

Valencian Regional Ministry of Education

ORDER dated 4th February 2008, issued by the Valencian Regional Minister for Education, announcing grants for training foreign research staff in the Valencian Region's research centres, as part of the Santiago Grisolí scheme

The Valencian Regional Government (*Generalitat*) Law 7/1997, dated 9th December, on the Promotion and Coordination of Scientific Research and Technological Development, sets out the regulatory framework in which the Valencian Regional Government's work in this field has to be undertaken and the essential purposes to be pursued by these promotion and coordination measures, specifically including those of technologically improving the Valencian production system and promoting the diffusion and use of the results obtained from research.

The approval of a new Autonomy Statute (Organic Law 1/2006, dated 10th April on the Reform of Organic Law 5/1982, dated 1st July, on the Valencian Region's Autonomy Statute) lays down in article 52.2 that the Valencian Regional Government will promote its own science and technology system, promoting its structure and cooperation among its agents in order to foster technological development and innovation to back progress and business competitiveness in the Valencian Region. For this reason article 79.1 establishes that the Valencian Regional Government will foster cooperation among public and private agents which make up the Valencian system for Research, Development and Innovation.

The economic, scientific and technological progress of the last few decades has clearly shown that the generation of wealth and social welfare is inextricably linked to the capacity to generate knowledge through quality research and to convert this into technology and tools to effectively transfer this to the production fabric.

In line with this, Programme 542.50 "Innovation, Transfer and Support for Infrastructures", which is included in the Valencian Regional Government's budget for each financial year, establishes and endows a system of aid for research, one of whose basic aims is to increase quality research and to encourage the utmost level of excellence in research groups and foster training, improvement, links between the research staff and the diffusion of research, strengthening the competitive capacity of the Valencian R+D system.

Furthermore, the Executive Council (*Consell*) Decree 96/1998, dated 6th July, regulating the organisation of Information Technology, the use of information systems and the registration of I.T. files in the sphere of the Valencian Regional Government Administration, Decree 87/2002, dated 30th May, regulating the use of the advanced electronic signature in the Valencian Regional Government, modified by the Executive Council Decree 149/2007, dated 7th September, passing the Statute of the Body Implementing Electronic Certification in the Valencian Region and the Decree 18/2004 of the Executive

Council of the Valencian Regional Government , dated 13th February, on the creation of the Electronic Register and regulation of electronic notifications of the Valencian Regional Government, establish and regulate the use of electronic means in administrative procedures, expressly considering any aid announced in this sphere as procedures and processes which can be processed through the Valencian Regional Government's Electronic Register.

In addition, what is laid down in the Executive Council Decree 147/2007, dated 7th September, has been applied, governing as it does the procedure for notification and communication to the European Commission of Valencian Regional Government projects intended to establish, grant or modify public aid, sending the relevant report to the Directorate General for the Economy as regards the aid announced in this Order not being subject to article 87.1 of the Treaty establishing the European Community, because of the nature of this aid and because it is intended for a group which does not fulfil the requisite of economic advantage for a company, thus not producing any distortion of competitiveness affecting trade between the member states.

On this basis, making use of the attributes granted to me by article 28 of the Executive Council Law 5/1983, dated 30th December, and the Executive Council Decree 118/2007, dated 27th July, by means of which the Organic and Functional Regulation of the Valencian Regional Ministry of Education is passed,

I HEREBY ORDER

Article 1

The grants for training foreign research staff at Valencian Region research centres are hereby announced, as part of the Santiago Grisóla scheme and the conditions governing the awarding of these grants are approved and are included as an appendix to this order.

Article 2. Grant funding

The grants will be funded by line T4015 of Budget Programme 542.50 Research, Technology Transfer and Support for Infrastructures, from the expense budget of the Valencian Regional Government, with the sum of 720,000 euros.

FINAL PROVISIONS

One

The Director General for Scientific Policy is empowered to give the instructions required to apply and implement this order, granting him the power to decide on the award or refusal of the grants and aid referred to in this call, the authorisation and disposal of credit and drawing up proposals for payment of

these and other accounting management measures required to execute this decision.

Two

This order will take effect from the date after its publication in the Official Valencian Region Gazette (*Diari Oficial de la Comunitat Valenciana*).

