

**THE CABINET OF MINISTERS OF UKRAINE
DECREE**

Of December 27, 2019 Nr. 1170

Kyiv

On approval of the Procedure for Competitive Selection and Financing of Research and Developments Projects by the National Research Foundation of Ukraine

{ With amendments made in accordance with Decree of the Cabinet of Ministers No. 536 of 05/03/2022 }

In accordance with part seven of Article 49 of the Law of Ukraine ‘On Scientific and Scientific-Technical Activities’, the Cabinet of Ministers of Ukraine decrees:

To approve the Procedure for Competitive Selection and Financing of Research and Developments Projects by the National Research Foundation of Ukraine which is attached.

Prime Minister of Ukraine O. HONCHARUK

APPROVED by the Decree of the Cabinet of Ministers of Ukraine of December 27, 2019 No. 1170

THE PROCEDURE for Competitive Selection and Financing of Research and Developments Projects by the National Research Foundation of Ukraine

1. This Procedure determines the procedure for competitive selection and financing of research and developments projects by the National Research Foundation (hereinafter – the Foundation), in particular those carried out jointly by Ukrainian and foreign research societies, institutions, and organizations on the results of the competitive selection held on the basis of a bilateral or multilateral document, regardless of its name (contract, memorandum, agreement, protocol, appendix to the protocol, etc.) concluded between the Foundation and a foreign foundation, society, institution, organization, etc., on conducting a joint call for implementation of research and developments projects and their financing, as well as control over execution of contracts concluded as a result of competitive selection.

{Clause 1 in the wording of the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

2. The main principles of organizing and conducting competitive selection of research and developments projects (hereinafter – the call) are:

- 1) maximum openness and transparency;
- 2) independence and objectivity of scientific and technical reviewing of research and developments project;
- 3) respect for copyright and related rights, as well as for principles of research ethics;
- 4) compliance with principles of fair competition;
- 5) preventing conflicts of interest during the organization of calls and financing of research and developments projects.

3. The terms in this Procedure are used in the following sense:

1) the author of the project on implementation of research and developments (hereinafter – the author of the project) – a researcher specified in the application for receiving grant support;

{Subparagraph 1 of Clause 3 in the wording of the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

1¹) implementer – a physical person involved in implementation of a research and developments project on the basis of an employment contract or a civil law agreement;

{Clause 3 is supplemented by Subparagraph 1¹ in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

2) grant – financial resources provided by the Foundation on a free and nonrefundable basis for conducting fundamental and (or) applied research, scientific and technical (experimental) developments, in particular for payment to employees within the framework of their implementation, according to the directions and under the conditions determined by the Foundation, including remuneration payments under civil law contracts;

3) grantee – a winner of the call with whom an agreement to carry out research and developments at the expense of grant support has been concluded;

4) expert – a recognized Ukrainian or foreign researcher in the relevant area who holds a research degree, has research publications, experience of research activity in the area that is substantially close to the subject of the research and developments project the research and scientific and technical reviewing of which the expert is involved in, and is personally responsible for reliability and completeness of the analysis, validity of the recommendations in accordance with the requirements of the reviewing task;

- 5) application for receiving grant support (hereinafter – application) – a document drawn up by a participant of the call according to the form established by the Foundation submitted for participation in the call;
- 6) Call Commission – a group of recognized researchers selected by the Scientific Council of the Foundation’s section in accordance with the approved thematic directions for conducting the call;
- 7) research and developments project (hereinafter – the project) – a set of activities for conducting research and developments detailed description of which is contained in the application;
- 8) sub-contractor – a legal entity or an individual entrepreneur involved by the grantee in the implementation of the project on a contractual basis;
- 9) call participant – a physical person or a legal entity (regardless of the form of ownership) who submitted an application and documents necessary for participation in the call.

Other terms are used in the sense given in the Law of Ukraine ‘On Scientific and Scientific-Technical Activities’.

