

LAW OF UKRAINE

On Scientific and Scientific and Technology Activities

As amended and supplemented by the Resolutions of the Cabinet of Ministers of Ukraine

No. 12-92 dated December 26, 1992

No. 23-92 dated December 31, 1992

No. 15-93 dated February 19, 1993

Laws of Ukraine

No.183/94-VR dated September 23, 1994

No. 75/95-VR dated February 28, 1995

No. 498/95-VR dated December 22, 1995

No. 608/96-VR dated December 17, 1996

No. 284-XIV dated December 1, 1998

(Law of Ukraine No. 284-XIV dated December 1, 1998

this Law was stated in a new version),

No. 1646-III dated April 6, 2000

No. 2905-III dated December 20, 2001

No. 3065-III dated February 7, 2002

No. 380-IV dated December 26, 2002

No. 581-IV dated February 20, 2003

No. 860-IV dated May 22, 2003

No. 1096-IV dated July 10, 2003

No. 1316-IV dated November 20, 2003

No.1344-IV dated November 27, 2003

No. 1377-IV dated December 11, 2003

No. 1407-IV dated February 3, 2004

No. 2094-IV dated October 19, 2004

No. 2261-IV dated December 16, 2004

No. 3108-IV dated November 17, 2005

No. 3421-IV dated February 9, 2006

No. 190-V dated September 22, 2006

No. 489-V December 19, 2006

(Amendments introduced by the Law of Ukraine No. 1646-III dated April 6, 2000 regarding scientific (science/pedagogical) personnel, who do not hold a scientific degree or academic title shall come into effect after the Law of Ukraine “On State Budget of Ukraine” for the year 2002) comes into force

(It was determined that from January 1, 2007 the maximum amount of pension or monthly lifetime cash allowance (with taking into consideration of increments, augmentations, additional pensions, targeted cash assistance, pensions for special merits before Ukraine and other pension supplements, set out by the legislation), allocated (transferred) in the years 2006 - 2007 in accordance with the present Law cannot exceed 12 minimum retirement pensions, established by indent one, paragraph one of Article 28 of the Law of Ukraine “On Obligatory State Pension Insurance”, according to the Law of Ukraine No. 489-V dated December 19, 2006)

(It was determined that in the year 2007 for working pensioners, subject to the present Law, the retirement pension assigned in advance (with taking into consideration of subparagraph "r" point 1 of Article 26 of the Law of Ukraine "On Employment of Population", subparagraph "b" in paragraph two of Article 12 of The Law of Ukraine "On general principles of further Chernobyl NPP operation and decommissioning and destroyed fourth Unit of this NPP transformation into ecologically safe system " and Article 21 of the Law of Ukraine "On General Principles of Social Protection of Labor Veterans and other Citizens of Advanced Age in Ukraine") for the period before reaching of retirement age, envisaged by the legislation for corresponding category of people, shall not be paid according to the Law of Ukraine No. 489-V dated December 19, 2006) (It was determined that in the year 2007 retirement pension according to the present Law shall be paid only in the case of reaching of retirement age, envisaged by Article 26 of the Law of Ukraine "On Obligatory State Pension Insurance" according to the Law of Ukraine No. 489-V dated December 19, 2006)

(In the text of the Law the words "Ministry of Economy of Ukraine" in all cases shall be replaced by the words "central executive authority in the field of economic policy" in appropriate case according to the Law of Ukraine No. 860-IV dated May 22, 2003)

(In the text of the Law the words "Ministry of Ukraine for Science and Technology" in all cases shall be replaced by the words "central executive authority in the field of scientific, scientific and technology and innovation activity" in appropriate case according to the Law of Ukraine No. 2261-IV dated December 16, 2004)

This Law sets out legal, organizational, and financial principles of the operation and the development of the science and technology, creates conditions for the scientific and scientific and technology activities, and the satisfaction of technology development needs of the society and the state.

The science and technology development is a determining factor of the advancement of the society, the enhancement of its well-being, the spiritual and intellectual development of its members. This makes it necessary to provide the state support on a priority basis to the development of the science as a source of the economic growth and an integral component of the national culture and education, the creation of conditions for the realization of the intellectual potential of individuals in the field of scientific and scientific and technology activities, the targeted policy in the field of securing the utilization of achievements of the domestic and international science and technology for the satisfaction of social, economic, cultural and other needs.

Section I. GENERAL PROVISIONS

Article 1. Main Terms and Definitions

The terms used herein shall have the following meanings:

scientific activities - the intellectual creative activities focused on the obtainment and the utilization of the new knowledge. The fundamental research and applied scientific research are major forms thereof;

scientific and technology activities - the intellectual creative activities focused on the obtainment and the utilization of the new knowledge in all areas of engineering and technology. Its major forms (types) shall be the scientific research, research and engineering, design and engineering, process, survey and design/survey work, manufacture of test samples or batches of scientific and technology products, as well as the other work associated with bringing the scientific and scientific and technology knowledge to the stage of the practical utilization thereof;

scientific and pedagogical activity – the pedagogical activities carried out at higher educational institutions and postgraduate institutions of 3rd and 4th accreditation levels, related to scientific and/or scientific and technology activities;

science/organizational activities – the activities focused on methodical and organizational support, as well as at coordination of scientific, scientific and technology and scientific and pedagogical activity;

(Article 1 amended by adding indents four and five according to the Law of Ukraine No. 1646-III dated April 06, thereby indents four-eleven shall be considered correspondingly as indents six-thirteen)

fundamental scientific researches – the scientific theoretical and/or experimental activities focused on obtainment of the new knowledge regarding principles of development of nature, society, human being and their interrelation;

applied scientific researches – the scientific and scientific and technology activities focused on obtainment and utilization of the knowledge for practical purposes;

scientist – an individual (the citizen of Ukraine, foreign citizen or an individual without citizenship), who holds complete higher education and carries out fundamental and/or applied scientific researches and obtains scientific and/or scientific and technology results;

(indent eight of Article 1 amended by the Laws of Ukraine No.1646-III dated April 06,2000 No. 1316-IV dated November 20, 2003)

young scientist – a scientist under 35 years old;

(Article 1 amended by adding new indent nine according to the Law of Ukraine No. 581-IV dated February 20, 2003 thereby indents nine-fourteen shall be considered correspondingly as indents ten-fifteen)

research scientist – a scientist, who by his/her primary work location and according to the labor agreement (contract) professionally practices scientific, scientific and technology or scientific

and pedagogical activities and holds appropriate qualification, approved by the results of attestation, regardless of existence of scientific degree or academic title;

(indent ten of Article 1 as amended by the Law of Ukraine No. 1646-III dated April 06)

scientific and pedagogical worker - a scientist, who by his/her primary work location professionally practices pedagogic and scientific and technology activities at higher and postgraduate educational institutions of 3rd - 4th accreditation levels;

(Article 1 amended by adding of new indent eleven according to the Law of Ukraine No. 1646-III dated April 06, 2000 thereby indents ten-thirteen shall be correspondingly considered as indents eleven-fourteen)

science/research (science/technology) institution – a legal entity regardless of type of ownership, established according to the procedure set out by the current legislation, for which scientific and scientific and technology activities is the principal activity and makes over 70 percent of general annual amount of accomplished work;

scientific work – the research with the purpose of scientific result obtainment;

scientific result – the new knowledge obtained in the process of fundamental or applied scientific researches and documented on the scientific information media in the form of report, scientific work, scientific paper, scientific statement on scientific and research activities, monographic research, scientific discovery etc.;

scientific applied result – the new structural or technological concept, experimental model, accomplished test and/or development, which is or could be introduced into social practice. Scientific applied result could be presented in the form of report, draft project, construction or production documentation regarding scientific and technology product, full-scale specimens etc.

