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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following law:

Law on Scientific Activity

Section 1. Terms Used in this Law

(1) The following terms are used in this Law:

1) **innovation** – the implementation in a product or service of new ideas, developments and technologies of a scientific, technical, social, or cultural field or other fields;

2) **research** – purposeful activity for the utilisation of facts, theories and natural laws obtained with scientific methods in the creation or improvement of new products, processes and methods;

2¹) **use of the rights to an invention or a plant variety for commercial purposes (commercialisation)** – alienation or use of the property rights to an invention or a plant variety in exchange for remuneration;

3) **science** – the sphere of intellectual activity wherein knowledge regarding natural laws existing in nature and society is acquired and compiled using theoretical or experimental methods;

4) **scientific activity** – creative activity that includes science, research and innovations;

5) **research technical staff** – persons who have the necessary technical knowledge and experience in one or several fields and who participate in scientific activity, under the guidance of scientists, by performing technical tasks. Engineers, technicians, laboratory assistants, technologists, and operators are included in research technical staff;

6) **research attending staff** – persons who perform assisting functions necessary for scientific activity (employees of planning, economic, financial, and scientific technical information structural units, employees of special and scientific technical libraries, patent service specialists, archivists, etc.);

7) **scientific institutions** – scientific institutes, higher education institutions, commercial companies, and also other institutions in the articles of association, by-law or constitution of which scientific activity and participation in the process of acquiring and improving scientific qualification is provided for and which are registered in the register of

¹ The Parliament of the Republic of Latvia

scientific institutions. A scientific institution shall have at least five persons with a doctoral degree in the field of research that conforms to the activities of the scientific institution;

8) **expert of the Latvian Council of Science** – a scientist who has achieved certain results of scientific activity in a field of science according to the qualification criteria set out for an expert and to whom the Latvian Council of Science has granted the rights of an expert in the field of science.

(2) Terms used in this Law correspond to the terms used and explanation thereof provided in the Plant Varieties Protection Law and the Patent Law.

[14 March 2013; 13 June 2019]

Section 2. Purpose of this Law

(1) The purpose of this Law is to strengthen the role of the State in the fostering of science as a particularly important factor in the development of society.

(2) This Law prescribes the unity of science and higher education, the rights, liabilities, independence, and academic freedom of scientists, professional and social security, and the competence and obligations of State authorities in the ensuring of scientific activity.

Section 3. Right to Perform Scientific Activity

Any person, regardless of race, ethnicity, gender, language, age, political or religious conviction, social origin, or material, family or employment situation, and other circumstances, has the right to perform scientific activity.

[21 June 2007]

Section 4. Research Workers

Research workers shall be:

- 1) scientists;
- 2) research technical staff;
- 3) research attending staff.

Section 5. Status of a Scientist

(1) A scientist is a natural person who performs scientific activity and who has acquired scientific qualification in accordance with the procedures specified in this Law.

(2) The status of a scientist shall be determined by his or her scientific qualification, individual achievements in science, and an expert evaluation.

(3) The status of a scientist shall not depend on his or her scientific speciality, or on the motives of his or her scientific activity or the status of his or her employer.

(4) A young scientist is a natural person who performs scientific activity and who has acquired the first scientific qualification during the last 10-year period in accordance with the procedures specified in this Law.

[4 March 2010]

Section 6. Duties of a Scientist

A scientist has the following general duties:

- 1) to ensure the objectivity of scientific research in performing scientific activity;
- 2) to inform the public regarding the results of his or her scientific research, as well as to provide consultations and expert opinions within the scope of his or her competence;

3) to popularise scientific achievements and findings, and provide opinions regarding the possibilities for the utilisation of modern technologies and organisational methods in the development of the national welfare of Latvia and the economic competitiveness of the State;

4) to improve his or her scientific qualification and participate in the training of new scientists;

5) to terminate scientific research if such research, on the basis of the opinion of the scientist, may cause a threat to humanity, society or nature, and to inform the public regarding such threat;

6) to participate in the formulation of such scientific research tasks the purpose of which is to develop the economic competitiveness and the national identity of Latvia;

7) to participate in the process of the scientific development and improvement of the educational system.

Section 7. Liability of a Scientist

(1) A scientist shall be liable regarding the objectivity of the results of his or her scientific research and regarding his or her conclusions that have been reached on the basis of such results.

(2) A scientist shall be liable regarding the exceeding of his or her competence if as a result of such exceeding the public is provided with recommendations that do not follow from the concrete results of scientific research.

(3) A scientist shall be liable that the materials, financial resources, and information given to him or her for the performance of scientific activity are used only for achieving of the stated goals.

(4) A scientist shall not be liable regarding the consequences of the further use of the results of scientific research, except for the case where the scientist himself or herself has used or prepared for use such research results or also if there is an agreement regarding the liability of the scientist between the scientist and the person using his or her research results.

Section 8. Rights of a Scientist

(1) A scientist has the right to:

1) freely choose the direction and methods of scientific research according to his or her scientific interests, competence, and the principles of humanism;

2) participate with an individual or collective scientific research project in any open scientific activity competitions in Latvia or in foreign states;

3) receive financing allocated by the State and other persons in accordance with the procedures specified in law, regardless of legal employment relations. A scientist has the right to be a credit manager in relation to the resources obtained in such a manner;

4) participate in open competitions in order to obtain resources for the improvement of his or her qualification, as well as to participate in procedures and expressions of scientific activity in Latvia and foreign states;

5) submit, without censorship, the results of his or her own scientific activity for publication in the publications of his or her own choice.

(2) Scientists working in scientific institutions are entitled to a paid annual vacation of eight calendar weeks each year, excluding holidays, but after every six years – a paid sabbatical leave of 26 calendar weeks, excluding holidays, may be granted for the performance of scientific research or for the improvement of qualification outside his or her workplace.

(3) A scientist has exclusive rights to the intellectual property that has been created as a result of his or her scientific activity, unless otherwise specified in the contract.

(4) If a scientist has been working on the basis of a contract, the contract shall determine his or her rights to the property created as a result of scientific activity. The property rights of a

scientist to an invention that has been created as a result of State funded scientific activity shall be governed by the provisions of Sections 39.¹, 39.², 39.³, 39.⁴, 39.⁵, and 39.⁶ of this Law.
[21 June 2007; 14 March 2013]

Section 9. Transparency of Information regarding Scientific Research

- (1) Information regarding scientific research financed from the State or local government budget shall be transparent.
- (2) An institution responsible for the performance of scientific research financed from the State budget or the budget of derived public persons, which has commissioned the research, shall ensure general access to research results.
- (3) Access to information that is related to scientific research may be restricted in the cases specified by Law.
[4 March 2010]

Section 10. Scientific Qualification

- (1) Scientific qualification shall be certified by a doctoral degree conferred by the council for the conferral of a doctoral degree (doctoral degree conferral council). The equalisation of academic degrees acquired in foreign states shall take place in accordance with international agreements binding on Latvia.
- (2) A person shall acquire the status of a scientist when a decision on the conferral of an academic degree or the equalisation of a qualification acquired in foreign states enters into effect in relation to such person.
- (3) An academic degree shall be conferred for life, and a scientist has the right to refer to such degree in official correspondence.
- (4) A Doctor Habilitus has the rights of a doctor of the relevant scientific field.
- (5) [1 January 2011 / See Paragraph 16 of Transitional Provisions]
- (6) It is not permitted to equalise to a doctoral degree the degree acquired in the Union of Socialist Soviet Republics, which has been acquired on the basis of thesis in Marxism-Leninism, scientific communism, history of the Communist (Bolshevik) Party of the Soviet Union, scientific atheism, Soviet law, Soviet ideological organisation apologetics, as well as thesis in which totalitarian ideology is praised or in which the statehood of the Republic of Latvia is belittled or denied.
- (7) The nomenclature of doctoral degrees granted in Latvia and the official abbreviations of doctoral degrees shall be approved by the Cabinet upon recommendation of the Latvian Council of Science.
[21 June 2007; 4 March 2010]

Section 11. Procedures for the Conferral of a Doctoral Degree

- (1) A doctoral degree shall be conferred to a person after successful defence of a doctoral thesis before a doctoral degree conferral council. The Cabinet shall determine the procedures for the conferral of a doctoral degree.
- (2) An applicant for an academic degree shall certify with a doctoral thesis that he or she has independently conducted original scientific research, knows how to independently plan research, has acquired research methodology and the methods necessary for work in the area of specialisation, is capable of independently analysing the acquired results and drawing conclusions corresponding thereto. An applicant for a scientific degree who is a person who has successfully acquired the academic part of an accredited doctoral study programme and has prepared the doctoral thesis for the defence, or whose academic activity that has been performed outside of such programme is equalised thereto, taking into account the procedures provided

for in such programme and in accordance with the criteria stipulated by the Cabinet, and who has successfully passed examinations in the selected field of science, has the right to defend a doctoral thesis.