4. The purpose of the call is to select projects which will be funded with grant support by the Foundation in accordance with the requirements of this Procedure.
5. The goals of the call are stimulation of fundamental and applied research, development of the national research area and its integration into the world research area, development of research infrastructure, promotion of scientific and technological cooperation between research institutions, institutions of higher education and representatives of the real sector of the economy and the sector of services, promotion of international exchange of information, etc.
6. The Foundation provides grant support for implementation of research and developments in the form of individual, collective or institutional grants in accordance with the thematic areas approved by the Scientific Council of the Foundation.
7. Based on the results of the call, grant support is provided to the project the PI of which is a researcher who has a permanent full-time position (the main place of employment) at the institution, organization, enterprise that applies for participation in the call as the main place of work.

In case of an individual grant, the implementer is the PI of the project.

The Head of the Foundation, Members of the Scientific Council and the Supervisory Board of the Foundation, Members of the Call Commission and staff of the Foundation’s Directorate are not eligible to be PI’s and implementers of the project information about which is contained in the application submitted for participation in the call.

{The third paragraph of Clause 7 in the wording of the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

Members of the Foundation's governing bodies are not eligible to conduct reviewing of projects submitted for participation in the call. Persons who are PI’s or implementers of the projects submitted for participation in the call cannot be involved in the research and technical reviewing of projects of the corresponding call.

{Clause 7 is supplemented by the paragraph in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

Members of the Foundation's governing bodies, members of the Call Commission who are implementers (co-implementers) of projects implementation of which has not been completed at the time of their election to the governing bodies of the Foundation or the Call Commission do not take

part in consideration and voting on issues related to the projects of which they are implementers (co-implementers).

{Clause 7 is supplemented by the paragraph in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

8. Eligibility criteria for the PI of the project and implementers are determined by the Foundation in terms and conditions of the call.

9. The grantee is eligible to involve subcontractors in implementation of the project on a contractual basis.

Involvement of subcontractors information on which is not specified in the application and the Calendar Plan for implementation of research (development) is carried out only with the consent of the Foundation.

10. Based on the proposals of the Scientific Councils of the Foundation's sections, the Scientific Council of the Foundation makes a decision on holding the call and its terms and conditions which determine:

1) thematic areas of the call and the duration (in years) of implementation of the projects that will be selected based on the results of the call;

2) eligibility criteria for call participants, PI's and project implementers; {Subparagraph 2 of Clause 10 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

3) criteria by which the numerical evaluation of projects is carried out, indicating (if necessary) the order of priority and coefficients of specific criteria;

{Subparagraph 3 of Clause 10 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

4) conditions, time and place of the call;

5) procedure for acceptance (receipt), registration and preliminary consideration of applications;

6) deadlines for submitting and considering applications, carrying out research and technical reviewing of projects and summarizing the results of the call;

{Subparagraph 6 of Clause 10 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 03/05/2022}

7) the total sum of financing (budget) of projects to be selected based on the results of the call;

8) number of experts to conduct research and technical reviewing of the project;

9) criteria by which projects are selected (in particular, compliance with the purpose, topic, terms and conditions of the call);

{Clause 10 is supplemented by sub-paragraph 9 in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

10) the list of documents to be submitted by the call participant along with the application;

{Clause 10 was supplemented by sub-paragraph 10 in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

11) reasons for rejecting an application on formal grounds (in particular, noncompliance of the application submitted by the participant with the form, conditions and requirements established by the Foundation, including its content; the participant's submission of an incomplete package of documents; the participant's submission of documents containing inaccurate information; absence of information envisaged by terms and conditions of the call in the documents submitted by the call participant); *{Clause 10 is supplemented by subparagraph 11 in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}*

12) information on the methods of submitting documents for participation in the call and the methods of withdrawing the application by the call participant before the deadline for submitting the application.