Article 2. Purpose and tasks

The purpose of this Law is regulation of relations, coming from scientific and scientific and technology activities and providing conditions necessary for efficiency improvement of scientific researches and utilization of the results thereof for development of all areas of social life.

The main tasks of the Law are definition of:

legal status of subjects of the scientific and scientific and technology activities, material and moral stimuli ensuring prestige and priority of this sphere of people's activity, attraction to it of intellectual potential of nation;

economic, social and legal guarantees of scientific and scientific and technology activities and freedom of scientific work;

primary targets, directions and principles of the state policy in the area of scientific and scientific and technology activities;

powers of governmental authorities concerning implementation of government regulation and administration in the field of scientific and scientific and technology activities.

Article 3. Legislation of Ukraine on Scientific and Scientific and technology Activities

Legislation of Ukraine on scientific and scientific and technology activities consists of the present Law and other regulatory legal acts, which cover relations, arising in the process of the above mentioned activity.

Section II. LEGAL STATUS OF THE SUBJECTS OF SCIENTIFIC AND SCIENTIFIC AND TECHNOLOGY ACTIVITIES

Article 4. Subjects of Scientific and Scientific and technology Activities

The following shall be the subjects of scientific and scientific and technology activities: scientists, research workers, scientific and pedagogical workers, scientific institutions, scientific organizations, higher educational institutions of 3rd - 4th accreditation levels and public organizations working in the area of scientific and scientific and technology activities (named hereinafter to as public scientific organizations).

Article 5. Scientist

Scientist is a principal subject of scientific and scientific and technology activities

Scientist shall have right to:

choose the directions and methods of scientific and scientific research activity in accordance with his/ her interests, creative abilities and the principles of humanism;

cooperate with other scientists within permanent or temporary scientific groups for joint scientific and scientific and technology activities;

participate in scientific research competitions, financed out of the funds of the State Budget of Ukraine and other sources according to the current legislation of Ukraine;

receive recognition of authorship regarding scientific and scientific and technology results of his/her activity;

publish results of his/her researches or disclose them in the other way according to the procedure set out by the current legislation of Ukraine;

participate in the competitions to fill the vacancy of scientific and science/pedagogic workers;

receive, transmit and distribute scientific information;

receive state and public recognition in relation with awarding of scientific degrees, academic titles, premiums, honorary titles for scientific and technological contributions, manufacturing application of scientific and scientific and technology results and for training for scientific personnel.

Scientist during carrying out of scientific and scientific and technology activities shall be obliged to:

bring no harm to human health, life and environment;

adhere to ethical norms of scientific community and to respect the right of intellectual property.

Article 6. Research Worker

Research scientist can carry out science/research, science/pedagogical, research/engineering, research/technological, project/designing, project/technological, investigation and project/investigation work and/or organize carrying out of the above mentioned works at scientific institutions, higher educational institutions of 3rd - 4th accreditation levels and/or laboratories of the enterprises.

Research scientist shall have right to:

be a part of trade unions and participate in activity of public organizations and political parties;

give a motivated refusal to participate in scientific (science/technology) activity, which can result to negative consequences for human being, society or environment;

receive material support for investigations out of the State Budget of Ukraine and other financial sources according to the current legislation of Ukraine;

receive personal and other scholarships and premiums, set out by the state, legal entities and individuals;

objective estimation of his/her activity and obtaining of remuneration according to qualification, scientific results, quality and complexity of the accomplished work, and to gain income or other remuneration from implementation of scientific or scientific applied result of his/her activity;

carry out training activity, render consultative assistance and act as an expert according to the current legislation of Ukraine;

carry out business activity according to the current legislation of Ukraine.

Research scientist shall be obliged to:

carry out scientific researches according to the signed agreements (contracts);

represent the results of scientific and scientific and technology activities by means of scientific reports, publications and theses' defense;

pass attestation for adequacy for the job according to the established procedure;

constantly upgrade his/her skills.

Employment of research workers shall take place according to the result of competitive selection.

Research scientist cannot be forced to carry out scientific researches, if they or results thereof bring or could bring to negative consequences for human health, life and/or for environment, he/she cannot be hold accountable for denial to participate in the above mentioned researches.

Article 7. Scientific Institution

Scientific institution acts on the basis of the statute (regulation), approved according to the established procedure.

Manager of scientific institution shall exercise control of its activity.

Manager of a scientific institution, as a rule, shall be elected by secret voting at the meeting of research scientists for the term determined by the statute (regulation) of a scientific institution and shall be approved by the owner of scientific institution or its authorized body, if otherwise is not set out by the statute (regulation) of scientific institution.

Managers of structural subdivisions of scientific institution shall be elected for the posts according to the result of competitive selection, pursuant to the procedure, set out by the statute (regulation) of the above mentioned institutions.

Article 8. State Scientific Institutions

State scientific institutions shall be scientific institutions, established on the basis of state ownership.

State scientific institutions shall be established, reorganized and liquidated according to the procedure set out by the Cabinet of Ministers of Ukraine, if otherwise is not set out by the legislation.

Land plots shall be transmitted on a permanent basis to the state scientific institutions according to the current legislation of Ukraine.

Article 9. Rights and obligations of Manager of a Scientific Institution

Manager of scientific institution shall:

decide the issues related to its activity according to the statutory goals;

represent scientific institution before the bodies of state power and local self-government authorities, enterprises, establishments and organizations of all ownership types;

be responsible for the results of scientific institution's activity before the owner or his/her authorized body;

issue orders and decrees within his/her competence;

determine employees' spheres of action;

appoint a part of composition of academic (scientific, science/technology) council of scientific institution;

exercise other powers, envisaged by the statute (regulation) of scientific institution.

Manager of scientific institution annually shall render an account to the group of research workers regarding his/her activity.

Article 10. Academic (scientific, science/technology) Council of Scientific Institution

Academic (scientific, science/technology) council of scientific institution is a collegial advisory body, managing scientific and scientific and technology activities of scientific institution.

Quantitative composition of academic (scientific, science/technology) council of scientific institution shall be determined by the statute (regulation) of scientific institution. At least three fourth of the composition of academic (scientific, science/technology) council of scientific institution shall be elected by secret voting of the group of research workers, and the rest of membership shall be appointed by the manager of the mentioned scientific institution.

Manager of scientific institution, his/her assistants and academic secretary of scientific institution shall be the members of academic (scientific, science/technology) council of scientific institution according to their posts.

In order to represent the interests of employees, a head of primary trade union organization (trade union representative) can be a member of academic (scientific, science/technology) council of scientific institution (upon agreement).