(3) The Cabinet shall delegate the rights to confer a doctoral degree to a higher education institution on the basis of an opinion of the Latvian Council of Science. A higher education institution may submit to the Latvian Council of Science an application to delegate to such institution the rights to confer a doctoral degree, if the relevant accredited doctoral study programme is implemented therein and at least three experts of the Latvian Council of Science are involved in the implementation of this programme.

(4) The State Scientific Qualification Committee established by the Cabinet shall supervise the conferral of an academic degree. Such Committee shall operate in accordance with the procedures stipulated by the Cabinet.

(5) A doctoral thesis may be submitted in the official language or in any of the official languages of the European Union, attaching thereto a translation of an extended summary of the doctoral thesis in the official language. The public defence may take place in the official language or in any of the official languages of the European Union – upon an agreement with the author and with the approval of the relevant council for the conferral of a doctoral degree. The submission and public defence of a doctoral thesis for the acquisition of the doctoral degree in philology may also take place in a foreign language, if the thesis is dedicated exactly to the research of the relevant language.

[4 March 2010; 29 April 2010; 13 June 2019]

Section 12. Conferral of an Honorary Doctorate

(1) Universities and the Latvian Academy of Sciences may confer an honorary doctorate (Doctor Honoris Causa, Dr. h. c.) for special achievements in science. The by-laws approved by the collegial administrative bodies of such institutions shall determine the procedures and order of conferral.

(2) An honorary doctorate shall not grant a person the rights of a scientist or the rights held by a person with an academic degree.

Section 12.¹ Conferral of the State Emeritus Scientist Status

(1) The State emeritus scientist status may be conferred to outstanding, internationally recognised scientists after reaching of the pension age specified in law.

(2) A decision on conferral of the State emeritus scientist status shall be taken by the Latvian Academy of Sciences, ascertaining the opinion of the Council of the State Emeritus Scientists. The composition of the Council of the State Emeritus Scientists shall be approved by the Minister for Education and Science for four years.

(3) A State emeritus scientist shall be granted a lifelong grant – allowance which is paid in addition to the old age pension. It shall be disbursed by the Latvian Academy of Sciences from the financial resources intended for scientific activity in the budget of the Ministry of Education and Science.

(4) The Cabinet shall determine the procedures for nominating the applicants for the State emeritus scientist status, the selection criteria and the procedures by which the State emeritus scientist status shall be conferred and the lifelong grant shall be granted, the amount of the lifelong grant to be allocated, as well as the procedures for establishing the Council of the State Emeritus Scientists and the operation rules thereof.

[4 March 2010 / Section shall come into force on 1 July 2010. See Paragraph 15 of Transitional Provisions]

Section 13. Ensuring of Scientific Activity

(1) [21 June 2007]

(2) The Cabinet shall:

1) determine the State policy for the development of science and technology, as well as innovation;

2) [13 June 2019];

3) approve the priority scientific fields and State research programmes;

3¹) determine the fields and subfields of science of Latvia;

4) perform other activities specified in this Law.

(3) The Ministry of Education and Science shall:

1) develop the State policy for the development of science and technology;

2) prepare a request for the allocation of annual State budget resources for the ensuring of scientific activity according to the State policy for the development of science and technology;

3) may enter into delegation and participation agreements regarding the introduction of international cooperation projects and programmes, ensuring the recognition of Latvian science and the shaping of public understanding regarding the importance of science for the development of a sustainable state;

4) co-ordinate international cooperation programmes in the fields of research and technology and in accordance with the procedures stipulated by the Cabinet, ensure support for participation in such programmes;

4¹) maintain and update the National Research Information System;

5) perform other activities specified in this Law.

(4) The Ministry of Economics shall:

1) develop innovation policy;

2) may enter into delegation and participation agreements regarding the introduction and implementation of international technology transfer projects and programmes, popularisation of examples of innovation good practices and the implementation of innovation active public awareness measures.

[21 June 2007; 14 March 2013; 8 December 2016; 21 June 2018; 13 June 2019]

Section 14. Latvian Council of Science

(1) The Latvian Council of Science is an institution of direct administration subordinate to the Minister for Education and Science which operates in accordance with this Law, other laws and regulations, and by-laws of the Latvian Council of Science.

(2) The Latvian Council of Science shall implement the State policy for science and technological development by fulfilling the following functions:

1) strategic implementation of science policy and strategic communication of science;

2) planning and implementation of scientific research programmes;

3) ensuring of scientific expert-examination for the needs of public and private sector;

4) promotion and coordination of international scientific cooperation.

(3) The director of the Latvian Council of Science who is an internationally acknowledged scientist with an experience in the office of a head of a scientific institution or unit thereof, or an organisation equivalent to the Latvian Council of Science shall be appointed to the office according to the competition procedures for five years and removed from the office by the Minister for Education and Science. One and the same person may not be the director of the Latvian Council of Science for more than two consecutive terms.

(4) Decisions taken by the Latvian Council of Science may be appealed to a court in accordance with the procedures specified in law.

[14 November 2019]

Section 15. Staff of the Latvian Council of Science

[14 November 2019]

Section 16. Competence of the Latvian Council of Science

The following shall be included within the competence of the Latvian Council of Science:

- 1) the preparation of proposals for the formulation of State policy for the development of science and technology;
- 2) the formulation of proposals for the preparation of a draft State budget required for the financing of science;
- 3) the distribution of State budget resources allocated to scientific activity in accordance with the procedures stipulated by the Cabinet, as well as the provision of opinions on scientific usefulness of the use of the allocated resources from the State budget;
- 4) evaluation (expert examination) within three months of scientific research projects and programmes financed from the State budget and applied for according to the competition procedures and the ensuring of the transparency of such process;
- 5) the scientific evaluation and compilation of the results of scientific research financed from the State budget, and the ensuring of the accessibility of the results;
- 6) the organisation and promotion of international scientific cooperation;
- 7) the provision of opinions on doctoral study programmes submitted for licensing or accreditation;
- 8) the granting of the rights of an expert of the Latvian Council of Science, and also the establishment of expert commissions of the Latvian Council of Science (hereinafter – the expert commission) and determination of their competence;
- 8¹) the approval of the experts of the Latvian Council of Science involved in the implementation of doctoral study programmes of higher education institutions in accordance with the provisions of Section 11, Paragraph three of this Law;
- 9) the preparation and publication of information related to its activities;
- 10) the development of the ethical criteria and discussion principles of scientific research in cooperation with the Latvian Academy of Science;
- 11) the input, processing and update of information in the database of the experts of the Latvian Council of Science.

[16 June 2009; 4 March 2010; 13 June 2019]

Section 17. Rights of the Latvian Council of Science

(1) The Latvian Council of Science is entitled to:

- 1) request and receive the information necessary for ensuring a complete expert examination of scientific research projects and programmes;
- 2) request an independent expert examination for scientific research projects and programmes as well as for doctoral theses, if negative comments have been received; raise questions, in accordance with the procedures specified in laws and regulations, in the responsible institutions regarding the termination of financing, the withdrawal of a doctoral degree, the reorganisation of scientific institutions or the removal thereof from the register of scientific institutions;
- 3) request and receive public information that is related to scientific activity in the Republic of Latvia;
- 4) employ employees for ensuring the operation thereof within the scope of the resources allocated from the State budget for the current year;

5) invite experts and establish working groups for the performance of the functions of the Latvian Council of Science specified in this Law.

(2) The Latvian Council of Science is not entitled to restrict the rights specified in Section 8 of this Law of scientists involved in scientific research.

[16 June 2009; 14 November 2019]

Section 18. Experts and Expert Commissions of the Latvian Council of Science

(1) Expert commissions shall have the following obligations:

1) to provide opinions on the compliance of the fundamental and applied research projects submitted to the Latvian Council of Science with the priority fields of science approved by the Cabinet;

2) to draw up reports on the situation in the fields of science in Latvia.

(2) Expert commissions shall be elected by scientists employed in the field of science in the Republic of Latvia. The term of office of the expert commissions shall be three years.