{Clause 10 is supplemented by subparagraph 12 in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

11. The Foundation ensures posting the announcement of the call on its official website which states:

1) general information about the call, in particular thematic directions of the call, general scope and basic information regarding the procedure for financing research and developments, duration (in years) of implementation of projects that will be selected based on the results of the call;

2) eligibility criteria for call participants, PI and project implementers;

3) conditions of competitive selection, time and place of the call;

4) criteria by which projects are selected (in particular, compliance with the purpose, subject matter, terms and conditions of the call);

5) the list of documents submitted by the call participant together with the application;

6) reasons for rejecting an application on formal grounds (in particular, noncompliance of the application submitted by the participant with the form, conditions and requirements established by the Foundation, including its content; the participant's submission of an incomplete package of documents; the participant's submission of documents containing untruthful information; absence of information envisaged by terms and conditions of the call in the documents submitted by the call participant);

7) information on methods of submission of documents for participation in the call and methods of withdrawal of the application by the call participant before the deadline of its submission;

8) criteria by which the numerical evaluation of projects is carried out, indicating (if necessary) the order of priority and coefficients of specific criteria;

- 9) deadlines for submitting and considering applications, carrying out research and technical reviewing of projects and summarizing the results of the call;
- 10) procedure for acceptance (receipt), registration and preliminary consideration of applications;
- 11) the total sum of financing of projects to be selected based on the results of the call;
- 12) number of experts conducting research and technical reviewing of the project;
- 13) contact information, including phone numbers for inquiries regarding the call, postal address and e-mail address for correspondence.

{Clause 11 in the wording of Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

12. To conduct the call, within ten working days from the date of posting on the official website of the Foundation the announcement of the call, the Scientific Council of the Foundation's section by open voting shall elect at its meeting the Call Commission from among recognized researchers in a field (upon their consent) consisting of at least seven people. To be selected member of the Call Commission, a relevant candidate shall receive more than half of the votes of the Scientific Council of the Foundation's section.

The Foundation's Directorate staff, members of the Foundation's Scientific Council and Supervisory Board are not eligible to be members of the Call Commission.

{Clause 12 in the wording of Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

13. Mandatory annexes to the announcement of the call are a sample of the application form, recommendations for its preparation, an exemplary form of the contract on the implementation of research and developments, a sample of the application which is submitted with the signature of the head of the call participant regarding the call participant's compliance with item 5 of the evaluation criteria for admissibility of state support to subjects of economic activity for conducting research, technical development and innovative activities, approved by the Decree of the Cabinet of Ministers of Ukraine of February 7, 2018 No. 118 (Official Bulletin of Ukraine, 2018, No. 22, Article 730), other documents specified in the call conditions. *{Clause 13 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}*

14. The deadline for submission and registration of applications and documents attached to them cannot be set less than 30 calendar days from the date of the announcement of the call.

15. No more than one project may be submitted for participation in a call the PI of which is the same person. A project submitted for participation in a call cannot be simultaneously submitted for participation in another call for the purpose of receiving funding from the State Budget, as well as in case such a project is financed or was financed from the State Budget allocations as a result of another call.

16. The application form shall contain the following mandatory fields:

- 1) title of the project;
- 2) subject of the project;
- 3) information about the project PI and implementers;
- 4) name of the call participant, its location;
- 5) purpose of research (development) and its main tasks;
- 6) detailed description of research (development), substantiation of the ability of the participant to perform it (availability of the material and technical base, equipment, qualified specialists, appropriate achievements of the implementers – i.e. published results of previous research and developments laid as a basis for research (development); availability, respectively to Articles 425 and 465 of the Civil Code of Ukraine, of protective documents for objects of intellectual property rights, the right to use of which belongs to the call participant in accordance with Article 426 of the Civil Code of Ukraine, research publications; work experience of the project PI and of implementers in a specific area, research profiles of performers (ORCID ID, Scopus Author ID, Google Scholar) etc.);
- 7) Calendar Plan for carrying out research (development) with an indication of the content and scope of work of the sub-contractor (sub-contractors) in case if its (their) involvement is planned;
- 8) description of research or technical products (if planned) which will be created as a result of research (development) with an indication of its expected qualitative and quantitative (technical) characteristics;
- 9) substantiation of the advantages of expected research or technical products (if planned) compared to existing analogues based on comparative analysis;
- 10) for projects involving applied research and technical developments – justification of the practical value of the planned results of their implementation for the economy and society;
- 11) justification of the need to purchase equipment at the expense of grant support, as well as directions for its use after the completion of the project; *{Subparagraph 11 of Clause 16 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}*
- 12) the amount of funding necessary for carrying out research (development) with appropriate justification by cost items;
- 13) ways and means of further use of the results of research (development) in social practice.