(paragraph four of Article 10 amended according to the Laws of Ukraine No. 1096-IV dated July 10, 2003)

Academic (scientific, science/technology) council of scientific institution shall:

determine prospective lines of scientific and scientific and technology activity;

carry out scientific and scientific and technology assessment of the lines and results of scientific and research works;

consider and approve current plans of scientific researches;

approve the topics of candidates' and post graduate students' theses and their research advisors (consultants);

approve the results of research workers' attestation;

elect on a competitive basis research workers to fill the vacancy;

consider issues within its competence regarding awarding of scientific degrees;

solve other issues of scientific institution's activity, determined by its statute (regulation).

Special academic councils could be established at scientific institution for defense of theses by corresponding specialties according to the procedure, envisaged by the current legislation of Ukraine.

Article 11. State Attestation of Scientific Institutions

In order to assess the efficiency of activity of scientific institutions, conformity of results obtained by them to the state scientific and technology priorities and tasks of scientific and technology development and in order to determine the necessity of their provision with the state support, state attestation of scientific institutions shall be carried out according to the procedure, established by the Cabinet of Ministers of Ukraine.

Scientific institutions of all types of ownership, which are entered or claim to be entered to the State Register of Scientific Institutions, supported by the state, shall be subject to state attestation.

Article 12. State Register of Scientific Institutions, Supported by the State

In order to provide state support for scientific institutions of all types of ownership, which carry out activity of significant importance for science, economy and industry, the State Register of Scientific Institutions, supported by the state shall be established. Regulation on the State Register of Scientific Institutions shall be approved by the Cabinet of Ministers of Ukraine.

Scientific institutions shall be included to the State Register of Scientific Institutions by the central executive authority in the field of scientific, scientific and technology and innovational activity, provided that they have passed the state attestation.

Scientific institutions, included to the State Register of Scientific Institutions shall:

have tax remissions according to the current legislation of Ukraine;

not be able to change scientific and scientific and technology activity to other types of activity;

be obliged to direct at least 50 of their income for carrying out of independent scientific-researches and for development of research material and technical basis.

Scientific institutions, included to the State Register of Scientific Institutions shall be stroke off the register in the case of their nonconformity to the requirements, envisaged by the present Law.

Article 13. National Scientific Center

Status of the national scientific center could be awarded to scientific institutions and/or higher educational institutions of 4th accreditation level (group of scientific institutions or higher educational institutions of 4th accreditation level), which carry out integrated researches of nationwide significance and their activity is recognized worldwide.

Awarding and withdrawal of the status of national scientific center shall be carried out by the Edict of the President of Ukraine upon recommendation of the Cabinet of Ministers of Ukraine.

Status and peculiarities of national scientific centers' activity shall be determined by the Regulation on national scientific center, which shall be approved by the Cabinet of Ministers of Ukraine.

Article 14. State Register of Scientific Facilities being the National Endowment

In order to preserve unique scientific facilities: collections, information files, research installations and equipment, landscape protection areas, arboretums, scientific training areas etc., which have particular significance for Ukrainian and world science, the State Register of Scientific Facilities, being the national endowment shall be established.

Procedure of forming and maintenance of the State Register of Scientific Facilities, being the national endowment shall be determined by the Cabinet of Ministers of Ukraine.

Decision on consideration of facilities as such, that represent the national endowment shall be adopted by the Cabinet of Ministers of Ukraine upon recommendation of the central executive authority in the field of scientific, scientific and technology and innovation activity.

Financing of the measures on maintenance and preservation of scientific facilities, included to the State Register of Scientific Facilities being the national endowment, shall be envisaged at the State Budget of Ukraine on annual basis.

Article 15. National Academy of Science of Ukraine and Branch Academies of Science

National Academy of Science and branch academies of science – Ukrainian Academy of Agrarian Sciences, Academy of Medical Sciences of Ukraine, Academy of Pedagogical Sciences of Ukraine, Academy of Legal Sciences of Ukraine, Academy of Arts of Ukraine (named hereinafter to as academies) shall be state scientific organizations, established on national property.

Funds for ensuring activity of academies shall be annually determined at the State Budget of Ukraine by separate lines. Academies could be financed out of other sources, permitted by the current legislation of Ukraine.

Scientific institutions, enterprises, organizations, social facilities, which ensure academies' activity, could be the part thereof.

National administration in the field of scientific and scientific and technology activity of academies shall be exercised according to the current legislation of Ukraine within the limits, which do not infringe their autonomy and freedom of scientific work in the course of their statutory activity.

Autonomy of academies lies in independent determination of the subject-matter of researches, their structure, solving of scientific/managerial, economic and personnel issues, effecting of international scientific relations.

Academies perform orders of the governmental authorities regarding elaboration of the principles of the state scientific and scientific and technology policy and carrying out scientific expertise of draft state decisions and programs.

Academies annually report to the Cabinet of Ministers of Ukraine about results of scientific and scientific and technology activity and utilization of funds, allocated out of the State Budget of Ukraine.

National Academy of Science of Ukraine – higher scientific institution of Ukraine, which shall organize and carry out fundamental and applied research on the most important problems of natural, technical and humane sciences and coordinate fundamental research at the scientific institutions and organizations regardless of their type of ownership. Interdepartmental council on coordination of fundamental research in Ukraine shall be established at the National Academy of Science of Ukraine (named herein after to as council). Regulation on the council and membership thereof shall be approved by the Cabinet of Ministers of Ukraine.

Branch academies shall coordinate, organize and carry out researches in the appropriate branches of science and technology.

State shall transmit to academies permanent and operating assets into permanent free-of-charge use without change of ownership right. Assets, transmitted to academies shall be utilized according to the current legislation and statutes of academies. Land plots shall be transmitted to academies into permanent use or leased according to the land laws of Ukraine.

(paragraph ten of Article 15 amended by the Law of Ukraine No. 1377-IV dated December 11, 2003)

National Academy of Science of Ukraine shall carry out its activity according to the current legislation of Ukraine, its statute, which shall be approved by the general meeting of the National Academy of Science and registered by the Ministry of Justice of Ukraine.

Branch academies of science of Ukraine shall carry out their activity according to the current legislation of Ukraine and their statutes, which shall be adopted by the general meeting of academies. Statutes of the branch academies of science shall be approved by the Cabinet of Ministers of Ukraine.

(paragraph eleven of Article 15 was replaced by paragraph eleven and twelve according to the Law of Ukraine No. 3065-III dated February 07, 2002 thereby paragraph twelve shall be considered as paragraph thirteen)

General meeting of the National Academy of Science and branch academies of science shall have exclusive right to elect the Ukrainian scientists to be full members (academicians) and associate members, and the foreign scientists – to be foreign members of corresponding academies.

Articles 16. Scientific and Scientific and technology Activity in the System of Higher Education

Scientific and scientific and technology activity is an integral part of training process of higher educational institutions of 3rd - 4th accreditation levels.

Scientific and scientific and technology activity in the system of higher education shall be carried out according to the Laws of Ukraine “On education”, “On Higher Education” and the present Law.

(paragraph two of Article 16 amended according to the Law of Ukraine No. 1316-IV dated November 20, 2003)

Higher educational institutions of 3rd - 4th accreditation levels shall be covered by rights, envisaged by the present Law for scientific institutions.

Article 17. Public Scientific Organizations

Public scientific organizations shall be associations of scientists for task-oriented development of corresponding fields of science, protection of professional interests, mutual coordination of scientific and research activity, exchange of experience

Public scientific organizations shall be subject to registration according to the legislation on citizens' associations with taking into consideration of provisions of the present Law.

