the Council for Scientific, Technological and Innovation Policy, for its approval, the system for drawing up the ICTS Map and its successive updates, and will coordinate its development. The system to be approved will include, at least, the objectives pursued, the applicable principles and methodology, as well as the definition of the concept, criteria and requirements applicable to the Singular Scientific and Technical Infrastructures.

Thirty-first additional provision. *Regulatory test beds of the Spanish Science, Technology and Innovation System.*

1. In order to promote cutting-edge research and innovation, the Government and the Autonomous Communities in their areas of competence may establish regulatory testbeds that allow the execution of R&D&I pilot projects under an appropriate regulatory and administrative framework, to ensure respect for legality and the international competitiveness of the Spanish Science, Technology and Innovation System.

2. The establishment of the regulatory test beds and the conditions of operation and access of R&D&I projects to them will be carried out by the Government and the Autonomous Communities by means of the appropriate regulatory developments. In any case, it will be necessary to foresee a test protocol including confidentiality and business secrecy clauses, as well as clauses, subject to specific regulations, on industrial and intellectual property rights, plant varieties or business secrets that could be affected during the performance of tests. The test protocol must also include the rules, conditions and limits to which the pilot project will be subject, relevant aspects on its follow-up and objectives, as well as the provision of a system of guarantees and indemnities.

The execution of tests, projects or activities in the regulatory test beds will be carried out exclusively for research or innovation purposes, for the time necessary for their execution in the programmed terms, limiting the volume and scope of the same, and will not imply, in any case, the granting of authorization for the exercise of commercial or industrial activities unrelated or unrelated to the purposes of research and innovation.

Without prejudice to the provisions of paragraph 3, the activities carried out in the execution of R&D&I projects developed in the testbeds must comply with the regulations governing the same, which will contemplate abbreviated terms and specific or simplified administrative procedures, within the scope of the competencies corresponding to the Government and the Autonomous Communities.

3. Regulatory test beds must be limited to geographically delimited areas, linked to the activity of publicly owned scientific-technical infrastructures.

Projects that are recurrently repeated in this type of test beds will be subject to a simplified environmental impact assessment, when this procedure is mandatory.

4. The authorities with competence in the matter shall cooperate with each other to ensure that the regulatory testbeds serve the objectives and guiding principles provided for in this law, facilitating, within their scope of competence and with the appropriate guarantees, the implementation of the corresponding projects and activities.

5. The selection of the location of these regulatory test beds will take into account their location in unpopulated areas, as well as other territorial cohesion criteria.

Thirty-second additional provision. *Reduction of administrative burdens in the scientific, technological and research fields.*

The agents of the Spanish Science, Technology and Innovation System that form part of the state public sector shall promote the adoption of measures to reduce administrative burdens and duplicities in the accreditation and evaluation procedures contemplated in this law, in such a way that the interested parties in the corresponding administrative procedures do not provide documents that are already in the possession of the aforementioned agents or have been drawn up by them, nor are data or documents required from such interested parties that are not mandatory in accordance with the legal or regulatory rules applicable to the processes of accreditation and evaluation of research activity, or that have already been provided by them at any previous time.

Thirty-third additional provision. *Specific rules regarding contributions to international organizations in the field of R&D&I.*

1. Exceptionally, the regulation provided for in the fourth additional provision of Law 25/2014, of November 27, on Treaties and other International Agreements shall not apply to those voluntary contributions to international organizations or programs made by the Ministry of Science and Innovation, or ministerial department that assumes its competences, or its related or dependent public bodies, provided that the following circumstances are met:

a) That the voluntary contribution had been authorized by the Council of Ministers, in accordance with the provisions of the fourth additional provision of Law 25/2014, at most three budget years before.

b) Before making the voluntary contribution in each of the three fiscal years following the authorization by the Council of Ministers, the required favorable report from the Ministry of Foreign Affairs, European Union and Cooperation must be obtained.

c) The amount of the voluntary contribution is less than 50,000 euros.

2. The Ministry of Science and Innovation, or the ministerial department that assumes its competences, shall submit a report to the Ministry of Foreign Affairs, European Union and Cooperation every six months for its approval, reflecting the voluntary contributions made in accordance with the provisions of the preceding paragraph. Likewise, the report shall contain a forecast of the voluntary contributions that will be subject to this regime in the following six-month period.