(3) Experts of the Latvian Council of Science who in their activities comply with the ethical criteria and principles of discussion of scientific research shall be elected as members of the expert commission. The expert of the Latvian Council of Science may simultaneously be a member of only one expert commission.

(4) Elected members of the expert commissions shall sign the Declaration of Obligations and Liabilities formulated by the Latvian Academy of Science.

(5) The Cabinet shall lay down the qualification criteria for members of the expert commission, the procedures for evaluating thereof, as well as the procedures for establishing expert commissions and for their operation.

(6) The experts approved by the Latvian Council of Science shall be registered in the database of the experts of the Latvian Council of Science, indicating the following information regarding the expert:

1) the given name, surname;

2) the personal identification number;

3) the academic degree;

4) the field of science;

5) the field of expertise.

(7) The rights of the expert of the Latvian Council of Science shall be granted for three years. A scientist may be granted the rights of the expert of the Latvian Council of Science in several fields of science.

(8) The Cabinet shall lay down the qualification criteria for the expert of the Latvian Council of Science in a field of science, the procedures for evaluating thereof, and the procedures for granting the rights of the expert of the Latvian Council of Science.

[13 June 2019]

Section 18.¹ Administration of Study and Research

[14 November 2019]

Section 19. Scientific Activity in Higher Education Institutions

(1) Higher education institutions have the obligation to perform scientific activity and issue collections of scientific papers or magazines.

(2) Scientific activity in higher education institutions shall be performed in accordance with this Law, the Law on Higher Education Institutions, and the constitution of the relevant higher education institution.

(3) A higher education institution shall publish a report on the scientific activity thereof in the form of a separate publication and on the Internet not later than six months after the end of a reporting year.

Section 20. Latvian Academy of Sciences

The Latvian Academy of Sciences shall consist of elected members of the Latvian Academy of Sciences and shall be a derivative public law person with autonomous competence in the State administrative system whose rights and duties have been specified in the Charter thereof, in this Law and other laws, as well as in the articles of association thereof and which is partially financed from the State budget. The *Saeima* shall approve the Charter of the Latvian Academy of Sciences, and such Charter shall indicate the purposes of the activity, basic directions, legal and economic grounds, the administrative system, rights and duties of the Latvian Academy of Sciences.

Section 21. Scientific Institute

(1) A scientific institute shall perform scientific activity, as well as activities related to the acquisition and improvement of scientific qualifications in the scientific research sector specified by the founder or establisher thereof. The scientific institute in achieving scientific goals shall be free from the influence of by the founder or establisher.

(2) A scientific institute may be:

- 1) a public agency;
- 2) a derived public person;
- 3) a structural unit of a higher education institution;
- 4) a private law legal person or a structural unit thereof.

(3) A State scientific institute may be established as a State agency or a derived public person. The State scientific institute shall be under supervision of the Minister for Education and Science or the relevant sectoral minister.

(4) For the establishment, reorganisation and liquidation of a State scientific institute an opinion of the Latvian Council of Science shall be necessary.

(5) A scientific institute of a State-founded university may be established as a derived public person. A scientific institute established by a State-founded university – derived public person – shall be under the supervision of the relevant university.

(6) A State scientific institute – derived public person shall be:

1) reorganised, if the decision on reorganisation has been taken by the decision-making institution of the involved institutions and approved by the Cabinet:

a) by merging it with another State scientific institute – derived public person, but establishing a new State scientific institute – derived public person – on the basis of the institutes to be reorganised;

b) by transferring it to a State higher education institution – derived public person, but establishing a structural unit of a State higher education institution, a public agency of a State higher education institution, or a scientific institute of a State-founded university – derived public person – on the basis of the institute to be reorganised;

2) liquidated by merging it with another State scientific institute – derived public person, State higher education institution – derived public person, or a scientific institute of a State-founded university – derived public person, if the decision on merging has been taken by the decision-making institutions of the involved institutions and approved by the Cabinet.

(7) The decision on reorganisation or liquidation of a State scientific institute – derived public person – shall be taken by the scientific council of the relevant State scientific institute.

[21 June 2007; 14 March 2013; 8 December 2016]

Section 21.¹ Scientific Institute – Public Agency

(1) A scientific institute – public agency – shall be established by a decision of the relevant public person decision-making institution.

(2) The activities of a scientific institute – public agency – shall be determined by this Law, the Public Agency Law, and other laws and regulations.

(3) In accordance with the procedures specified in laws and regulations and in conformity with its by-laws a scientific institute – public agency – shall act with the transferred property and financial resources at its disposal, proclaim competitions, enter into contracts, determine the payment for the services provided in the fields of research and improvement of scientific qualifications.

[21 June 2007]

Section 21.² Scientific Institute – Derived Public Person

(1) A scientific institute – derived public person – shall be established by a decision of the Cabinet.

(2) The decision-making institution of a scientific institute – derived public person – shall be the Council of Science of the scientific institute.

(3) In addition to the competences specified in other laws and regulations the Council of Science of the scientific institute – derived public person – shall approve the by-laws and the budget of the scientific institute, as well as may establish, reorganise, and liquidate institutions and found, reorganise, and liquidate capital companies, and decide on participation in associations, foundations, and capital companies.

(4) A scientific institute – derived public person – is not entitled to establish another scientific institute.

(5) A State scientific institute – public agency – may with a decision of the Cabinet be converted to a scientific institute – derived public person. In the conversion the following activities of the scientific institute shall be evaluated:

1) the volume of private sector financing attracted;

2) the results acquired to date by the scientific institute in cooperation with merchants and the opinion of economic experts regarding them.

(6) State scientific institutes – Institute of Electronics and Computer Science, Institute of Physical Energetics, [Latvian Biomedical Research and Study Centre, Latvian Institute of Organic Synthesis, Latvian State Institute of Wood Chemistry, and Latvian Forestry Research Institute “Silava”, and also Institute of Food Safety, Animal Health and Environment “BIOR” – are State scientific institutes – derived public persons.

[21 June 2007; 14 March 2013; 8 December 2016; 5 October 2017]

Section 21.³ Scientific Institute – Structural Unit of a Higher Education Institution

A scientific institute may be established as a structural unit of a higher education institution, taking into account the provisions of the Law on Higher Education Institutions, this Law, and other laws and regulations.

[21 June 2007]

Section 21.⁴ Scientific Institute – Private Law Legal Person

(1) A scientific institute – private law legal person – is established or founded and operates in accordance with the provisions of this Law, the Commercial Law, the Associations and Foundations Law, as well as with other laws and regulations.

(2) A scientific institute – private law legal person – may be founded also as a State or local government capital company.
[21 June 2007]

Section 21.⁵ Scientific Institute of a State-founded University – Derived Public Person

(1) The decision on foundation or liquidation of a scientific institute of a State-founded university – derived public person – shall be taken by the senate of the State-founded university. The decision taken by the senate shall be approved by the Cabinet. In the decision the senate of the State-founded university shall determine the movable and immovable property of the State-founded university which must be transferred into the ownership, possession, or use of the scientific institute – derived public person. The by-laws of the scientific institute of the State-founded university – derived public person – shall be adopted by the decision-making institution of the scientific institute and, upon recommendation by the senate of the State-founded university, it shall be approved by the Cabinet.

(2) The decision-making institution of a scientific institute of a State-founded institution – derived public person – shall be the scientific council of the scientific institute.

(3) According to the competence conferred to it, the scientific council of a scientific institute of a State-founded university – derived public person – may establish, reorganise, and liquidate institutions and found, reorganise, and liquidate capital companies, decide on participation in associations, foundations, and capital companies.

(4) A scientific institute of a State-founded university – derived public person – is not entitled to establish another scientific institute.

(5) The decision of the Cabinet whereby it approves the decision on foundation or liquidation of a scientific institute of a State-founded university – derived public person – taken by the senate of a State-founded university shall not be considered an administrative act.

[14 March 2013]

Section 21.⁶ Property of a Scientific Institute – Derived Public Person

(1) In accordance with the laws and regulations effective in Latvia and abroad the property of a scientific institute – derived public person – shall consist of:

1) monetary funds, other movable and immovable property presented or donated to the scientific institute, inherited or obtained by using own funds;

2) property purchased with State budget funds. Immovable property shall be recorded in the Land Register as the property of the scientific institute;

3) intellectual property of the scientific institute;

4) immovable property which has been handed over thereto, without remuneration, by another derived public person or the State.

(2) A scientific institute – derived public person – has the right to act with its property in order to achieve the objectives specified in its operational strategy in conformity with the effective laws and regulations and the by-laws of the institute.