Public scientific organizations can found temporary scientific groups, establish research, designing, expert, consulting and investigation organizations for accomplishment of the statutory tasks, collaborate with the foreign and international organizations, to be member societies of international scientific-professional associations, unions, societies according to the current legislation of Ukraine.

Article 18. Relations of Government Authorities and Public Scientific Organizations

Government authorities can involve public scientific organizations upon their consent to participate in preparation and implementation of decisions regarding scientific and scientific and technology expertise, scientific and technology programs, projects and developments and jointly with them inform people concerning, safety, ecological cleanness, economic and social significance, ecological and socio-economic consequences taking place after implementation of the above mentioned programs, projects and developments.

Section III. STATE GUARANTEES OF SCIENTISTS' AND RESEARCH WORKERS' ACTIVITY

Article 19. Training of Research Personnel and their Skills Improvement

Postgraduate or doctoral departments shall be the principal forms of research personnel's training. Procedure of entering and training at the postgraduate department shall be set out by the Cabinet of Ministers of Ukraine.

Research workers shall pass practical study at the appropriate scientific state institutions and organizations in Ukraine and abroad.

Scientific institution shall provide for passing of the skills improvement course by the research scientist every five years with reservation of his/her average salary.

Results of skills improvement shall be taken into consideration during attestation of research workers.

Article 20. Scientific Degrees and Academic Titles

Scientists shall have right for obtaining a scientific degree of Candidate or Doctor of Science and awarding of the titles of Senior Research Assistant, Associate Professor and Professor.

Awarding of scientific degrees and academic titles shall be the state recognition of the scientist's level and qualification. Procedure for awarding of scientific degrees and academic titles shall be set out by the Cabinet of Ministers of Ukraine.

Certificates of Associate Professor and Professor shall be issued by the Ministry of Education of Ukraine, and diplomas of Candidate and Doctor of Science – by the Highest Attestation Commission of Ukraine.

Existence of appropriate scientific degree or academic title shall be a qualification requirement for taking by the research scientist of appropriate post.

Article 21. Attestation of Research Workers

Attestation of research workers shall be carried out at the scientific institutions at least once every five years with the purpose of:

evaluation of the research worker's professional level and effectiveness of his/her work;

determination of conformity of the research worker's qualification to the taken post;

determination of prospects for utilization of research worker's abilities, provision of incentives for his/her skills improvement;

determination of needs in skills improvement and professional training of research worker.

Regulation on attestation of research workers shall be approved by the Cabinet of Ministers of Ukraine.

Article 22. Legal Status of Scientific and Scientific and technology Result

Legal status of scientific and scientific and technology result as the legal object shall be determined by the Laws of Ukraine.

Article 22¹. Posts of Research Workers

The following shall be the posts of research workers, who work at scientific institutions and organizations (their branch offices, departments etc.):

Manager (President, General Director, General Designer, Director, Principal);

Manager Deputy (Vice-President, General Director, General Designer Deputies, Director, Principal Deputies) on research work;

Academician-secretary (his/her deputies);

Principal Academic Secretary, Academic Secretary (his/her deputies);

Manager (Head) and Deputy Manager (Deputy Head) of scientific subdivision (department, laboratory, sector, bureau, group);

General Designer, Senior Principal Engineer, Chief Technologist in principal field of activity of scientific institution, organization, establishment and their deputies;

Leading Designer, Leading Engineer, and Leading Technologist in principal field of activity of scientific institution, organization, and establishment;

Principal Research Worker;

Leading Research Worker;

Senior Research Worker;

Research Worker;

Research Worker-Consultant;

Junior Research Worker;

Doctoral Candidate.

Persons, holding scientific degree and working in their professional field according to the groups of specialties of the branch of science, in which the scientific degree was awarded, shall also be considered as research workers.

(the Law amended by adding Article 22¹ according to the Law of Ukraine No. 1316-IV dated November 20, 2003)

Article 22². Positions of Scientific and pedagogical Workers

Positions of science/pedagogic workers of higher educational institutions of 3rd - 4th accreditation levels shall be determined according to paragraph two of Article 48 of the Law of Ukraine “On Higher Education”.

(the Law amended by adding Article 22² according to the Law of Ukraine No. 1316-IV dated November 20, 2003)

Article 22³. Period of Scientific Work

The following periods shall be counted for period of scientific work:

period of work at the posts of research workers, determined by Article 22¹ of the present Law;

period of work at the posts of scientific/pedagogic workers of higher educational institutions of 3rd - 4th accreditation levels, envisaged in part two of Article 48 of the Law of Ukraine “On Higher Education”;

period of work for persons, holding scientific degree in their professional field according to the groups of specialties of the branch of science, by which the scientific degree was awarded beginning from the date of the above mentioned post’s taking;

period of work of scientific (science/pedagogical) workers at the posts, specified in Article 118 of the Code of Laws on Labor of Ukraine, if this work has been preceded by work, envisaged by indents two, three and four of this Article;

period of study at the postgraduate department or adjunct department on full-time (regular) basis for the graduates of postgraduate or adjunct department.

(the Law amended by adding Article 22³ according to the Law of Ukraine No. 1316-IV dated November 20, 2003)

Article 23. Remuneration and Incentive of Research Worker’s Labor

Remuneration of research worker’s labor shall provide sufficient economic conditions for effective, independent creative work, increment of research worker’s prestige, motivate involvement of talented young people to research work and ensure research workers’ skills improvement.

Salary of research workers shall consist of official salaries (labor rates), premiums, additional payments for scientific degrees and academic titles, increments for period of scientific (science/pedagogical) work and other increments, additional payments and remunerations for scientific (science/technology) activities, envisaged by the current legislation.

(paragraph two of Article 23 as amended by the Laws of Ukraine No. 1646-III dated April 06, 2000, No.1316-IV November 20, 2003, No. 190-V September 22, 2006)

Lifelong payment shall be set out for the full and associate members of the Academy of Science of Ukraine and branch academies of science, the amount of the mentioned payment shall be determined by the Cabinet of Ministers of Ukraine.

The state guarantees setting labor rates (salaries) for the research workers of scientific institutions, financed at the cost of budget at the level, which is at least equal to the level of the labor rates (salaries) of the lecturers of appropriate qualification of higher educational institutions of the 3rd and 4th levels of accreditation.

The terms for remuneration of labor of scientific institutions' research workers shall be determined by the Cabinet of Ministers of Ukraine.

Article 24. Retirement and Social Security of Research scientist

The state sets out for research (science/pedagogical) workers, who have sufficient period of scientific work, pensions at the level, providing for prestige of scientific work and motivating for constant involvement of young scientists.

Pension for research (science/pedagogical) worker shall be granted upon achievement of retirement age:

for men – when length of service amounts at least to 25 years, provided that length of research work amounts at least to 20 years;

for women - when length of service amounts at least to 20 years, provided that length of research work amounts at least to 15 years.

Pensions for research (science/pedagogical) workers shall be set out in the amount of 80 percent of the salary of research (scientific/pedagogical) worker, determined according to Article 23 of the present Law and paragraph two of Article 40 of the Law of Ukraine “On Obligatory State Pension Insurance”, which shall be subject to taxation for obligatory state pension insurance (fees).