First Transitory Provision. *Subsisting bodies.*

1. Until the entry into operation of the governance bodies established in this law, the Advisory Council for Science and Technology and the General Council for Science and Technology provided for in Law 13/1986, of April 14, 1986, on the Promotion and General Coordination of Scientific and Technical Research, will continue to perform their functions.

2. The creation of the Government Delegate Commission for Scientific, Technological and Innovation Policy will be agreed by the Council of Ministers, by means of a Royal Decree, at the proposal of the President of the Government. Until that time, the Government Delegate Commission for Scientific and Technological Policy will continue to perform its functions.

Second Transitory Provision. *Subsistence of the National Plan for Scientific Research, Development and Technological Innovation.*

The National Plan for Scientific Research, Development and Technological Innovation 2008-2011, approved by the Council of Ministers at its meeting of September 14, 2007, will remain in force until its completion.

Third Transitory Provision. *Subsistence of the National Science and Technology Strategy.*

The National Science and Technology Strategy approved at the III Conference of Presidents, held on January 11, 2007, will remain in force until it is replaced by the Spanish Science and Technology Strategy provided for in this law.

Transitional provision four. *Aid programs for the training of research personnel.*

1. The aid programs for research personnel in training financed with public funds, included in the scope of application of Royal Decree 63/2006, of January 27, which approves the Statute of research personnel in training, existing at the entry into force of Article 21 of this law, must be adapted to the content of said article only with regard to the calls published from that moment onwards.

2. For the calls for grants to research personnel in training that are in execution at the entry into force of Article 21 of this law, the following shall remain in force

the legal status of scholarship during the first two years from the granting of the aid, and for the legal status of contract, the internship work contract modality will continue to be used, as established by Royal Decree 63/2006, of January 27th.

3. Employment contracts financed by aid programs for research personnel in training that have already been signed at the entry into force of Article 21 of this Law shall be maintained in their initial legal form until the end of their term.

Transitional provision five. *Performance evaluation systems and transitional remuneration system of the scientific scales of the Public Research Bodies of the General State Administration.*

Civil servant research personnel who join the scales of Research Professors of Public Research Organizations, Research Scientists of Public Research Organizations, and Senior Scientists of Public Research Organizations, will maintain the remuneration system applicable to the corresponding scale that has been abolished until December 31, 2013 included. Until that date, the current performance evaluation systems for civil servant research personnel in the service of the Public Research Bodies of the General State Administration will also remain in force.

As of January 1, 2014 included, the remuneration system established in article 25.5 and in the seventh additional provision, paragraphs 1, 2 and 3, of this law will be applicable.

Sixth Transitional Provision. *Subsistence of the State Innovation Strategy.*

The State Innovation Strategy approved by the Council of Ministers at its meeting of July 2, 2010, will remain in force until it is replaced by the Spanish Innovation Strategy and the State Innovation Plan.

Repealing provision. *Repeal of regulations and validity of regulations.*

1. The general provisions that oppose the provisions of this law are hereby repealed, and in particular:

a) Law 13/1986, of April 14, 1986, on the Promotion and General Coordination of Scientific and Technical Research.

b) Royal Decree-Law 7/1982, of April 30, 1982, which creates the Instituto de Astrofísica de Canarias and establishes its legal regime, from the moment the statutes of the public consortium Instituto de Astrofísica de Canarias are approved in accordance with the provisions of the twenty-seventh additional provision of this law.

2. Royal Decree 1406/1986, of June 6, 1986, approving the Regulations of the Center for Technological and Industrial Development, shall remain in full force and effect, except for those precepts that may be affected by the present law.

First final provision. *Amendment of Law 53/1984, of December 26, 1984, on incompatibilities of personnel in the service of the Public Administrations.*

Law 53/1984, of December 26, 1984, on Incompatibilities of personnel in the service of the Public Administrations, is amended as follows:

One. The first paragraph of article 4.2 is reworded to read as follows:

"The teaching and research staff of the University may be authorized, once the other requirements of this law have been fulfilled, the compatibility for the performance of a second job in the public health sector or of an exclusively research nature in public sector research centers, including the exercise of scientific management functions within a research center or structure, within the area of specialty of their university department, and provided that the two positions are authorized by regulation as part-time."

Two. Article 6 is reworded to read as follows:

"Article 6.

1. Without prejudice to the provisions of Article 4. 3, exceptionally, personnel included in the scope of this law may be authorized to carry out research activities of a non-permanent nature, or scientific or technical advice in specific cases, which do not correspond to the functions of the personnel assigned to the respective Public Administrations.