(3) The activities with the property referred to in Paragraph one, Clause 4 of this Section and the subsequent use thereof shall be determined by the Law on Alienation of the Property of a Public Person.

(4) The property of a scientific institute – derived public person – is administered separately from the State property transferred into its possession.

(5) The State property may be transferred into the ownership, possession, or use of a scientific institute – derived public person – on the basis of a Cabinet decision.

[14 March 2013]

Section 22. Administration of a Scientific Institute

A scientific institute shall be administered by a scientific institute collegial body of scientists – a scientific council and the director elected thereby.

[21 June 2007]

Section 23. Scientific Council of a Scientific Institute

(1) A general meeting of scientists shall elect the scientific institute scientific council of a scientific institute for a time period not exceeding five years.

(2) The following shall be included in the competence of a scientific council:

1) the determination of the main directions of the scientific activity of a scientific institute in the scientific research sector selected by the founder;

2) the election of the director of the scientific institute and the approval of the scientific activity management officials of the scientific institute;

3) the election of a person to academic positions;

4) the raising of the question regarding the removal of a senior researcher, researcher, or research assistant from office prior to the termination of authority;

5) the election of representatives to budget, economic, and administrative commissions.

[21 June 2007]

Section 24. Director of a Scientific Institute

(1) The director of a scientific institute shall be a higher official who implements the general administrative management of the institute and represents the institute without special authorisation.

(2) An open competition for the office of the director of a scientific institute is announced in the official gazette *Latvijas Vēstnesis*. The scientific council of the scientific institute shall elect the director to office for a time period not exceeding five years and not more than two successive times.

(3) The scientific institute director elected by the scientific council of the scientific institute – public agency – shall be confirmed in office by the minister under whose supervision the relevant State agency is located.

(4) The director of the scientific institute elected by the scientific council of the scientific institute – derived public person agency – shall be confirmed in office by the manager of the relevant derived public person – the rector of the higher education institution or the executive director of the local government. The director of the scientific institute elected by the scientific council of the scientific institute – structural unit of a State higher education institution – shall be confirmed in office by the rector of the State higher education institution.

(5) The scientific institute director elected by the scientific council of the scientific institute – private law legal person – shall be confirmed in office by the relevant private law legal person executive body.

(6) The director of a State scientific institute – derived public person agency – shall be elected by the scientific council.

(7) A scientific institute shall announce a competition for the office of director at least two months prior to the termination of the authority of the present director. The present director shall perform the duties of a director until the confirmation of the newly elected director.

(8) After establishment of a scientific institute – public agency – the minister under whose supervision the relevant scientific institute is located shall appoint an acting director for the period until the director elected by the scientific council has taken up the office. In other cases the acting director shall be appointed by the establisher of the scientific institute.

(9) A director shall begin performing the duties of office after his or her election, but in cases where the elected director is to be confirmed to office – after his or her confirmation to office. If the director is not confirmed or elected, the State scientific institute shall re-organise the election of a director within two months. Until confirmation of a director elected in a repeat election, the State scientific institute acting director shall be appointed by the minister under whose supervision the relevant scientific institute is located, but in other cases – the relevant establisher of the scientific institute.

(10) The scientific institute director referred to in Paragraph three, four, or five of this Section, in conformity with the requirements of laws and regulations, upon his or her own initiative, or upon initiative of the scientific council, shall be removed from office by the official who in accordance with the provisions of this Section has confirmed to office the scientific institute director. The scientific institute director referred to in Paragraph six of this Section, taking into account the requirements of laws and regulations, shall be removed from office by the scientific institute scientific council.

(11) The Minister for Education and Science or the minister of the relevant sector is entitled to revoke unlawful decisions taken by the director of a State scientific institute.

(12) The following shall be included in the competence of the director:

1) the ensuring of the administrative, organisational, and material and technical functioning of a scientific institute;

2) the management of the financial resources of the scientific institute and the part of State property transferred into the ownership, possession, or use of such institute and liability regarding the utilisation thereof;

3) the implementation of decisions taken by the scientific council of the scientific institute;

4) the approval of the development programmes of the scientific institute.

(13) The director is not entitled to take decisions that include an evaluation of scientific research.

[21 June 2007; 14 March 2013; 8 December 2016]

Section 25. Scientific Council in a Commercial Company

A scientific council shall operate in a commercial company that performs scientific activity within the scope of the competence specified in Section 23, Paragraph two, Clauses 3, 4, and 5 of this Law.

Section 26. Academic Positions in Scientific Institutions

(1) Scientific institutions shall have the following academic positions:

1) senior researcher;

2) researcher;

3) research assistant.

(2) Persons shall be elected for six years to academic positions as a result of an open competition according to the procedures specified in the by-laws of a scientific institute or the articles of association of a commercial company. A competition shall be announced at least one month in advance by publishing an announcement in the official gazette *Latvijas Vēstnesis*.

(3) Persons with a doctoral degree may be elected to the position of a senior researcher. Persons with a doctoral or a master's degree may be elected to the position of a researcher.

(4) A person elected to an academic position shall enter into an employment contract with the scientific institution.

(5) The restriction on the time period of an employment contract specified in Section 45, Paragraph one of the Labour Law does not apply to persons elected to academic positions.

(6) Person in the positions of senior researcher, researcher and research assistant may be elected to only one scientific institute.
[21 June 2007; 8 December 2016]

Section 26.¹ Register of Persons Elected to Academic Positions in Scientific Institutions

(1) The persons elected to academic positions in scientific institutions (senior researcher, researcher, research assistant) shall be registered in the register of persons elected to academic positions in scientific institutions (hereinafter – the Register of Persons Elected to Academic Positions).

(2) The following information shall be entered in the Register of Persons Elected to Academic Positions:

- 1) the given name and surname of the person;
- 2) the personal identification number;
- 3) the name of the academic position to which the person is elected;
- 4) the start and end date for the fulfilment of the official duties;
- 5) the name of the scientific institution where the relevant person holds an academic position;
- 6) the academic degree and field.

(3) Information shall be entered and updated in the Register of Persons Elected to Academic Positions by the head of the scientific institution or his or her authorised person. Any changes in the details specified in Paragraph two of this Section shall be updated by the scientific institution not later than within a month after occurrence of the changes.

(4) Information regarding the persons elected to the positions of a senior researcher and researcher in a higher education institution shall be entered and updated in the Academic Staff Register in accordance with the procedures specified in the Law on Higher Education Institutions.

(5) The information referred to in Paragraph two, Clauses 1, 3, 4, 5, and 6 of this Section shall be available to the public in the National Research Information System.

[8 December 2016 / Section shall come into force on 1 March 2017. See Paragraph 20 of Transitional Provisions]

Section 27. Register of Scientific Institutions and the Transparency of such Register

(1) The register of scientific institutions (hereinafter – the Register) shall be the Register in which information regarding scientific institutions is entered and in which the documents regarding scientific institutions, specified in laws and regulations, are kept. The Register shall be maintained by an authorised official of an institution stipulated by the Cabinet who shall be responsible for the establishment and maintenance of the Register (hereinafter – the official of the Register).

(2) Everybody has the right to become acquainted with the entries made in the Register and the documents submitted to the Register. Everybody has the right to receive a statement regarding the entries made in the Register, as well as an extract, true copy, or copy of a document in a Register file free of charge and upon submission of the relevant written request. Upon request of the recipient, the correctness of the extract, true copy, or copy shall be approved by the signature and seal of the official of the Register, indicating the date of issuance thereof.

(3) Upon request of the recipient, the official of the Register shall issue a statement regarding the fact that the relevant entry in the Register has not been amended, or that the relevant entry has not been made in the Register.

[16 June 2009]

Section 28. Information to be Entered in the Register

(1) The following information regarding a scientific institution shall be indicated in the Register:

- 1) the name of the scientific institution;
- 2) the legal address of the scientific institution;
- 3) the founder and the head of the scientific institution;
- 4) the legal status of the scientific institution;
- 5) the date when a decision on the founding of the scientific institution was taken;
- 6) the telephone and fax number and electronic mail address of the scientific institution;
- 7) [21 June 2018];
- 8) information regarding the securing of the premises of the scientific institution and the most important scientific equipment;
- 9) [21 June 2007];
- 10) [21 June 2007];
- 11) [21 June 2007];
- 12) other information if such information is directly provided for by the Law.