(force of paragraph three of Article 24 is suspended for the year 2007 (regarding calculation of maximum amount of pension) according to the Law of Ukraine No. 489-V dated December 19, 2006)

For each full year of service above the period, determined by the paragraph two of the present Article, the sum of pension shall be increased by one percent, but cannot exceed 90 percent of the average monthly salary.

For calculation of pension the salary of research scientist at primary work location within any 60 consequent calendar months of scientific activities till July 01, 2000 regardless of interruptions and for the whole period from July 01, 2000 shall be taken into consideration.

At discretion of the person, who have applied for pension, the period up to 60 calendar consequent months could be excluded from the period, for which the pension shall be accrued, provided that the above mentioned period does not exceed 10 percent of the length of research work.

In any case, the period, for which the salary shall be accrued, with taking into consideration of exception, envisaged by the present Law, cannot exceed 60 calendar months.

The List of the posts of research (science/pedagogical) workers of the enterprises, establishments, organizations and scientific institutions of 3rd - 4th accreditation levels, holding of which gives right for granting of pension according to the present Article and payment of the financial assistance in the case of retirement according to the present Article, shall be approved by the Cabinet of Ministers of Ukraine with taking into consideration of Articles 22¹, 22² of the present Law.

Difference between the sum of pension, granted in conformity with the present Law and the sum of pension, for which the research scientist shall have right, calculated according to other legislative acts shall be financed:

for research (science/pedagogical) workers of state budget scientific institutions, organizations and higher educational institutions of 3rd - 4th accreditation levels – out of funds of the state budget;

for research (science/pedagogical) workers of other state enterprises, establishments, organizations and higher educational institutions of 3rd - 4th accreditation levels – out of funds of the above mentioned enterprises, establishments, organizations and institutions and out of the funds of the state budget according to the procedure, set out by the Cabinet of Ministers of Ukraine. In this case 50 percent of difference of pension, granted to one person according to the present Law, shall be paid to research (science/pedagogical) workers out of the state budget;

for research (science/pedagogical) workers of private scientific establishments, organizations and higher educational institutions of 3rd - 4th accreditation levels – out of funds of the above mentioned establishments, organizations and institutions.

Average salary of the employees, working in the fields of economy of Ukraine, including agriculture, shall be determined by the special authorized central executive authority in the field of statistics.

In this case income, taken for calculation of pension, cannot exceed the marginal sum of earning (income), which shall be taxed for obligatory state pension insurance.

Pensions, set out by the present Law, shall be indexed according to the legislation on indexation of people's monetary incomes.

In the case of increase of the sum of average salary in Ukraine within the previous year, according to the information submitted by the special central executive authority in the filed of statistics, the sum of the pension shall be increased annually from the 1st of March according to

the procedure, set out by the paragraph two of Article 42 of the Law of Ukraine “On Obligatory State Pension Insurance”.

Average monthly salary of research (science/pedagogical) workers of private scientific institutions, organizations and higher educational institutions of 3rd - 4th accreditation levels taken for calculation of pension, shall include the salary, received by the above mentioned workers during their work at the posts, specified in the List of the posts of research (science/pedagogical) workers of enterprises, establishments, organizations and higher educational institutions of 3rd - 4th accreditation levels, which give right for granting of pension and payment of financial assistance in the case of retirement in conformity with the present Article, approved by the Cabinet of Ministers of Ukraine, provided that the sum of the pension shall not exceed:

for managers and/or deputy managers of private scientific establishments and organizations – maximum sum of the salary (labor rate) of the manager and/or deputy manager of scientific-research institution of the National Academy of Science of Ukraine with taking into consideration of additional payment for scientific degree and increment for the period of scientific activities according to the current legislation, calculated on the basis of maximal amount of the salary (rate), and for managers and/or deputy managers of private higher educational institutions of 3rd - 4th accreditation levels – maximum sum of the salary (labor rate) of rector, pro-rector of corresponding state higher educational institution of 3rd - 4th accreditation level with taking into consideration of additional payment for scientific degree and increment for the period of scientific activities according to the current legislation, calculated on the basis of maximal amount of the salary (rate);

for other research workers of private scientific institutions, organizations and establishments - maximum sum of the salary (labor rate) of the Senior Researcher of scientific-research institution of the national Academy of Science of Ukraine with taking into consideration of additional payment for scientific degree and increment for the period of scientific activities according to the current legislation, calculated on the basis of the mentioned maximum sum of the salary (labor rate), and for scientific and pedagogical workers of private higher educational institutions of 3rd - 4th accreditation levels - maximum sum of the salary (labor rate) of the similar posts of corresponding state higher educational institution of 3rd - 4th accreditation levels with taking into consideration of additional payment for scientific degree and increment for the period of scientific activities according to the current legislation, calculated on the basis of maximal amount of the salary (rate).

Provisions of the present Article shall be applied also to the pensioners, who belong to research workers, whose pension was granted before coming into force of the present Law.

Pension of research (science/pedagogical) according to the present Law shall be granted from the date of application for granting of the pension and provided that he/she is dismissed from the post of research (science/pedagogical) worker, except the persons, who work according to the terminal labor agreement (contract), which has been signed after achievement of retirement age.

The sum of the pension for persons, who after granting thereof pursuant to the present Law, worked according to the terminal labor agreement (contract) at the posts of research (science/pedagogical) workers at least for the period of two years, shall be recalculated with taking into consideration of the period of scientific work after granting of pension. Recalculation of the pension shall be carried out on the basis of the salary of research (science/pedagogical)

worker, taken for calculation of the pension or on the basis of the salary, determined according to the procedure, envisaged by paragraphs three-seven of the present Article.

Right for granting of the pension pursuant to the present Law shall be applied also to the persons, who as at the moment of application for granting of pension take any post at the enterprises and/or organizations of all types of ownership and whose period of scientific work is envisaged by paragraph two of present Article.

After retirement of research (science/pedagogical) worker pursuant to the present Law, research (science/pedagogical) worker shall be provided with monetary assistance in the amount of six monthly salaries (labor rates) with taking into consideration of increments and additional payments, provided that he/she has been worked at the posts, specified in the List of the posts of research (science/pedagogical) workers of the enterprises, establishments, organizations and scientific institutions of 3rd - 4th accreditation levels, holding of which gives right for granting of pension according to the present Article and payment of the financial assistance in the case of retirement according to the present Article, approved by the Cabinet of Ministers of Ukraine, at least:

for men - 12,5 years;

for women - 10 years.

Disability pension in a result of work injury or occupational disease and/or in a result of injury caused by Chernobyl accident shall be granted to a research (science/pedagogical) worker in the amount:

for the disabled persons of the 1st group - 80 percent of the salary of research (science/pedagogical) worker;

for the disabled persons of the 2nd group - 60 percent of the salary of research (science/pedagogical) worker;

for the disabled persons of the 3rd group - 40 percent of the salary of research (science/pedagogical) worker.

Research (science/pedagogical) workers, who have disability of 1st, 2nd, 3rd groups, shall be provided with the disability pension in the amount of pension of research (science/pedagogical) worker regardless of age, and provided that their length of service is in conformity with the paragraph two of the present Article.