According to what is laid down in Articles 107, 116 and 117 of Law 30/1992, dated 26th November, on the Legal System for Public Administrations and Common Administrative Procedure, and Articles 10 and 46 of Law 29/1998, dated 13th July, governing Contentious-Administrative Jurisdiction, an appeal for reversal may be lodged against this order, which marks the end of administrative channels, or alternatively a contentious-administrative appeal (for judicial review) could be filed in the periods and at the bodies stated below:

a) The appeal for reversal must be lodged with the Valencian Regional Minister for Education within one month from the date after the publication.

b) The contentious-administrative appeal for judicial review must be filed with the Higher Court of Justice of the Valencian Region within two months from the date after publication.

Valencia, 4th February 2008

The Valencian Regional Minister for Education,
ALEJANDRO FONT DE MORA TURÓN

APPENDIX

Santiago Grisolia scheme

Grants for training foreign research staff in the Valencian Region's research centres,

1. Object and scope of the call

The object of this call is to govern the award procedure, as regards advertising, objectivity and competitiveness, for the grants for training foreign research staff in the Valencian Region's research centres.

The aim of these grants is to train qualified support staff in research and development tasks.

They are grants for training research support staff, for foreigners with Degrees (*Grado*) or equivalent qualifications in the scientific area which is relevant to the research project they wish to be assigned to.

2. Projects

The projects for application of these grants, put forward by universities and research centres located in the Valencian Region where the research staff will carry out their work, may be consulted at the following Internet address: <http://www.edu.gva.es>

3. Duration of the grant

The period for enjoying the grants will be established in the award decision and will end at the latest on 31st December 2008. The grants may be extended in the following budget years up to a maximum period of 24 months.

4. Endowment of the grant

The endowment of the grants will be 1,200 euros gross per month. This sum will be issued to the beneficiary in monthly sums in advance whenever possible. In any cases envisaged herein which imply an economic sum payable to the beneficiary of less than a natural month, this figure will be proportional to said period.

The grant also includes an additional endowment of 1,600 euros, which must be used for the beneficiary's travelling expenses and establishment in the Valencian Region during the first year of the grant. This endowment will be paid during the first quarter of the application of the grant.

The trainee research staff receiving the grant, according to Royal Decree 63/2006, dated 27th January, approving the Statute of trainee research staff, will be included in the General Social Security System, in the terms and conditions established in said Royal Decree. The Valencian Regional Government will assume any rights and obligations established for businessowners in the General Social Security System, and will be the subject

responsible for fulfilment of the obligation to make contributions and pay in both its own contributions and those of the grant holder.

5. Requirements of the beneficiaries

Eligible applicants must meet the following requirements prior to the end of the period allowed for submitting applications:

a) Not being a Spanish subject, and in any event, residing in a foreign country or

being a Spanish national but having lived in a foreign country for a minimum of three years.

b) Having a Degree (Grado) qualification or equivalent and having completed these studies after 1st January 2006.

c) Having conversation-level fluency in Spanish or English appropriate for performing the tasks involved in the proposed training.

6. Applications

1. The standard model forms (applications and other documents) will be available at the following Internet address: <http://www.edu.gva.es>

2. The applications shall adapt to the standard form models and be filled in using the electronic means supplied by the Valencian Regional Ministry of Education's information servers. Any applicants who do not use the advanced electronic signature will have to print the resulting compulsory pages from the use of electronic means and present these, after filling them in, with the corresponding original signatures at any of the places envisaged in Law 30 /1992, dated 26th November, modified by Law 4/99, on the Legal System for Public Administrations and Common Administrative Procedure.

A maximum of three projects can be put down on the application, in the applicant's order of preference.

The application form shall be accompanied by the following documents:

a) Photocopy of a currently valid passport.

b) Photocopy of an official academic certificate including the qualification held and the marks obtained and their dates, with a translation into Spanish.

c) The applicant's updated curriculum vitae in Spanish, and documents justifying all the merits which are alleged.

d) Report on their participation in the research project.

e) 2 letters of reference.

f) Documents vouching for knowledge of Spanish or English.

7. Period for submission

The period allowed for submitting applications shall be one month from the day after publication of this Order in the Official Valencian Region Gazette (*Diari Oficial de la Comunitat Valenciana*).

8. Implementation of the procedure

1. The body in charge of handling the procedure shall be the Directorate General of Scientific Policy, which shall, of its own motion, agree to all the

measures necessary for determining, learning and verifying the data in virtue of which the decision has to be made.