(2) A scientific institution (public agency, derived public person, structural unit of a State higher education institution, legal person governed by private law or its structural unit) shall be registered in the Register of Scientific Institutions, if it conforms to all of the following criteria:

- 1) at least five persons with a doctoral degree have been elected to academic positions in the scientific institute;
- 2) at least 10 per cent of the research workers of the institute have a doctoral degree in the field of science corresponding to the field of activity of the scientific institute;
- 3) premises appropriate for the field of activity of the scientific institute are in the ownership, possession, or use of the scientific institute;
- 4) the scientists of the scientific institute publish scientific articles or patent inventions, or develop technologies.

(3) In order to register a higher education institution in the Register of Scientific Institutions, it shall conform to the following criteria:

- 1) the higher education institution is accredited and at least half of the elected academic staff thereof has a doctoral degree;
- 2) the higher education institution implements at least one accredited doctoral study programme;
- 3) the higher education institution publishes scientific papers and performs scientific activity (implements projects, commissions or patents inventions, or develops technologies) in all of the main fields of the activity thereof;
- 4) the higher education institution has international cooperation in the field of science.

(4) In order to register a commercial company in the Register of scientific institutions, such commercial company shall conform to the following criteria:

- 1) the commercial company performs scientific activity according to the articles of association thereof;
- 2) a scientific council operates therein;
- 3) at least five persons with a doctoral degree have been elected to academic positions in the commercial company;
- 4) the commercial company prepares scientific products (technologies, patents or publications);
- 5) at least one tenth of the turnover of the commercial company in the previous year is intended for scientific activity.

(5) In order for an association or foundation to be registered in the Register of Scientific Institutions it shall conform to the following criteria:

1) the association or foundation in conformity with its articles of association performs scientific activities – implements projects or commissions or publishes scientific papers, or patents inventions, or develops technologies;

2) the association or foundation in conformity with its articles of association participates in the process of the acquisition of scientific qualifications and improvement;

3) in the association or foundation there operates a scientific council;

4) at least five persons with a doctoral degree have been elected to academic positions in the association or foundation.

(5¹) If the scientific institute is a structural unit of a higher education institution, either the higher education institution or its structural unit – the scientific institute – shall be registered in the Register of Scientific Institutions. The decision on the scientific institution subject to registration in the Register of Scientific Institutions shall be taken by the higher education institution.

(6) [8 December 2016]

(7) [8 December 2016]

[21 June 2007; 14 March 2013; 8 December 2016; 21 June 2018 / Amendments regarding supplementation of Paragraph three, Clause 1 with the words and number “except for the Art Academy of Latvia, Jāzeps Vītols Latvian Academy of Music, and the Latvian Academy of Culture where at least 20 per cent of the elected academic staff has a doctoral degree” shall come into force on 1 January 2023 and shall be included in the wording of the Law as of 1 January 2023. See Paragraph 29 of Transitional Provisions]

Section 29. Documents to be Submitted to the Register and the Storage Thereof

(1) The head of a scientific institution shall submit to the Ministry of Education and Science a submission regarding the registration of a scientific institution. Documents that justify the making of an entry in the Register or amendments thereto, as well as other documents specified in the Law, shall also be submitted to the Register. The original of the relevant document or an accordingly approved copy of such document shall be submitted to the Register. Public documents issued in foreign states shall be legalised in accordance with the procedures specified in international agreements and a notarially certified translation into Latvian shall be attached thereto. The documents to be submitted to the Register on the basis of which entries in the Register or amendments thereto have been made shall be valid if such documents have been issued not earlier than one month before the submission thereof to the Register. The provision regarding the time period of validity of documents does not apply to court rulings and documents certifying a doctoral degree.

(2) The State Service of Education Quality has the right to examine the conformity with actuality of information and documents provided to the Register. Documents submitted to the Register shall be stored in the registration file of the relevant scientific institution if an entry has been made in the Register on the basis thereof.

(3) If the information to be indicated in the Register and referred to in Section 28, Paragraph one, Clauses 1, 2, 3, 4, and 5 of this Law changes, the head of a scientific institution has the obligation to submit a relevant submission to the Register within one month, attaching documents justifying the relevant information. A decision to reorganise or liquidate the scientific institution shall be reported to the Register within 10 days.

(4) The information referred to in Section 28, Paragraph one, Clauses 6, 7, 8, and 12 of this Law shall be entered in the Register within a month by the head of the scientific institution or his or her authorised person. The head of the institution shall be responsible for the accuracy and veracity of the information entered in the Register, whereas the official of the Register has the right to ascertain the veracity of information.

[21 June 2007; 16 June 2009; 8 December 2016 / Amendments to Paragraphs three and four shall come into force on 1 March 2017. See Paragraph 20 of Transitional Provisions]

Section 30. Making an Entry in the Register

(1) An entry is made in the Register on the basis of a submission, a decision by the Enterprise Register of the Republic of Latvia (hereinafter – the Enterprise Register), or a court ruling, as well as in electronic form in the case referred to in Section 29, Paragraph four of this Law. The decision to make an entry in the Register or to refuse to make an entry in the Register shall be taken by the official within a month, whereas the decision to defer making of an entry – within seven days from the day of receipt of the submission, the decision by the Enterprise Register, or the court ruling. The entry shall be made in the Register on the same day when a decision to make the entry was taken.

(2) The official of the Register shall take a decision to refuse to make an entry or to defer making of an entry if the submission or the documents attached thereto do not conform to the provisions of laws and regulations or it has been established that the submitter has provided false information. The decision shall be substantiated. The time period for the elimination of deficiencies shall be indicated in the decision to defer making of the entry.

(3) If the information referred to in Section 28, Paragraph one, Clauses 1, 2, 3, 4, and 5 of this Law has changed, the official of the Register shall issue a written decision to make amendments to the Register or to defer making of an entry, or to refuse to make an entry, make the relevant amendments to the Register and, if necessary, issue a new registration certificate.

[21 June 2007; 16 June 2009; 8 December 2016 / The new wording of Paragraph three shall come into force on 1 March 2017. See Paragraph 20 of Transitional Provisions]

Section 31. Registration Certificate

After a scientific institution has been entered in the Register, such scientific institution shall be issued with a registration certificate that shall be signed and certified with a seal by the official of the Register. The following information regarding the scientific institution shall be indicated in the registration certificate:

- 1) name and legal status;
- 2) registration number;
- 3) place of registration;
- 4) registration date.

Section 32. Removal of Scientific Institutions from the Register

(1) A scientific institution shall be removed from the Register with a decision of the official of the Register in the following cases:

1) a submission of the founder regarding liquidation of the scientific institution has been received;

2) an educational programme is being implemented in the scientific institution without a licence or documents certifying education or scientific qualification are being issued in violation of laws and regulations;

3) the Ministry of Education and Science or another institution has repeatedly determined, during a time period of one year and within the scope of the competence thereof, violations of laws in the activity of the scientific institution which are related to scientific or educational activity;

4) false information that has been the basis for the registration of the scientific institution has been provided intentionally in the process of registration;

5) the founder or the scientific institution has not provided the necessary information within six months upon written request of the Ministry of Education and Science or the State Service of Education Quality;

6) information to be included in the Register has changed and the scientific institution has not informed the Ministry of Education and Science thereof within six months;

7) [21 June 2007];

8) on the basis of a court ruling.

(2) The Latvian Council of Science may propose the removal of a scientific institution from the Register if the Latvian Council of Science has determined, within its competence, the non-conformity of the activities of the scientific institution with laws and regulations, or other deficiencies.

(3) A scientific institution shall be removed from the Register if it has not implemented any scientific projects and has not published any scientific papers within one year.

[21 June 2007; 16 June 2009]

Section 33. Financing of Scientific Activity from State Budget Resources

(1) State budget resources for scientific activity may be allocated to establishments registered in the Register of Scientific Institutions. Merchants shall be granted State budget resources in the form of State aid for the implementation of projects in the fields of research, development of technology, and innovation in accordance with the relevant State aid programmes.

(2) Upon submitting the annual law on the State budget to the *Saeima*, the Cabinet shall provide for an annual increase of financing for scientific activity of not less than 0.15 per cent of the gross domestic product until the State-allocated financing for scientific activity reaches at least one per cent of the gross domestic product.

(3) The procedures by which State aid shall be granted to establishments registered in the Register of Scientific Institutions, as well as to merchants in the fields of research, development of technology, and innovation shall be determined by the Cabinet.