Pension for lost of breadwinner shall be granted to the incapable family members of decedent scientific (science/pedagogical) worker (breadwinner), supported by him/her (in this case children shall be provided with pension regardless of whether they were supported by the breadwinner or not) in the amount:

80 percent of pension of scientific (science/technology) worker – for three and more incapable family members;

60 percent – for two incapable family members;

40 percent – for one incapable family member.

Persons, specified in Article 36 of the Law of Ukraine “On Obligatory State Pension Insurance” shall belong to the incapable family members of decedent research (science/pedagogical) worker.

Right for granting of pension pursuant to the present Law shall apply to all persons, who were retired until coming into legal force of the present Law and whose period of scientific work is in compliance with the provisions of paragraph two of this Article. Pensions to the above mentioned workers shall be granted according to paragraphs three-seven of this Article from the day of application for pension and provided that the above mentioned persons shall be dismissed from the post of research (science/pedagogical) worker, except the persons, who work according to the labor agreement (contract), signed after achievement of retirement age.

Right for granting of pension pursuant to the present Law shall also apply to the incapable family members of research (science/pedagogical) worker, who has died before coming into force of the present Law. Pension shall be set out in the amount, envisaged by the paragraph twenty two of this Article.

For those persons, who hold the posts, belonging according to the current legislation to the posts of public officers, previous period of scientific work at state scientific institutions, organizations and establishments shall be included to the period of public service regardless of interruptions, and for those persons, who held (hold) the posts of research (science/pedagogical) workers, previous period of scientific work shall be included to the period of scientific work regardless of interruptions.

Pension of research (science/pedagogical) worker shall be paid in full, regardless of his/her incomes, received after retirement.

(force of paragraph twenty seven of Article 24 is suspended for the year 2007 (regarding amount of pension, which shall be paid) according to the Law of Ukraine No. 489-V dated December 19, 2006)

For research workers, who have made significant contribution to development of science, state grants could be set out, and for support of talented young people – grants for young scientists according to the current legislation.

Research workers, holding scientific degree of Candidate or Doctor of Science for ensuring scientific labor conditions shall be provided according to the procedure, established by the current legislation, with additional dwelling space in the form of room (library) or amounting to 20 sq. m. The above mentioned dwelling space shall be paid at the normal rate.

Scientific organizations and institutions can provide service housing for separate categories of research (science/pedagogical) workers (according to the list, approved by the special executive authority in the filed of education and science and/or presidiums of the National and branch Academies of Science).

This Article shall be applied to research (science/pedagogical) workers of private scientific institutions and organizations, which have passed state attestation according to the present Law, private higher educational institutions of 3rd - 4th accreditation levels, acting according to the Law of Ukraine “On Higher Education”, international scientific organizations, opened at the territory of Ukraine according to the international agreements, statutory documents of which are

approved by the Cabinet of Ministers of Ukraine, and to research (science/pedagogical) workers of scientific institutions and higher educational institutions of 3rd - 4th accreditation levels, which belonged to former party and public organizations of former Ukrainian Soviet Socialist Republic, other republics of USSR and of USSR.

(Article 24 as amended by the Law of Ukraine No. 1646-III dated April 06, 2000, amended according to the Laws of Ukraine No. 2905-III dated December 20, 2001, No. 380-IV dated December 26, 2002, as amended by the Law of Ukraine No. 1316-IV dated November 20, 2003, amended according to the laws of Ukraine No. 1344-IV dated November 27, 2003, No. 2094-IV dated October 19, 2004, No. 3108-IV dated November 17, 2005, as amended by the Law of Ukraine No. 190-V dated September 22, 2006)

Section IV. POWERS OF THE SUBJECT OF STATE REGULATION AND ADMINISTRATION IN THE FIELD OF SCIENTIFIC AND SCIENTIFIC AND TECHNOLOGY ACTIVITIES

Article 25. Powers of the Verkhovna Rada of Ukraine in the field of scientific and scientific and technology activities

The Verkhovna Rada of Ukraine shall:

exercise state regulation in the field of scientific and scientific and technology activities;

determine major principles and directions of the state policy in the field of scientific and scientific and technology activities;

approve priority directions of science and technology development and national programs of scientific and technology development of Ukraine;

(indent four of Article 25 amended according to the Law of Ukraine No. 3421-IV dated February 09, 2006)

exercise other powers, which belong to its competence according to the Constitution of Ukraine.

Article 26. Powers of the President of Ukraine in the Field of Scientific and Scientific and technology Activities

The President of Ukraine as the Head of the State and guarantor of its state sovereignty provides for development of science and technology in order to provide technological independence of the state, prosperity of society and spiritual development of the nation.

The President of Ukraine according to the Constitution of Ukraine:

shall determine the system of executive authorities, which exercise state administration in the field of scientific and scientific and technology activities in Ukraine;

shall provide for control of forming and operation of the state administrative system in the field of scientific and scientific and technology activities;

in order to exercise entrusted powers in the scientific and scientific and technology fields shall establish consultative-advisory council in the field of scientific and scientific and technology policy, which shall contribute to forming of the state policy concerning development of science, determination of priority for scientific-technological directions, elaboration of the strategy of science/technological and innovational development, shall consider proposals concerning effective utilization of funds of the State Budget of Ukraine, which shall be directed at the development of science, technology and innovations for improvement of the structure of science administration and of the system of training and attestation of the personnel.

Article 27. Powers of the Cabinet of ministers of Ukraine in the Field of Scientific and Scientific and technology Activities

Cabinet of Ministers of Ukraine as supreme body in the system of executive authorities:

shall carry out scientific and technical policy of the state;

shall submit to the Verkhovna Rada of Ukraine proposals regarding priority directions of science and technology development and its material and technical support;

shall provide for implementation of the state target scientific-technology programs;

(indent four of Article 27 amended according to the Law of Ukraine No3421-IV dated February 09, 2006)

shall approve within its competence the state target scientific-technology programs in conformity with the priority directions of science and technology development, set out by the Verkhovna Rada of Ukraine.

(indent five of Article 27 amended according to the Law of Ukraine No. 3421-IV February 09, 2006)

Article 28. Powers of the Central Executive Authority in the Field of Scientific, Scientific and technology and Innovation Activities

Central executive authority in the field of scientific, scientific and technology and innovation activity is a central executive authority, providing for implementation of the state policy in the field of scientific and scientific and technology activities.

Central executive authority in the field of scientific, scientific and technology and innovation activity:

shall develop the principles of scientific and scientific and technology development of Ukraine;

shall provide for development of scientific and scientific and technology potential of Ukraine;

shall organize and coordinate innovation activity;

shall coordinate development of the national system of scientific and technology information;

shall organize forecast-analytical research of trends of scientific and technology and innovation development;

(paragraph two of Article 28 was amended by indent six according to the Law of Ukraine No. 2261-IV dated December 16, 2004)

shall form priority directions of science, technology and innovation activity development on the basis of the long-term (more than ten years) and medium-term forecasts of scientific and technology and innovation development;

(paragraph two of Article 28 is amended by adding new indent seven according to the Law of Ukraine No. 2261-IV dated December 16, 2004, thereby indent six - nine shall be considered correspondingly indents eight-eleven)

shall coordinate activity of the executive authorities concerning development of the state target scientific and scientific and technology programs, scientific parts of other target programs and shall control fulfillment thereof;

(indent eight of paragraph two of article 28 as amended by the Law of Ukraine No. 3421-IV dated February 09, 2006)

shall administer the system of scientific and scientific and technology expertise;

shall provide for integration of national science into the worldwide scientific space, preserving and protecting national priorities;

shall exercise other powers, envisaged by the current legislation of Ukraine.