Said exception shall be accredited by the assignment of the position in public competition, or by requiring special qualifications held only by persons affected by the scope of application of this law.

2. Research personnel in the service of Public Research Bodies, public Universities and other research entities dependent on Public Administrations, may be authorized to provide services in companies created or participated by the same under the terms established in this law and in Law 14/2011, of June 1, on Science, Technology and Innovation, by the Ministry of the Presidency or by the competent bodies of public Universities or Public Administrations."

Second final provision. *Amendment of Law 11/1986, of March 20, 1986, on patents and utility models.*

Section 9 of Article 20 of Law 11/1986, of March 20, 1986, on patents for inventions and utility models, shall read as follows:

"9. The modalities and amount of the participation of the research personnel of entities of the public research sector in the benefits obtained from the exploitation or assignment of their rights over the inventions mentioned in paragraph 8 of this article shall be established by the Government, taking into account the specific characteristics of each research entity. This participation will not have in any case a retributive or salary nature. The Autonomous Communities will be able to develop by means of regulations specific regimes of participation in benefits for the research personnel of public research entities of their competence."

Third final provision. *Modification of the Organic Law 6/2001, of December 21, 2001, on Universities.*

Organic Law 6/2001, of December 21, 2001, on Universities, is amended as follows:

One. Article 7 is reworded as follows:

"Article 7. Centers and structures.

Public Universities shall be made up of Schools, Faculties, Departments, University Research Institutes, Doctoral Schools and those other centers or structures necessary for the performance of their functions."

Two. The wording of article 8 is modified and a paragraph 4 is added with the following wording:

"Article 8. Faculties, schools and doctoral schools.

4. Doctoral schools are units created by one or more universities, on their own or in collaboration with other organizations, centers, institutions and entities with R&D&I activities, national or foreign, whose main purpose is to organize, within their scope of management, the doctorate in one or more branches of knowledge or with an interdisciplinary character.

Universities may create doctoral schools in accordance with the provisions of their own regulations and those of the respective Autonomous Community. Their creation must be notified to the Ministry of Education, for the purposes of their registration in the Register of Universities, Centers and Degrees."

Three.

A) The heading of Title IV is amended as follows:

"TITLE IV

University coordination, cooperation and collaboration".

B) An article 30 bis is added, reading as follows:

"Article 30 bis. *Cooperation between Universities.*

Universities, in order to better fulfill their functions at the service of society, may cooperate among themselves, with Public Research Organizations, with companies and with other agents of the Spanish Science, Technology and Innovation System or belonging to other countries, through the creation of strategic alliances that allow the development of programs and projects of national and international excellence.

The Ministry of Education may promote these processes of cooperation for excellence, through its participation in such programs and projects."

C) An article 30 ter is added, reading as follows:

"Article 30 ter. *Collaboration agreements for the creation and financing of doctoral schools.*

The public agents of the Spanish Science, Technology and Innovation System, including the Public Research Organizations and the centers and institutions of the National Health System, may sign collaboration agreements among themselves or with national, supranational or foreign private agents for the creation or joint financing of doctoral schools. In any case, for the formalization of the aforementioned agreements, the participation of at least one Spanish university will be required, which will be responsible for issuing the doctoral degrees in accordance with the provisions of the regulations in force.

These agreements shall be subject to administrative law and shall include all the contributions made by the participants. The object of these agreements may not coincide with that of any of the contracts regulated in the legislation on public sector contracts."

Four. A new paragraph 3 bis is inserted in Article 48, with the following wording:

"3 bis. They may also hire research personnel in accordance with the provisions of Law 14/2011, of June 1, on Science, Technology and Innovation."

Five. Paragraph 4 of Article 48 is reworded as follows:

"4. The contracted teaching and research staff, calculated on a full-time equivalent basis, may not exceed 49 percent of the total teaching and research staff of the university. Those who do not teach in the courses leading to the award of official degrees, as well as the staff of the research institutes attached to the university and of the doctoral schools, shall not be counted as contracted teaching staff".

Six. Paragraph 2 of article 57 shall read as follows:

"The accreditation will be carried out through the examination and judgment of the documentation presented by the applicants, by commissions composed of at least seven professors of recognized teaching and research prestige.

belonging to the corps of university teaching staff. Such professors must be Catedráticos for the accreditation to the body of Catedráticos de Universidad, and Catedráticos and Profesores Titulares for the accreditation to the body of Profesores Titulares de Universidad.