2. If the documents supplied are incomplete or involve any rectifiable errors, the applicants will be requested, by means of an announcement on the Valencian Regional Ministry of Education's information server (<http://www.edu.gva.es>) and on the notice board of the Directorate General of Scientific Policy (Av. Campanar, 32, esc. 6, in Valencia) to remedy the mistake within ten days, or accompany any compulsory documents, warning them that if they do not do so, they will be understood to be relinquishing their application, according to what is established in Article 71 of Law 30/1992, dated 26th November, on the Legal System of Public Administrations and Common Administrative Procedure and with the effects envisaged in Article 42.1 of the aforementioned Law. They may also be informed of any such incident by electronic mail.

3. The grants covered under this order shall not establish any employment or administrative links between the beneficiaries and the Valencian Regional Government.

9. Assessment and selection

The applications shall be assessed according to the following scale:

- a) Academic career (20%)
- b) Curricular merits related to the project applied for (20%)
- c) Extent to which the report conforms to the specific requirements of the project applied for (30%)
- d) Letters of reference (30%)

The assessment will be performed in conjunction with the receiving organisations the project will be carried out at. For these purposes, the respective researchers responsible for the research projects shall make a proposal of the pre-selected persons ordered by the marks obtained.

According to Article 22 of the General Subsidies Law 38/2003 dated 17th November, a collegiate body consisting of an odd number of not under three members, designated by the Director General of Scientific Policy, shall pass on the relevant proposal for decision through the implementing body to the Director General of Scientific Policy in a maximum period of fifteen days from its constitution.

10. Decision

1. In view of the proposal brought by the collegiate body, the award or refusal of the aid will be agreed by a decision made by the Director General of Scientific Policy, by delegation of the Valencian Regional Education Minister. The decision made in the procedure will be made known to the interested parties according to what is laid down in Article 58 and the following articles of Law 30/1992, dated 26th November, on the Legal System for Public Administrations and Common Administrative Procedure by publishing it on the abovementioned web page and on the notice board of the Directorate General of Scientific Policy (Av. Campanar, 32 in Valencia) This publication will replace notification as laid

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down in Article 59.6.b) of aforementioned Law 30/1992. For purposes of what is laid down in Article 18 of the General Subsidies Law, the decision will also be published in the Official Valencian Region Gazette (*Diari Oficial de la Comunitat Valenciana*).

2. The maximum time allowed for deciding on the applications presented and for awarding the grants which are established in this call shall be six months from the date of completion of the period for submitting applications. Calculation of this period shall be broken off during the period required for rectifying and improving the application by the interested party. After said period has expired without a decision having been made, the grant application will be understood to have been refused, in the terms envisaged in Article 44 of Law 30/1992, dated 26th November, on the Legal System for Public Administrations and Common Administrative Procedure.

The third party file held with the bank details and the form for notification of data to the payer for Income Tax shall be presented by the applicants who are chosen as beneficiaries in the relevant decisions, after these are issued.

11. Obligations

1. The beneficiaries will be subject to the general obligations stemming from current legislation on aid or public subsidies and in particular, to those referred to in Article 14 of the General Subsidies Law 38/2003, dated 17th November.

2. The beneficiaries will be obliged to perform the activities subsidised in the terms of the award decision and to justify performance of these in the periods laid down.

3. The beneficiaries will specifically be obliged to:

a) Join the corresponding university or research centre in the period envisaged in the award decision, understanding that if they do not join in the period stated, they will be considered to have relinquished the grant, unless they are enjoying the temporary suspension periods laid down herein.

b) Carry out the activity the award of the subsidy is based on the dates from 1st January to 31st December 2008. Any change brought into the conditions for performing the activity will have to be made known to the Directorate General of Scientific Policy, for authorisation or refusal, where applicable. Along with the modification request a report by the researcher responsible for the research project will be submitted, giving the reasons justifying the change.

c) Effectively be engaged in the training work assigned according to the particular body/university or research centre's specific rules.

d) Accredit the performance of the activity the fulfilment of the requisites and the conditions determining the grant or enjoyment of the grant to the Directorate General of Scientific Policy.

e) Submit a report to the Directorate General of Scientific Policy, within one month from the end of the grant, regardless of the cause of termination, covering all the work done in the overall period included in the grant with the signature of the researcher responsible for the project vouching for conformity.

f) Fill in any reports, forms and other documents which may be sent to them by the bodies involved in running the programme, for the purposes of enjoying the grant.