Article 29. Powers of other Central Executive Authorities in the Field of Scientific and Scientific and technology Activities

Other central executive authorities within their powers shall:

exercise administration in the field of scientific and innovation activity and be responsible for the level of scientific and technology development of the corresponding branches;

determine the tendencies of scientific and science technological potential of branches, direct and control activity of subordinated scientific organizations;

participate in forming of priority directions of science and technology development in Ukraine, state target scientific and scientific and technology programs of state order;

(indent four of Article 29 amended by the Law of Ukraine No. 3421-IV dated February 09, 2006)

form the programs of science/technological development of corresponding branches and organize fulfillment thereof;

organize elaboration, development and production of current competitive products on the basis of new high-efficiency technologies, installations, materials and information support;

prepare proposals concerning improvement of economic mechanism for ensuring of scientific and technology development of the corresponding branches;

exercise other powers, envisaged by the current legislation of Ukraine.

Article 30. Powers of the Verkhovna Rada of Autonomous Republic of Crimea, Local Councils, Council of Ministers of the Autonomous Republic of Crimea, Local Executive Authorities

Verkhovna Rada of the Autonomous Republic of Crimea, local councils, council of ministers of the Autonomous Republic of Crimea, local executive authorities regarding scientific and science/technical activity according to their competence shall:

provide for implementation of the target scientific and scientific and technology programs;

(indent two of Article 30 amended according
to the Law of Ukraine No. 3421-IV dated February 09, 2006)

elaborate and organize implementation of regional (territorial) programs of scientific and technology development;

establish local innovational funds in accordance to the current legislation of Ukraine;

contribute to development of industrial parks, technopolises and innovative business incubators;

involve appropriate scientific institutions (upon their agreement) for solving of the problems of scientific/technology development of a region.

Section V. FORMS AND METHODS OF STATE REGULATION AND ADMINISTRATION IN THE FIELD OF SCIENTIFIC AND SCIENTIFIC AND TECHNOLOGY ACTIVITIES

Article 31. Tasks and Directions of the State Policy in the Field of Scientific and Scientific and technology Activities

Major tasks of the state policy in the field of scientific and scientific and technology activities shall be:

augmentation of national wealth on the basis of implementation of scientific and scientific and technology achievements;

creating conditions for achievement of a high living standard of each citizen, his/her physical, spiritual and intellectual development due to implementation of the current achievements of science and technology;

promotion for national security on the basis of implementation of scientific and scientific and technology achievements;

ensuring free development of scientific and scientific and technology creative activity.

The state shall provide:

socioeconomic, organizational and legal conditions for forming and effective implementation of scientific and scientific and technology potential, including state support of the subjects of scientific and scientific and technology activity;

establishment of the current infrastructure of science and system of informational support of scientific and scientific and technology activity, integration of education, science and industry;

training, skills improvement and retraining of scientific personnel;

increase prestige of scientific and scientific and technology activity, support and motivation of young scientists;

financing and material support of fundamental researches;

organization of forecasting of scientific and scientific and technology development tendencies for long-term and medium-term periods;

(paragraph two of Article 31 is amended by adding new indent seven according to the Law of Ukraine No. 2261-IV dated December 16, 2004, thereby indents seven-fourteen shall be considered as indents eight-fifteen)

support of priority direction of science and technology development, state target scientific and scientific and technology programs and concentration of resources for their implementation;

(indent eight of paragraph two of Article 31 amended according to the Law of Ukraine No. 3421-IV dated February 09, 2006)

creation of the market of scientific and scientific and technology products and implementation of achievements of science and technology into all fields of social life;

legal defense of intellectual property and creation conditions for its effective implementation;

organization of statistics in scientific activity;

carrying out scientific and scientific and technology expertise of manufacture, new technologies, equipment, results of research, scientific and technology programs and projects etc.;

provision of incentives for scientific and scientific and technology creative activities, inventions and innovation activities;

promotion of scientific and scientific and technology achievements, inventions, new current technologies and contribution of Ukraine in development of the world science and technology;

establishment of mutually profitable relations with other states for integration of national and world science.

Article 32. Major Principles of State Administration and Regulation in the Field of Scientific and Scientific and technology Activities

In exercising of state administration and regulation of scientific activity the state shall be guided by the following principles:

seamless integration of science/technology, economic, social and spiritual society development;

combination of centralization and decentralization of administration in the field of scientific activity;

adherence to the requirements of ecological safety;

recognition of freedom in carrying out of creative, scientific and scientific and technology activity;

balance of fundamental and applied researches development;

implementation of achievements of the world science, possibilities of international scientific collaboration;

freedom for distribution of scientific and scientific and technology information;

openness for international scientific and technology collaboration, provision for integration of Ukrainian science into the world science along with protection of the national security interests.

Article 33. Financial-Credit and Tax Levers for State Regulation in the Field of Scientific and Scientific and technology Activities

The state shall apply financial-credit and tax levers for creation of economically favorable conditions for effective carrying out of scientific and scientific and technology activities according to the current legislation of Ukraine.

Article 34. Budget Financing of Scientific and Scientific and technology Activities

Budget financing is one of the major levers for implementation of the state policy in the field of scientific and scientific and technology activities.

The state shall provide for budget financing of scientific and scientific and technology activities (besides expenses for defense) in the sum, that amount at least to 1,7 percent of the gross domestic product of Ukraine.

Expenses for scientific and scientific and technology activities shall be protected items of expenditure of the State Budget of Ukraine.

Budget financing of scientific researches shall be carried out by means of basic and program-target financing.

Basic financing shall be provided for ensuring:

fundamental scientific researches;

the most important for the state directions of researches, including researches for provision of national security and defense;

development of scientific and scientific and technology development infrastructure;

protection of scientific facilities, which constitute national endowment;

training of research personnel.

The list of scientific institutions and higher educational institutions, provided with basic financing for carrying out of scientific and scientific and technology activities shall be approved by the Cabinet of Ministers of Ukraine.

Program-target financing, as a rule, shall be provided on a competitive basis for:

scientific and technology programs and separate projects, focused on implementation of priority directions of science and technology development;

ensuring of carrying out of the most important applied scientific and technology developments, which shall be implemented according to the state order;

projects, accomplished in frames of international scientific and technology collaboration.

Budget financing of scientific and scientific and technology activities shall be rendered according to the current legislation of Ukraine.

Article 35. State Fund of Fundamental Research

With a view to support fundamental scientific researches in the field of natural and humane sciences, carried out by scientific institutions, higher educational institutions and scientists, the State fund of fundamental researches (named hereinafter to as Fund) shall be established.

Activity of the Fund shall be regulated by the Regulation, approved by the Cabinet of Ministers of Ukraine.

The resources of the Fund shall be specified by separate line in the State Budget of Ukraine.

The resources of the Fund shall be formed form:

budget funds;

voluntary contributions of legal entities and individuals (including the foreign ones).

The resources of the Fund shall be distributed on a competitive basis.