According to the decision of the Scientific Council of the Foundation, the application form may also contain additional fields to be filled out.

17. Applications and documents for participation in the call are submitted in electronic form in Ukrainian or in Ukrainian and English in accordance with the requirements determined by the terms and conditions of the call, with a mandatory note about the consent of the authors of the project to its implementation.

18. Replacement or addition of clarifications to the submitted documents by the call participant after the deadline for submitting the application are not allowed.

19. Within 15 working days from the deadline for submission of applications, the Call Commission conducts a preliminary review of applications based on formal criteria and compliance with the criteria determined by the Scientific Council of the Foundation.

{The first paragraph of Clause 19 with amendments made in accordance with Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

Non-compliance of the documents submitted by the call participant with the requirements regarding their list and/or form, determined by the terms and conditions of the call is a reason for rejecting the application on a formal ground.

Based on the results of the preliminary review of applications, the Call Commission approves of a list of applications that are rejected on formal grounds and/or withdrawn from consideration based on non-compliance with the criteria by which projects are selected, determined by the terms and conditions of the call. The decision of the Call Commission to reject an application on formal grounds and/or to withdraw the application from consideration based on non-compliance with the criteria used to select projects, determined by the terms and conditions of the call, is sent by the Foundation's Directorate to the relevant call participant in electronic form no later than 3 (three) working days after making of such a decision. *{Clause 19 was supplemented by a paragraph in accordance with Decree of the Cabinet of Ministers No. 536 of 05/03/2022}*

20. Formation and approval of the list of possible experts is carried out by the Call Commission within 10 (ten) working days from the date of completion of the preliminary review of applications, taking into account the subject of the projects and provisions of the procedure for the consideration and reviewing of projects developed by the Scientific Council of the Foundation.

{Clause 20 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 03.05.2022}

21. If the application meets the requirements, the Call Commission shall send the project to the experts for research and technical reviewing no later than within 5 (five) working days.

Members of the Foundation's governing bodies, as well as authors of projects submitted for participation in the call are not eligible to conduct research and technical reviewing of projects.

22. Research and technical reviewing of each project is carried out by at least three experts who provide numerical evaluations according to all project evaluation criteria and written justification of such evaluations.

According to the decision of the Scientific Council of the Foundation, foreign experts may be involved in the research and technical reviewing of projects.

23. Simultaneously with giving consent to conduct a research and technical reviewing of projects, the expert informs the Call Commission about absence of a conflict of interests with the authors of the project in the written form.

In case of a conflict of interests arises, the expert shall declare his/her resignation, after which he/she is removed from participating in the research and technical reviewing of the project or in the call as a whole by the Head of the Foundation or the Scientific Council of the relevant section of the Foundation.

The Call Commission also suspends an expert from conducting research and technical reviewing of the project in case an undeclared conflict of interests has been detected.

In case of detection of a conflict of interests not declared by the expert after the completion of the research and technical reviewing, his/her expert opinion is canceled and is not taken into account during the formation of the rating list of projects.

Research and technical reviewing and competitive selection of projects is carried out by the Foundation taking into account the Provisions on the Observance of Research Ethical Principles and Prevention of Conflicts of Interests during the Reviewing and Competitive Selection of Projects and the Procedure of Consideration and Reviewing of Research and Developments Projects Submitted to the Foundation for participation in Call Selections which are developed by the Scientific Council of the Foundation.

{The fifth paragraph of Clause 23 in the wording of the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

24. The Call Commission at its meeting considers the projects taking into account their compliance with the criteria determined by the Scientific Council of the Foundation, the results of the research and technical reviewing of the project, after which forms a rating list of the projects with information on their numerical evaluation (from the largest value to the smallest).

25. Based on the results of the consideration of the projects, within 5 (five) working days after the decision of the Call Commission a protocol is drawn up, in which the results of the research and technical reviewing of the projects and proposals regarding the rating list of the projects and their numerical evaluation are noted.