[21 June 2007]

Section 34. Financing of Fundamental and Applied Research

(1) Financing of fundamental and applied research shall be allocated to specific projects in the form of grants in accordance with competition procedures. Project applications shall be submitted by scientists. The topics, purposes, and tasks of the research shall be formulated by the scientists themselves.

(2) The main criterion for the allocation of a grant shall be the scientific merit of a project.

(3) The Latvian Council of Science shall evaluate, administer fundamental and applied research projects, and distribute financing in accordance with the procedures laid down by the Cabinet. Each year the Latvian Council of Science shall submit to the Ministry of Education and Science a report on the use of the State budget funds allocated to the fundamental and applied research.

(4) The Cabinet shall approve the priorities of scientific fields for the financing of fundamental and applied research once every four years according to the State policy for the development of science and technology.

[21 June 2007; 16 June 2009; 14 November 2019]

Section 35. State Research Programmes

(1) State research programmes are State commissions for the performance of scientific research in a specific economic, educational, cultural, or other sector of priority to the State with the purpose of promoting the development of such sector.

(2) The ministries of the relevant sectors, upon consulting with the Latvian Council of Science and the Latvian Academy of Sciences, shall determine the objectives and tasks of State research programmes. The Ministry of Education and Science or other sectoral ministries, according to project tender procedures of State research programmes, may allocate financing for the projects

of State research programmes from the financing from the State budget resources provided for the financing of science. The project tender of State research programmes shall be organised and implemented by the Latvian Council of Science.

(3) The Cabinet shall determine the procedures for the application, expert-examination, implementation, and financing of the projects of State research programmes, as well as the procedures for the control of the utilisation of the financial resources allocated for the implementation of the projects of State research programmes.

[21 June 2018]

Section 36. Financing of Market-oriented Research

The financing of market-oriented research shall take place by allocating State budget resources to projects of a practical nature the purpose of which is to promote the integration of science and manufacturing, the development of technology-oriented fields, and the creation of new jobs. The Ministry of Education and Science shall distribute financing for market-oriented research projects on the basis of a scientific and economic expert-examination and in accordance with Cabinet regulations. Experts of the Latvian Council of Science shall perform the scientific expert-examination of the projects.

Section 37. Research Commissioned by a State Administrative Body

Research commissioned by a State administrative body is a procurement for State needs the purpose of which is to promote the development of a sector with the help of scientific research and to promote the solving of concrete problems within the field of competence of the relevant State administrative body. The State administrative body shall commission such research within the scope of the budget thereof and according to competition procedures.

Section 37.¹ Remuneration for Research Workers of a State Scientific Institute, State Higher Education Institution or Scientific Institute of State Higher Education Institution

(1) The remuneration for research workers of a State scientific institute, a State higher education institution, a scientific institute of a State higher education institution, including a scientific institute of a State-founded university – derived public person – shall be determined as follows:

1) research workers holding academic positions – in accordance with the laws and regulations regarding the procedures for the granting of financial reference amount, as well as from the financial resources obtained for the implementation of contracts entered into by a State scientific institute, a State higher education institution, or a scientific institute of a State higher education institution, providing for the amount thereof according to the internal procedures for work remuneration of the scientific institute;

2) research workers not holding academic positions – in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities, in conformity with the cases specified therein, when it is allowed to not apply the norms of the abovementioned Law, in accordance with the laws and regulations regarding the procedures for the granting of financial reference amount, as well as from the financial resources obtained for the implementation of contracts entered into by a State or scientific institute of a State higher education institution, providing for the amount thereof according to the internal procedures for work remuneration of the scientific institute.

(2) The Cabinet shall determine the system for record-keeping of the time used for the implementation of research projects financed from the State budget, European Union, and foreign financial aid resources and the work completed.

[4 March 2010; 22 April 2010; 14 March 2013]

Section 37.² Participation of Foreign Researchers in Scientific Research Projects Implemented by a Scientific Institution

(1) The scientific institution registered in the Register of Scientific Institutions is entitled to invite a foreigner, who is not a citizen of the European Union, to participate in the scientific research projects implemented by them, if he or she has a doctoral degree or a higher education degree necessary for the acquisition of a doctoral degree (hereinafter in this Section – the foreign researcher). In such case, the scientific institution shall enter into an employment contract with the foreign researcher in which the conditions for the implementation of the research project are provided for. The employment contract shall be signed by an authorised person of the scientific institution and the foreign researcher. The employment contract shall be entered into for the time of the implementation of the scientific research project and may not exceed the term of validity of the temporary residence permit issued to the foreign researcher. The employment contract shall be terminated if the foreign researcher has been refused a renewal of the residence permit in Latvia or also it is cancelled. The conditions which the scientific institution shall observe in entering into and terminating employment contracts with foreign researchers shall be determined by the Cabinet.

(2) The travel expenses of the foreign researcher shall be covered by the scientific institution in the implementation of which scientific project the foreign researcher shall participate.

(3) The right of the family members of the foreign researcher to reside in Latvia shall be determined by the Immigration Law.

[21 June 2007]

Section 38. Financial Reference Amount of Scientific Activity

(1) The financial reference amount shall be allocated to scientific institutions by the founder. The financial reference amount to State scientific institutes, State higher education institutions, scientific institutes of State higher education institutions, including scientific institutes of State-founded universities – derived public persons – registered in the Register of Scientific Institutions shall be allocated in accordance with the procedures stipulated by the Cabinet.

(2) The financial reference amount of scientific institutions shall consist of resources for:

1) the maintenance of scientific institutions (maintenance of buildings and equipment, payment of public utility services, work remuneration of administrative, technical and maintenance staff);

2) payment to the scientific staff involved in the performance of the scientific research specified by the founder;

3) the development of State scientific institutes, State higher education institutions, and scientific institutes of State higher education institutions registered in the Register of Scientific Institutions for the achievement of the objectives specified in their operational strategy, including for patenting inventions, their maintaining in effect, registering new plant varieties and protection of the right to use them, and also preparation for commercial use (commercialisation).

[14 March 2013]

Section 39. Accounting and Accounts of a Scientific Institute

(1) A scientific institute shall perform accounting, open accounts and act with them according to the procedures specified in laws and regulations.

(2) A scientific institute – derived public person –, a State higher education institution which has the status of a derived public person, and a scientific institute of a State-founded university – derived public person – shall open in the Treasury a current account into which, in conformity

with the State budget appropriation, the relevant ministry shall transfer the resources of financial reference amount in accordance with Section 38 of this Law, as well as perform the appropriate payments of expenditures from such account.

(3) A scientific institute – derived public person –, a State higher education institution which has the status of a derived public person, and a scientific institute of a State-founded university – derived public person – may receive financial resources granted by merchants for the implementation of specific commission project and other own income in the credit institution account. The appropriate payments of expenditure shall be performed from such account.

(4) At the end of the year the resources remaining in the account from the revenue from the scientific activity of a scientific institute – derived public person –, a State higher education institution which has the status of a derived public person, and a scientific institute of a State-founded university – derived public person –, if they do not exceed the actual amount of resources received during the year, shall remain at the disposal of the institution and are utilised in the next year.

(5) State and international scientific research project and programme financing acquired according to competition procedures shall be received by a scientific institute – derived public person –, a State higher education institution which has the status of a derived public person, and a scientific institute of a State-founded university – derived public person – in the Treasury current account, as well as the corresponding payments of expenditures from such account shall be settled.

[14 March 2013]

Section 39.¹ Property Rights of a State Scientific Institution to an Invention or a Plant Variety

(1) A State scientific institution (a State higher education institution, including a higher education institution – derived public person, a structural unit of a State higher education institution, a scientific institute of a State-founded university – derived public person, a State scientific institute, including a scientific institute – derived public person, a State public agency, a State commercial company) shall own property rights to an invention or a plant variety, if such has been fully created as a result of a State funded research in conformity with the procedures specified in the by-laws of its activity.

(2) Property rights to an invention or a plant variety that has been created as a result of collaboration between a State scientific institution and other institutions or scientists shall belong to the State scientific institution to the extent that is proportional to the contribution of the institution determined in the contract.

[14 March 2013]

Section 39.² Property Rights of State Scientific Institution Inventors to an Invention or a Plant Variety

(1) If an invention or a plant variety has been created within the scope of a State funded research by one or several employees of a scientific institution whose professional duties include inventive activity, research, design, engineering or elaboration of technological developments, the property rights to such invention or plant variety shall belong to the scientific institution with which this employee or these employees are in employment legal relations. If a research funded by another person has been implemented in a State scientific institution and as part of the research an invention or a plant variety has been created by one or several employees of the State scientific institution, the property rights to such invention or plant variety shall be determined by a contract under which the research is implemented.