Article 36. State Target Scientific and Scientific and technology Programs in the Field of Scientific and Scientific and technology Activities

State target scientific and scientific and technology programs shall be the principle way of implementation of the priority directions of science and technology development by means of state's scientific and technology potential concentration with a view to solve the most important natural, technological and humane problems.

State target scientific and scientific and technology programs in priority directions of science and technology development shall be formed by the central executive authority in the field of scientific, scientific and technology and innovational activities on the basis of the target projects, selected on a competitive basis.

(Article 36 as amended by
the Law of Ukraine No. 3421-IV dated February 09, 2006)

Article 37. State Order for Scientific and technology Products

State order for scientific and technology products shall be formed on annual basis by the central executive authority in the field of scientific, scientific and technology and innovational activity and by the central executive authority in the field of economic policy on the basis of the list of the most important developments, aimed at creation of the advanced technologies and products and shall be approved by the Cabinet of Ministers of Ukraine according to the current legislation of Ukraine.

Article 38. State Innovation Fund

With a view to ensure financing of the state policy implementation in the field of scientific and scientific and technology activities and carrying out of measures aimed at development and application of scientific achievements in Ukraine, the State Innovation Fund shall be established, regulation on which shall be approved by the Cabinet of Ministers of Ukraine.

State Innovation Fund shall be subordinated to the central executive authority in the field of scientific and scientific and technology activities.

State Innovation Fund on a competitive basis shall render financial, material and technical support of measures, aimed at manufacturing application of priority scientific and technology developments and advanced technologies, technical re-equipment of industry, introduction of new competitive products.

The resources of the State Innovation Fund shall be formed from the fund fees, set out by the current legislation of Ukraine and from the extra-budgetary funds, received in a result of repayment of loans, investments, leasing payments, incomes obtained in a result of joint activity with performers of innovational projects, voluntary contributions of legal entities and individuals and other incomes, that do not contradict to the current legislation of Ukraine.

(force of paragraph four of Article 38 is suspended for the year 2002
according to the Law of Ukraine No. 2905-III dated December 20, 2001,
for the year 2003 – according to the Law of Ukraine No. 380-IV dated December 26, 2002,
for the year 2004 - according to the Law of Ukraine No. 1344-IV dated November 27, 2003)

Article 39. Ensuring of Scientific Human Resources Development

With a view of on-going renewal of society's intellectual potential development and diffusion of scientific and technological culture, development of innovations, support of creative work of research and scientific and technology workers the state shall:

ensure increment of scientific labor prestige;

organize training and skills improvement of research and science/technical personnel at state scientific and educational institutions;

ensure search and selection of talented youth, contributes to their probation;

contribute to training and retraining of research and scientific and pedagogical personnel outside Ukraine;

implement the system of personnel attestation and contribute to recognition of diplomas on higher education, scientific degrees and academic titles at the transnational level;

establish benchmark for scientific and scientific and technology knowledge for educational programs in each level of education.

Article 40. Scientific and Scientific and technology Expertise

Scientific and scientific and technology expertise is an integral part of state regulation and administration in the field of scientific and scientific and technology activities and shall be carried out according to the Law of Ukraine “On Scientific and Scientific and technology Expertise”.

Article 41. System of Scientific and technology Information

With a view to ensure science development and contribute to scientific and technology creative work the state shall establish the system of scientific and technology information, functioning and development of which shall be regulated by the current legislation of Ukraine.

Article 42. Intellectual Property Rights Protection

Intellectual property rights protection shall be ensured according to the laws and other regulatory legal acts of the governmental authorities of Ukraine.

In the case of violation of intellectual property right it shall be protected according to the procedure, set out by administrative, civil and criminal legislation.

Determination of the intellectual right-holders, liabilities of the parties regarding ensuring of the rights’ for created intellectual property objects protection, determination of the party, which shall pay remuneration to the intellectual right-holders according to the current legislation of Ukraine, shall be mandatory requirement for the agreement (contract), on the basis of which scientific/research and scientific/designing works, financed out of the State Budget of Ukraine shall be carried out.

(Article 42 as amended by
the Law of Ukraine No. 1407-IV dated February 03, 2004)

Article 43. Standardization, Metrological Support and Certification in the Field of Scientific and Scientific and technology Activities

Standardization, metrological support and certification in the field of scientific and scientific and technology activities shall be carried out according to the current legislation of Ukraine.

Article 44. State Support of International Scientific and Scientific and technology Collaboration

The state shall provide for necessary legal and economic conditions with a view to ensure for the subjects of scientific and scientific and technology activities free and equal relations with scientific and scientific and technology organizations, foreign legal entities, international scientific organizations, foreign and international scientific societies and associations, if the above mentioned relations do not contradict to the current legislation of Ukraine.

International scientific and scientific and technology collaboration shall be carried out by means of:

implementation of joint scientific researches, technical and technological developments on the basis of cooperation, joint scientific and technology programs;

carrying out studies and developments according to the joint coordination agreements;

accomplishment of works, envisaged by the agreement, where foreign or international organization is a part;

joint studies and developments within international groups of specialists, international institutes and joint ventures, use of property for obtaining of scientific and scientific and technology result on the basis of agreements between the subjects of scientific and scientific and technology activities;

mutual exchange of scientific and scientific and technology information, utilization of joint informational funds and data banks;

carrying out of international conferences, congresses, symposiums;

mutual exchange of scientific, scientific and technology and teaching personnel, students and postgraduate students, scientific specialists' training.

Subjects of scientific and scientific and technology activities could participate in implementation of international programs and projects, sign agreements with foreign organizations and legal entities, to participate in activity of foreign and international scientific societies, associations and unions as the members thereof, to sign agreements with foreign organizations and legal entities, to participate in the international symposiums and other events according to the current legislation of Ukraine.

Central executive authority in the field of scientific, scientific and technology and innovational activities shall carry out state registration of international scientific and technology programs and projects, implemented in frames of international scientific and technology collaboration by Ukrainian scientists and issue of grants in frames of the above mentioned collaboration according to the procedure, established by the Cabinet of Ministers of Ukraine.

Limitations in the field of international scientific and scientific and technology collaboration shall be set out by the current legislation of Ukraine.

Section VI. FINAL PROVISIONS

1. The present Law shall come into force beginning from the date of publishing thereof, except for articles 11, 12, 13, 14, 15, 19, 20, 21, 23, 24, 34, 36, which shall come into force within six months after coming into force of the present Law.

2. Cabinet of Ministers of Ukraine shall:

provide within the term of six month adoption of regulatory legal acts, envisaged by the present Law;

bring its regulatory legal acts into conformity with the present Law.

3. Until bringing the legislation of Ukraine into conformity with the present Law, the laws and other regulatory legal acts shall be applied in the part, which does not contradict to the present Law.

4. Funds, necessary for implementation of provisions of paragraph four and seven of Article 24 of the present Law, shall be envisaged in section “Fundamental Scientific Researches and Assistance to Scientific and technology Progress” of the State Budget of Ukraine.

5. Paragraph two of Article 34 of the present Law shall be implemented on a staged basis from 1999 till 2001 by means of increase on annual basis of the expenses, allocated for science, beginning with one percent of gross domestic product.

President of Ukraine
city of Kyiv
No. 1977-XII December 13, 1991

L. KRAVCHUK