A list of projects recommended for implementation at the expense of the Foundation's grant support and a list of call winners with an indication of the recommended amount of project financing (budget) and their distribution by years within the limits of the Foundation's expenditures, provided for the respective purposes, are also attached to the protocol.

26. The results of the call are approved by the Scientific Council of the Foundation.

27. The decision to approve the results of the call, the list of projects recommended for implementation at the expense of the Foundation's grant support, and the amount of their financing (budget) are published on the official website of the Foundation no later than within 5 (five) working days after its adoption.

28. The text justification of the project evaluations based on the results of research and technical reviewing is sent to the participant of the call by e-mail.

The rating list of projects indicating the score received by each project is posted on the official website of the Foundation.

29. For projects recommended for implementation at the expense of the Foundation's grant support, the Foundation's Directorate issues an order specifying the title of the project, the winner of the call, the PI, the implementation period and the amount of project funding (budget) approved by the Scientific Council of the Foundation.

{Clause 29 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

30. After the Foundation has adopted a decision on providing a grant in the corresponding year(s), the Foundation and the winner of the call shall enter into an agreement on the implementation of research and developments which determines all the necessary conditions for the implementation of the project, including the responsibility of the grantee and the application of penalty sanctions for non-fulfillment or late fulfillment of obligations by the grantee.

{The first paragraph of Clause 30 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

For projects in respect of which a decision has been made to provide a grant in the relevant year(s), the Foundation's Directorate issues an order which must specify: the name of the call; project registration number, project title; the winner of the call; PI of the project; the amount of funding (budget) for the relevant year(s).

{Clause 30 was supplemented by a paragraph in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

31. The grant is provided to the grantee in the amount of the full or partial cost of the work necessary for the implementation of the project.

32. Financing in full is carried out in case of implementation of a project that is not financed from other sources.

33. Partial financing is carried out under the condition of the implementation of the project which is simultaneously financed from several sources. In this case, the Foundation determines the specific volume of part of the work and the amount of financial support that will be provided by the Foundation for the implementation of such a project, taking into account the total estimated cost of the project and the amount of financial support provided from other sources.

34. Financing of a project is carried out by the Foundation gradually transferring funds from its registration account to the accounts of the grantee in accordance with the concluded agreements on the implementation of research and developments and the Calendar Plans for the implementation of research (developments).

35. Upon completion of each intermediate stage of the project mentioned in the contract on the implementation of research and developments, the grantee submits to the Foundation a research report on the intermediate results of the project implementation and a financial report on the use of budgetary funds which are a prerequisite for making a decision on the continuation or termination of the grant project support.

{The first paragraph of Clause 35 with amendments made in accordance with Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

The decision to continue or terminate grant support is made by the Scientific Council of the Foundation at the request of the relevant Scientific Council of the Foundation's section.

Grounds for termination of grant support may be a reasoned by decision regarding inappropriate or inefficient use of funds by the grantee and/or improper performance of the contract on the implementation of research and developments, in particular the Calendar Plan for implementation of research (developments).

{The third paragraph of Clause 35 with amendments made in accordance with the Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

In case inappropriate use of funds of the State Budget within the framework of project implementation is detected, the sum of funds that were not used for their intended purpose shall be returned to the Foundation in accordance with the procedure established by law.

36. Upon completion of the project, the grantee submits a final report on its implementation to the Foundation. Information on the results of the project implementation, together with the final report and the report on the use of budgetary funds within the framework of the project implementation are posted on the official website of the Foundation for free access in the form of open data in accordance with the Law of Ukraine ‘On Access to Public Information’.

37. Equipment purchased at the expense of grant support within the framework of project implementation, after completion of its implementation remains property of the grantee.

{Clause 37 with amendments made in accordance with Decree of the Cabinet of Ministers No. 536 of 05/03/2022}

38. The rights for intellectual property created during research and development at the expense of grant support belong to the grantee, except for the cases provided for in the second part of Article 11 of the Law of Ukraine ‘On State Regulation of Activities in the Field of Technology Transfer’.

39. Copyrights of participants in projects supported by the Foundation are exercised in accordance with this Procedure and laws.