(2) The property rights of an inventor or breeder of a plant variety who is not an employee of a State scientific institution to an invention or a plant variety shall be determined by a contract

concluded between the inventor or breeder of a plant variety and the State scientific institution where the research is implemented.

[14 March 2013]

Section 39.³ Taking of Decisions to Register the Property Rights to a New Invention or Plant Variety

(1) An employee of a State scientific institution shall inform the State scientific institution in writing regarding the fact of creating a new invention or a new plant variety.

(2) Having assessed the potential of the commercial use (commercialisation) of the relevant invention or plant variety, the State scientific institution shall, within three months after receipt of the information referred to in Paragraph one of this Section, take a decision on whether to submit a patent application or a submission for granting the breeder's rights to a plant variety in the name of the State scientific institution, as well as shall notify the inventor or breeder on its intention to use the relevant property rights. If within three months the State scientific institution does not notify the employee on its intention to use the relevant property rights, the rights to the invention or the breeder's rights to a plant variety shall be transferred to the employee or breeder. The procedures for notification shall be governed by the internal regulations of the institution.

(3) The procedures by which an employee shall inform the State scientific institution regarding a new invention or plant variety, the criteria by which the State scientific institution shall assess the patentability of the invention or the necessity to submit a submission for granting the breeder's rights and the potential of the commercial use (commercialisation) of the relevant invention or plant variety, the procedures for preparing a patent application to be conducted in the State scientific institution, as well as the criteria by which the State scientific institution shall assess the necessity of further maintenance of a registered patent shall be determined in the by-laws for the activity of the State scientific institution.

[14 March 2013]

Section 39.⁴ Protection of the Property Rights to an Invention or a Plant Variety

(1) If a State scientific institution, according to the procedures specified in the by-laws for the activity thereof, has not taken a decision to refuse from the rights to an invention or a plant variety and has not offered the relevant rights to the inventor or breeder, it shall ensure the protection of such rights by applying the patent to an invention or the rights to a plant variety and maintaining the patent or rights in effect.

(2) The decision-making institution of the State scientific institution, according to the by-laws for the activity thereof, has the right to take a decision on further maintenance of the patent and the right to a plant variety, taking into account the foreseeable benefit from the commercial use (commercialisation) of the registered patent or plant variety.

(3) The State scientific institution has the duty to ensure that the essence of an invention or a plant variety is not disclosed to the third parties prior to submitting a patent application or a submission for granting the breeder's rights to a plant variety.

(4) The State scientific institution is entitled to disclose the essence of an invention to the third parties prior to publishing the patent application or the essence of a plant variety prior to publishing the decision to grant the breeder's rights, unless provided for otherwise in the contract entered into with the funders of the research project or in the contract entered into with the invention authors or breeders of a new plant variety.

[14 March 2013]

Section 39.⁵ Use of the Rights to an Invention or a Plant Variety for Commercial Purposes (Commercialisation)

A State scientific institution has the obligation to take the necessary activities, including to allow the interested parties to purchase the patent, the breeder's rights to a plant variety, or the relevant licence in order to ensure that the rights to an invention or a plant variety are subject to commercial use (commercialisation) in the most viable manner possible for the State.

[14 March 2013]

Section 39.⁶ Right to Remuneration from the Income Obtained as a Result of the Use of the Property Rights to an Invention or a Plant Variety for Commercial Purposes (Commercialisation)

An inventor or breeder has the right to receive fair remuneration from the income obtained as a result of the commercial use (commercialisation) of the property rights to an invention or a plant variety according to the procedures specified in the by-laws for the activity of the State scientific institution.

[14 March 2013]

Section 40. Report on the Scientific Activity of a Scientific Institution

(1) A scientific institution shall prepare and post a report on the scientific activity in the National Research Information System every year, including in the report information regarding the objectives and results of the activity of the scientific institution, as well as information regarding the allocated State budget funds and their utilisation.

(2) The scope of information to be included in the report on the scientific activity, the procedures for submission, use, and publishing thereof shall be determined by the Cabinet.

[8 December 2016 / *The new wording of Section shall come into force on 1 June 2017. See Paragraph 23 of Transitional Provisions*]

Section 41. International Evaluation of the Activity of Scientific Institutions

(1) An international evaluation of the activity of scientific institutions is a report prepared by foreign experts which includes the following information regarding a scientific institution:

- 1) the quality of the scientific activity;
- 2) the impact of the scientific activity on the relevant field of science;
- 3) the economic and social impact of the scientific activity;
- 4) the infrastructure and its conformity with the activity of the scientific institution;
- 5) the development potential.

(2) The work of foreign experts shall be organised by creating collegial groups of experts of fields of science.

(3) The procedures by which the Ministry of Education and Science shall organise the international evaluation of the activity of scientific institutions once every six years shall be determined by the Cabinet.

[8 December 2016]

Section 42. National Research Information System

(1) The National Research Information System is a State information system where information regarding the scientific activities performed by scientific institutions and the persons involved therein is compiled.

(2) The National Research Information System shall consist of:

- 1) the Register of Scientific Institutions;
 - 2) the Register of Persons Elected to Academic Positions;
 - 3) the Database of Experts of the Latvian Council of Science;
 - 4) the Database of Research Projects;
 - 5) the Database of Scientific Activity and Research Results;
 - 6) the reports on the scientific activity of scientific institutions;
 - 7) the Database of the International Evaluation of the Activities of Scientific Institutions.
- (3) The Database of Research Projects shall include information regarding:
- 1) the persons involved in the implementation of research projects;
 - 2) the financing allocated to research projects;
 - 3) the results achieved.
- (4) The Database of Scientific Activity and Research Results shall include information regarding:
- 1) the publications;
 - 2) the intellectual property;
 - 3) the participation in scientific conferences.
- (5) The data available in the National Research Information System shall be accessible to the public on the website of the Ministry of Education and Science, unless access to such data is restricted in accordance with the provisions of this Law and other laws and regulations.
- (6) The Cabinet shall determine the procedures by which information shall be posted, processed, updated, compiled, stored, published, archived in the National Research Information System and deleted therefrom.
- [8 December 2016]

Transitional Provisions

1. With the coming into force of this Law, the Law on Scientific Activity (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1992, No. 46/47/48; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1996, No. 15; 1998, No. 13; 2001, No. 12; 2003, No. 12, 15), is repealed.
2. The time period during which a person (to whom the restrictions specified in this Law apply) holds an elected office or is a member of the staff of an elected collegial institution shall be counted from the day of election.
3. The Cabinet shall issue the laws and regulations referred to in this Law within six months after the day of the coming into force of this Law. Until the day of the coming into force of the relevant laws and regulations, the Cabinet regulations issued on the basis of the Law on Scientific Activity shall be applicable insofar as such regulations are not in contradiction with this Law, but not later than six months from the day of coming into force of this Law.
4. State non-profit-making science undertakings (companies) shall be reorganised in accordance with the provisions of the Law on Procedures for the Coming into Force of The Commercial Law within one year from the day of the coming into force of this Law.
5. The annual total amount of State financing and private financing for scientific activity – 3 per cent of the gross domestic product – shall be reached by the year 2010.
6. The provision of Section 1, Clause 7, sentence two of this Law in relation to scientific institutions in the agricultural sector shall come into force on 1 January 2010.
7. Section 33, Paragraph one of this Law shall come into force on 1 January 2006.

8. The State scientific institutes referred to in Section 21.², Paragraph six of this Law are the successors in interest of the scientific institutes – State agencies "Elektronikas un datorzinātņu institūts" ["Electronics and Computer Science"], "Fizikālās enerģētikas institūts" [Institute of Physical Energetics], "Latvijas Biomedicīnas pētījumu un studiju centrs" [Latvian Biomedical Research and Study Centre], "Latvijas Hidroekoloģijas institūts" [Latvian Institute of Aquatic Ecology], "Latvijas Organiskās sintēzes institūts" [Latvian Institute of Organic Synthesis], "Latvijas Valsts agrārās ekonomikas institūts" [Latvian State Institute of Agrarian Economics], "Latvijas Valsts augļkopības institūts" [Latvian State Institute of Fruit-Growing], "Latvijas Valsts koksnes ķīmijas institūts" [Latvian State Institute of Wood Chemistry], "Latvijas Valsts mežzinātnes institūts "Silava"" [Latvian Forestry Research Institute "Silava"], "Valsts Priekuļu laukaugu selekcijas institūts" [Priekuli State Plant Breeding Institute] and "Valsts Stendes graudaugu selekcijas institūts" [Stende State Cereals Breeding Institute].