- g) Facilitate the financial supervision measures pertaining to the General Comptroller Service of the Valencian Regional Government and other supervisory bodies of the autonomous region's institutions, in connection with the subsidies granted.
- h) Inform the Directorate General of Scientific Policy of any subsidies or aid obtained for the same purpose from any administration or public or private body of any nationality as well as the use of their own funds, for purposes of what is laid down in Article 30.4 of the General Subsidies Law.
- i) Repay, where applicable, according to what is laid down in Article 37 of the General Subsidies Law 38/2003, dated 17th November, and in the period legally established for this, the sums corresponding to the grant awarded, and send a copy of the document accrediting repayment to the Directorate General of Scientific Policy. In this last case, the repayment shall necessarily clearly identify the beneficiary institution in question and the name of the grant for which the aid was awarded.
- j) State the sponsorship of the Valencian Regional Government in the annual reports drawn up, as well as in the work and activities performed.
- k) Issue an affidavit of compliance of not coming under any of the prohibitions envisaged in Article 13 of the General Subsidies Law 38/2003.

The host institution shall:

Inform the Directorate General of Scientific Policy of the person who has been awarded the grant joining the institution within ten days after this takes place.

12. Incompatibilities

Benefiting from a grant under this call is incompatible with any other grant, aid or salary financed with Spanish or Community funds of any kind, except the ones that may be received as complements stemming from R+D+i projects and contracts signed in application of Article 83 of the Organic Law on Universities 6/2001, dated 21st December and Law 13/1986, dated 14th April, on the Promotion and General Coordination of Scientific and Technical Research. Compatibility with receiving a wage or salary from carrying out private activities will have to be authorised by the Directorate General of Scientific Policy, as long as doing this work enables full dedication to the obligations involved in the grant.

The beneficiaries and the host institutions will have to inform the Directorate General of Scientific Policy of any cause of incompatibility.

13. Temporary suspension of the grants

The Director General of Scientific Policy may authorise the postponement of the grant holder's joining the host institution, at the latter's request, on justified grounds, with the agreement of the researcher in charge and of the institution's legal representative, for a period not over three months from the date stated in the award decision. If the beneficiary does not join after the period allowed is over, he or she will be understood to have relinquished the grant. The postponed period may not be recovered.

In the case of interruptions as a result of accredited situations of leave through temporary incapacity (illness or accident), risk during pregnancy and maternity or paternity leave, the Directorate General of Scientific Policy shall authorise the temporary suspension of the grant. During these interruptions the beneficiary will continue to collect 100% of the grant and the period interrupted may be recovered on condition that the budget allows this. No interruptions as a result of maternity leave may be over sixteen weeks, with the sole exception of multiple births, in which this period shall be extended by a further two weeks for each child as of the second one.

In the event of voluntary interruption on grounds other than the ones stated in the previous paragraph, the Directorate General of Scientific Policy may authorise the temporary interruption of the grant. The time of the interruption shall not be recoverable. The interruption periods may not be over six months during the length of the grant and its possible renewals and shall not entail payment of any endowment

14. Relinquishments and replacements

Any relinquishments must be made known to the Directorate General of Scientific Policy within three days after they occur and shall take effect from the date of the effective end of service.

15. Renewals

The Director General of Scientific Policy shall decide on any renewals of the grants involved in this order. Renewal shall be conditional on the existence of appropriate and sufficient funding in the relevant budget year.

Requisites: renewals shall be conditioned to fulfilment of all the requisites demanded in the relevant call. The grant holder shall have to present a standard application form for renewal, which shall be accompanied by the following documents:

- A report on the research work done and the results obtained. This should include the work schedule for the year the renewal is requested for.
- A report from the researcher responsible for the project assessing the work carried out and the need for the renewal.

The period allowed for submitting the application for renewal of the grants involved in this Order shall be from 1st to 30th November 2008.

16. Follow-up and monitoring of the grant programme

1. The Director General of Scientific Policy shall establish the appropriate procedures for this and designate, where applicable, the bodies, commissions or experts deemed necessary to carry out the appropriate measures to follow up and verify how the grant is being applied.