Likewise, whether or not they have a service relationship with the University and regardless of the type of relationship, Spanish experts may form part of these committees, as well as up to a maximum of two national experts from other Member States of the European Union or foreigners. These experts must be considered professionals of recognized scientific or technical prestige.

The curricula vitae of the members of the accreditation commissions will be made public after their appointment.

The regulations shall establish the composition of the commissions regulated in this section, the manner of determining their members, as well as their procedure of action and the deadlines for resolving them. In any case, it shall conform to the principles of impartiality and professionalism of its members, striving for a balanced composition between women and men, unless this is not possible for well-founded and objective reasons, duly motivated."

Seven. A new paragraph 5 is added to Article 80, with the following wording:

"5. The industrial property and intellectual property rights owned by the University as a result of the performance by University personnel of their functions shall form part of the University's assets. The administration and management of said assets shall be in accordance with the provisions to that effect in Law 14/2011, of June 1, on Science, Technology and Innovation."

Eight. A last paragraph is added to article 82, with the following wording:

"For the purposes set forth in paragraph q) of Article 4 of Law 30/2007, of October 30, 2007, on Public Sector Contracts, Universities shall be considered Public Research Organizations."

Nine. Article 84 is reworded as follows:

"Creation of foundations and other legal persons.

For the promotion and development of their purposes, the Universities, on their own or in collaboration with other public or private entities, and with the approval of the Social Council, may create companies, foundations or other legal entities in accordance with the applicable general legislation. The provisions of Law 2/2011, of March 4, on Sustainable Economy, as well as Law 14/2011, of June 1, on Science, Technology and Innovation, shall be applicable.

The foundational endowment or the contribution to the capital stock and any other contributions to the entities provided for in the preceding paragraph, which are charged to the budgets of the University, shall be subject to the regulations in force on this matter.

The entities in whose capital or equivalent patrimonial fund the Universities have a majority shareholding are subject to the obligation to render accounts in the same terms and procedures as the Universities themselves."

Ten. A paragraph 1 bis is added to the tenth additional provision, with the following wording:

"1 bis. The regulation on the mobility of research personnel provided for in Law 14/2011, of June 1, on Science, Technology and Innovation, shall be applicable to teaching and research staff at public universities."

Eleven. A paragraph 3 is added to the tenth additional provision, with the following wording:

"The personnel belonging to the university teaching bodies may occupy jobs assigned to Public Research Bodies to perform tasks related to scientific and technical research, by means of the mobility mechanisms provided for in the civil service regulations."

Twelve. A Section III is hereby added, as follows:

"Section III. Doctoral thesis direction functions

Research personnel in possession of the Title of Doctor, belonging to the Public Research Organizations, may carry out doctoral thesis supervision functions, subject to the prior agreement of the body responsible for the doctoral program of the respective University."

Fourth final provision. *Modification of Law 49/2002, of December 23, 2002, on the tax regime for non-profit entities and tax incentives for patronage.*

Law 49/2002, of December 23, 2002, on the tax regime for non-profit entities and tax incentives for patronage, is amended as follows:

One. Paragraph 1 of article 3 is amended, which shall read as follows:

"1. That they pursue purposes of general interest, such as, among others, those of defense of human rights, victims of terrorism and violent acts, social assistance and social inclusion, civic, educational, cultural, scientific, sports, health, labor, institutional strengthening, cooperation for development, promotion of volunteering, promotion of social action, defense of the environment, promotion and attention to people at risk of exclusion for physical, economic or cultural reasons, promotion of constitutional values and defense of democratic principles, promotion of tolerance, promotion of the social economy, development of the information society, scientific research, development or technological innovation and its transfer to the productive fabric as a driver of productivity and business competitiveness."

Two. A paragraph e) is added to article 16, with the following wording:

"e) Public Research Bodies dependent on the General State Administration."

Fifth final provision. *Modification of Law 38/2003, of November 17, 2003, General Law on Subsidies.*

Article 31, paragraph 3, is amended to read as follows:

"3. When the amount of the eligible expenditure exceeds the amounts established in Law 30/2007, of October 30, 2007, on Public Sector Contracts for minor contracts, the beneficiary must request at least three bids from different suppliers, prior to entering into the commitment for the work, provision of the service or delivery of the good, unless due to its special characteristics there is not a sufficient number of entities on the market to carry out, provide or supply them, or unless the expenditure has been incurred prior to the subsidy.