[21 June 2007]

9. The decision-taking institutions of the scientific institutes – derived public person – referred to in Section 21.², Paragraph six of this Law are the relevant modified scientific institute – State agency scientific councils, which were elected in the period up to 6 January 2007 and shall operate up to the end of their specified authorisation time period.

[21 June 2007]

10. That specified in Section 12, Paragraph two of this Law shall apply to persons who have been granted an Honorary Doctor of Science degree and who have acquired the rights of Doctor Habilitus on the basis of Cabinet Decision No. 262 of 4 October 1991, On the Regulation Regarding the Granting of Scientific Degrees.

[21 June 2007]

11. Persons who up to 19 July 2007 have been elected to the offices of senior researcher, researcher or research assistant without a time period condition shall be deemed to have been elected for six years counting from 20 July 2007.

[21 June 2007]

12. In accordance with this Law, remuneration specified in State and local government authorities (salary, bonuses, gratuities, allowances, etc.) in 2009 shall be determined in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities in 2009.

[12 December 2008]

13. Amendments to Section 38, Paragraph two of this Law in respect of supplementing it with Clause 3 shall come into force from 1 January 2010.

[16 June 2009]

14. The State scientific institutes registered in the Register of Scientific Institutions, State higher education institutions, and scientific institutes of State higher education institutions shall develop and submit for approval to the relevant sectoral ministry the operational strategy of a scientific institution by 31 October 2009.

[16 June 2009]

15. Section 12.¹ of this Law shall come into force on 1 July 2010. The Cabinet shall, by 30 June 2010, issue the Cabinet regulations provided for in Section 12.¹, Paragraph four of this Law.

[4 March 2010]

16. Section 10, Paragraph five of this Law shall be repealed from 1 January 2011.
[4 March 2010]

17. In order to ensure the conformity of the registration of scientific institutes in the Register of Scientific Institutions with the requirements of Section 28, Paragraph 5.¹ of this Law, a higher education institution shall, by 15 April 2013, submit a submission to the Register of Scientific Institutions for exclusion of a scientific institution – higher education institution – or a scientific institute – structural unit of a higher education institution – from the Register of Scientific Institutions. If a higher education institution has not submitted such submission by 15 April 2013, from 15 May 2013 the scientific institute – structural unit of a higher education institution – shall be excluded from the Register of Scientific Institutions.
[14 March 2013]

18. The deadline for submitting the information specified in Section 28, Paragraph seven, Clause 4 of this Law to the Register of Scientific Institutions is extended until 31 December 2013 for a scientific institution which has been registered in the Register of Scientific Institutions and in the period of the first six years from 19 May 2005 has not received any international evaluation of its activity.
[14 March 2013]

19. A decision to transform a scientific institute of a State-founded university into a scientific institute of a State-founded university – derived public person – shall be approved by the Cabinet upon recommendation of the senate of the State-founded university. The by-laws of the transformed scientific institute – derived public person – shall be approved in accordance with the procedures specified in Section 21.⁵, Paragraph one of this Law.
[14 March 2013]

20. Section 18, Paragraph six, Section 26.¹ of this Law, amendments to Section 29 of this Law regarding entry of the information provided for in Section 28, Paragraph one of this Law in the Register of Scientific Institutions and the new wording of Section 30, Paragraph three of this Law regarding actions of the official of the Register in case of changes in the information to be entered in the Register of Scientific Institutions shall come into force on 1 March 2017.
[8 December 2016]

21. The by-laws of the scientific institute of Latvia University of Life Sciences and Technologies – derived public person *Dārzkopības institūts* [Institute of Horticulture] – and the scientific institute of Latvia University of Life Sciences and Technologies – derived public person *Agroresursu un ekonomikas institūts* [Institute of Agricultural Resources and Economics] – established by Cabinet Order No. 640 of 21 October 2015, Regarding Reorganisation of Derived Public Persons *Valsts Priekuļu laukaugu selekcijas institūts* [Priekuli State Plant Breeding Institute], *Valsts Stendes graudaugu selekcijas institūts* [Stende State Cereals Breeding Institute], *Latvijas Valsts agrārās ekonomikas institūts* [Latvian State Institute of Agrarian Economics], and *Latvijas Valsts augļkopības institūts* [Latvian State Institute of Fruit-Growing], shall be approved in accordance with the procedures laid down in Section 21.⁵, Paragraph one of this Law.
[8 December 2016]

22. The international evaluation referred to in Section 41 of this Law shall be organised for the first time in 2019.
[8 December 2016]

23. The new wording of Section 40 of this Law regarding the report on the scientific activity of scientific institutions shall come into force on 1 June 2017.
[8 December 2016]
24. The Cabinet shall, by 28 February 2017, issue the regulations referred to in Section 13, Paragraph two, Clause 3.¹ and Section 42, Paragraph six of this Law.
[8 December 2016]
25. The Cabinet shall issue the regulations referred to in Section 40, Paragraph two of this Law by 30 June 2017.
[8 December 2016]
26. The Cabinet shall issue the regulations referred to in Section 41, Paragraph three of this Law by 31 December 2017.
[8 December 2016]
27. The Cabinet shall issue the regulations referred to in Section 35, Paragraph three of this Law by 30 June 2018.
[21 June 2018]
28. Cabinet Regulation No. 443 of 30 May 2006, Procedures for the Application, Assessment and Financing of the Projects of State Research Programmes, and Cabinet Regulation No. 597 of 30 September 2014, Procedures for the Control of the Use of Funds Allocated for the Implementation of the Projects of State Research Programmes, shall be applied until 31 December 2018 in the implementation of such State research programmes which have been approved by Cabinet Regulation No. 558 of 7 October 2014, On State Research Programmes, and Cabinet Regulation No. 559 of 7 October 2014, On Additional State Research Programmes, insofar as they are not in contradiction with this Law.
[21 June 2018]
29. Amendment to Section 28, Paragraph three, Clause 1 of this Law regarding the Art Academy of Latvia, Jāzeps Vītols Latvian Academy of Music, and the Latvian Academy of Culture where at least 20 per cent of the elected academic staff has a doctoral degree shall come into force on 1 January 2023. By 31 December 2022, at least 10 per cent of the elected academic staff in these higher education institutions shall have a doctoral degree.
[21 June 2018 / The abovementioned amendment shall be included in the wording of the Law as of 1 January 2023.]
30. The Cabinet shall issue the regulations referred to in Section 18, Paragraph three of this Law by 30 June 2018.
[13 June 2019]
31. Expert commissions of the Latvian Council of Science which have commenced activity before 30 June 2019 shall continue operating also after 30 June 2019 until the establishment of new expert commissions but not longer than until 15 October 2019.
[13 June 2019]
32. The Latvian Council of Science which have been approved before 30 June 2019 shall continue operating also after 30 June 2019 but not longer than until 30 June 2020.
[13 June 2019; 17 October 2019]

33. In order to ensure granting of the rights of the experts of the Latvian Council of Science until the day of coming into force of the Cabinet regulations referred to in Section 18, Paragraph eight of this Law, Cabinet Regulation No. 724 of 12 December 2017, Regulations Regarding Qualification Criteria for the Experts of the Latvian Council of Science, Establishment of Expert Commissions, and Organisation of Activity Thereof, shall be applied.

[13 June 2019]

34. The Cabinet shall, by 31 January 2020, in accordance with the procedures laid down in the State Administration Structure Law, take a decision to liquidate the Study and Science Administration or complete reorganisation thereof by 30 June 2020 by ensuring transfer of the tasks referred to in Section 18.¹, Paragraph two of this Law to the Latvian Council of Science.

[14 November 2019]

35. The new wording of Section 14 of this Law, amendments regarding exclusion of Sections 15 and 18.¹ of this Law, amendments to Section 17, Paragraph one regarding supplementation thereof with Clause 5, amendments to Section 34, Paragraph three of this Law (regarding supplementation of the first sentence after the word “evaluate” with the word “administer” and replacement of the words “Study and Science Administration” in the second sentence with the words “Latvian Council of Science”) shall come into force on 1 July 2020.

[14 November 2019]

Informative Reference to European Union Directives

[21 June 2018]

This Law contains legal norms arising from Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

This Law was adopted by the *Saeima* on 14 April 2005.

President

V. Vīķe-Freiberga

Rīga, 5 May 2005