2. Any alteration to the conditions taken into account for granting or where applicable obtaining other public or private aid which as a whole exceeds the cost of the activity, after the submission of the application, may give rise to the

modification of the decision for award or a reduction in the amount of the grant awarded.

3. Any total or partial failure to comply with the requisites and obligations established herein and in other applicable legislation, as well as the conditions which may, where applicable, be established in the corresponding award decision shall entail, after hearing the interested party:

a) Invalidation or reduction of the grant awarded, in the event of partial failure to comply with the grant programme, or justification for lower amounts.

b) In the event of advance payments, full or partial repayment of the aid awarded, along with the corresponding late payment interests, according to what is laid down in Article 47 of the Valencian Government's Legislative Decree dated 26th June 1991, approving the Newly Recompiled Text of the Valencian Regional Government Treasury Law.

Specifically, the following shall be grounds for non-compliance:

a) Failure to comply with the obligation to justify in the terms established or insufficient justification of this.

b) Failure to comply with the purposes for which the grant was awarded.

c) When the expense actually made fails to match the one proposed and adjudicated and this is accredited by the monitoring system of subsidised programmes carried out by the Directorate General of Scientific Policy.

4. When the inspection or control functions reveal signs of incorrect obtaining, enjoyment or use of the aid granted, the agents performing these functions may agree to retain the invoices, equivalent or replacement documents and any other document connected with the operations in which these signs are detected.

17. Justification of the aid

1. The persons benefiting from this aid shall, according to what is laid down in Article 14.b of the Subsidies Law, accredit performance of the research work and compliance with the purposes determining the award and enjoyment of the subsidy.

2. With no detriment to the foregoing, nor to any instructions which may be issued by the Director General of Scientific Policy, the beneficiaries shall be obliged to submit a report on all the work done, in the period established in condition 11.3.e), unless a different period is set in the award decision.

18. Assignment of data

Participation in this call shall imply agreeing to assign the data contained both in the application submitted and where applicable, in the award decision, to the Valencian Regional Government, for statistical, assessment and follow-up purposes.

19. Principles to be respected by the research groups

1. The projects must respect the basic principles established in the Helsinki Declaration (World Medical Assembly), in the Agreement of the European Council as regards human rights and biomedicine, in the Universal UNESCO declaration on the human genome and human rights, as well as the requisites

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established in Spanish legislation in the sphere of biomedical research, data protection and bioethics.

2. Any projects which imply research on humans or the use of samples of human origin must have the compulsory authorisation issued by the relevant ethics committee, set up according to current legislation. The authorisation must be issued by the President or the Secretary of said committee, and it shall refer to the minutes of the session at which the agreement was passed.

3. Any projects which imply animal experimentation must abide by what is laid down in current legislation and specifically in Royal Decree 1201/2005 on the protection of animals used for experimenting and other scientific purposes.

4. Any projects which imply the use of genetically modified organisms must abide by what is laid down in Law 9/2003, dated 25th April, on Confined Use, Voluntary Release and Marketing of Genetically Modified Organisms, and in the Legislation developing this.

20. Responsibilities

The Valencian Regional Government is not responsible for the action of the research staff benefiting from the grants or for any damages that may arise, on condition that such damages are attributable to this.

21. Applicable legislation

This order shall abide by what is laid down in:

- a) Law 30/1992, dated 26th November, on the Legal System for Public Administrations and Common Administrative Procedure.
- b) The Valencian Government Legislative Decree dated 26th June 1991, approving the Newly Recompiled Text of the Valencian Regional Government Treasury Law.
- c) The Valencian Regional Government Budget law for the financial year corresponding to the aid.
- d) The General Subsidies Law 38/2003, dated 17th November.
- e) Royal Decree 887/2006, dated 21st July, approving the Regulation of the General Subsidies Law 38/2003, dated 17th November.
- f) Valencian Government Decree 108/1992, dated 6th July, regulating the award of grants.
- g) Royal Decree 63/2006, dated 27th January, approving the Statute of trainee research staff.
- h) Law 11/2007, dated 22nd June, on electronic access of citizens to Public Services.
- i) Decree 18/2004 of the Executive Council of the Valencian Regional Government, dated 13th February, on the creation of the Valencian Regional Government's Electronic Register and the regulation of the Valencian Regional Government's electronic notifications.
- j) Executive Council Decree 149/2007, dated 7th September, approving the Statute of the Body Implementing Electronic Certification in the Valencian Region.