The choice among the bids submitted, which must be provided in the justification, or, if applicable, in the grant application, shall be made in accordance with criteria of efficiency and economy, and the choice must be expressly justified in a report when it does not fall on the most advantageous economic proposal."

Sixth final provision. *Modification of Law 55/2003, of December 16, 2003, of the Framework Statute of the statutory personnel of the health services.*

A paragraph 4 is added to Article 67 of Law 55/2003, of December 16, of the Framework Statute of the statutory personnel of the health services, with the following wording:

"4. Statutory personnel may be declared on temporary leave of absence under the terms and with the effects established by Law 14/2011, of June 1, on Science, Technology and Innovation."

Seventh final provision. *Modification of Law 29/2006, of July 26, 2006, on guarantees and rational use of medicines and medical devices.*

Paragraph 1 of article 3 of Law 29/2006, of July 26, on guarantees and rational use of medicines and medical devices, is amended and shall read as follows:

"Without prejudice to the incompatibilities established for the exercise of public activities, the clinical practice of medicine, dentistry and veterinary medicine and other health professions with the power to prescribe or indicate the dispensing of medicines will be incompatible with any kind of direct economic interests derived from the manufacture, preparation, distribution and marketing of medicines and medical devices. The provisions of Law 14/2011, of June 1, on Science, Technology and Innovation, with respect to the participation of the personnel of research centers dependent on the Public Administrations in the entities created or participated by them, with the object foreseen in the same, are exempted from the above".

Eighth final provision: *Modification of Law 14/2007, of July 3, 2007, on biomedical research.*

Law 14/2007, of July 3, 2007, on biomedical research, is amended as follows:

One. Paragraph f) of section 2 of article 12 of Law 14/2007, of July 3, 2007, on biomedical research, is modified and shall be worded as follows:

"f) To develop codes of good practice in accordance with the principles established by the Spanish Committee on Research Ethics and to manage the conflicts and files that their non-compliance generates."

Paragraph 1 of article 78 of Law 14/2007, of July 3, 2007, on biomedical research, is modified, which shall be worded as follows:

"The functions of the Spanish Bioethics Committee are as follows:

- a) To issue reports, proposals and recommendations to public authorities at state and autonomous community level on matters with relevant bioethical implications.
- b) To issue reports, proposals and recommendations on matters related to the ethical and social implications of Biomedicine and Health Sciences that the Committee considers relevant.
- c) Represent Spain in supranational and international forums and organizations involved in Bioethics.
- d) Prepare an annual report of activities.
- e) Any others entrusted to it by the regulations for the development of this law."

Three. Article 85 of Law 14/2007, of July 3, 2007, on biomedical research, is modified and shall be worded as follows:

"Article 85. Research activities in the centers of the National Health System.

1. The Public Administrations will promote, within the framework of their human resources planning, the incorporation of categories of research personnel under the statutory regime into the health services.

In the case of centers linked, subsidized or under the new forms of management of the National Health System of Law 15/1997, of April 25, 1997, the incorporation of research personnel will be carried out under the corresponding legal regime.

In both cases, such incorporation shall be carried out through the legally established selection procedures, which in any case shall comply with the guiding principles of access to public employment referred to in Article 55 of Law 7/2007, of April 12.

2. The centers of the National Health System, including those mentioned in the second paragraph of the previous section, when they are beneficiaries of public aid or subsidies that include in their object the hiring of research personnel, may hire labor research personnel in accordance with the contractual modalities regulated in articles 21 and 22 of Law 14/2011, of June 1, on Science, Technology and Innovation, and in accordance with the provisions of said law.

In the case of the contract for access to the Spanish Science, Technology and Innovation System included in the aforementioned Article 22, the centers may hire doctors or specialists who have passed specialized health training. The evaluation indicated in the aforementioned article will be assessed in the manner to be established by regulation.

3. Research activities, as well as national and international mobility for research purposes, will be taken into account in the merit scales for access, promotion and, where appropriate, development and career of the professionals of the National Health System who carry out healthcare and/or research activities.

4. Within the scope of the respective health services, measures will be taken to favor the healthcare and research activity of their professionals, their participation in international research programs and their compatibility with the performance of activities in other research organizations, subject to the provisions of Law 53/1984, of December 26, 1984, and, if applicable, in the autonomous community laws on incompatibilities."

Four. Article 86 of Law 14/2007, of July 3, 2007, on biomedical research, is amended to read as follows:

"Article 86. Mobility of research personnel.

1. The mobility and exchange of researchers linked to health research from different centers within the national framework and the European Research Area and reciprocal cooperation agreements with other States will be encouraged.

Civil servants belonging to research bodies or scales and labor research personnel may be authorized to perform work related to scientific and technological research outside the organizational area to which they are assigned, by means of the mobility mechanisms provided for in the civil service regulations and in Law 14/2011, of June 1, on Science, Technology and Innovation.

2. Civil servant and statutory personnel may be declared on temporary leave of absence to join other public or private agents for the execution of the Spanish Science, Technology and Innovation System or other international or foreign agents, as well as to provide services in commercial companies, under the terms set forth in Law 14/2011, of June 1, on Science, Technology and Innovation."

Ninth final provision. Competent title and nature of basic legislation.

1. This law is enacted under the provisions of Article 149.1.15 of the Constitution, which grants the State exclusive jurisdiction over the promotion and general coordination of scientific and technical research.

2. The following provisions of this law constitute regulation of the basic conditions that guarantee the equality of all Spaniards in the exercise of their rights and the fulfillment of their constitutional duties, in accordance with Article 149.1.1 of the Constitution: thirteenth additional provision.

3. The following provisions of this law are issued under Article 149.1.7 of the Constitution, which grants the State exclusive competence over labor legislation, and are of general application: Articles 16, 17, 18, 20, 21, 22, and 23 and the sixteenth additional provision.

4. The following provisions of this law are issued under Article 149.1.9 of the Constitution, which grants the State exclusive competence over legislation on intellectual and industrial property, and are of general application: the nineteenth additional provision and the second final provision.

5. The following provisions of this law are issued under Article 149.1.16 of the Constitution, which grants the State competence over legislation on pharmaceutical products and on the bases and general coordination of health care: seventh final provision and eighth final provision.

6. The following provisions of this law are issued under Article 149.1.14 of the Constitution, which grants the State exclusive competence over the general Treasury: fifteenth additional provision and fourth final provision.

7. They have the character of basic legislation, in accordance with the provisions of Article 149.1.18.^a of the Constitution, the following provisions of this law: articles 16, 17 and 18, eleventh additional provision, first final provision, fifth final provision and sixth final provision.

8. The following provisions of this law are issued under Article 149.1.17 of the Constitution, which grants the State exclusive competence over the economic regime of the Social Security: eighteenth additional provision.

9. The following provisions of this law are issued under Article 149.1.30 of the Constitution, which grants the State exclusive competence on the regulation of the conditions for obtaining, issuing and homologation of academic and professional degrees and basic rules for the development of Article 27 of the Constitution, in order to guarantee compliance with the obligations of the public authorities in this matter: Chapter III of Title II and the third final provision.

Tenth final provision. Regulatory development.

The Government, at the proposal of the Ministry of Science and Innovation, shall issue, within the scope of its competencies, the provisions necessary for the execution and development of the provisions of this Law.

Eleventh final provision. Entry into force.

This law shall enter into force six months after its publication in the "Official Gazette of the State", with the exception of the following provisions:

a) Article 21 shall enter into force one year after the publication of this law in the "Official Gazette of the State".

b) Paragraph 5 of Article 25, and paragraphs 1, 2 and 3 of the seventh additional provision, shall enter into force on January 1, 2014.

c) The twelfth additional provision will enter into force on the day following its publication in the "Official Gazette of the State".

Therefore,

I command all Spaniards, individuals and authorities, to keep and enforce this law.

Madrid, June 1, 2011.

JUAN CARLOS R.

The President of the
Government, JOSÉ LUIS
RODRÍGUEZ ZAPATERO

Related information

- The references contained in this Law, to the Spanish Science and Technology Strategy, the Spanish Innovation Strategy, the State Plan for Scientific and Technical Research and the State Innovation Plan, shall be understood to be made, respectively, to the Spanish Strategy for Science, Technology and Innovation and the State Plan for Scientific and Technical Research and Innovation, as established in additional provision 1 of Law 17/2022, of September 5. [Ref. BOE-A-2022-14581](#)
- The references contained in this Law to the Center for Technological and Industrial Development E.P.E., shall be understood to be made in any case to the Center for Technological Development and Innovation, as established in additional provision 2 of Law 17/2022, of September 5. [Ref. BOE-A-2022-14581](#)