

On Science

Unofficial translation

The Law of the Republic of Kazakhstan dated 18 February 2011 No. 407-IV.

U n o f f i c i a l t r a n s l a t i o n
N o t e o f R C L I !

The order of enforcement of this Law, see Article 31

This Law regulates public relations in the field of science and scientific-technical activity, determines main principles and mechanisms of functioning and development of the national scientific system of the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions, used in this Law

The following definitions shall be used in this Law:

- 1) accreditation – the procedure, in the result of which the subjects of scientific and (or) scientific-technical activity shall obtain official recognition of conformity of their activity with requirements and standards, established by the legislation of the Republic of Kazakhstan ;
- 2) a scientist – an individual, carrying out scientific researches and receiving the results of scientific and (or) scientific-technical activity;
- 3) science – the scope of human activity, the function of which is studying of the laws of nature, society and thought, production and theoretic systematization of objective knowledge on reality for the purpose of rational use of natural wealth and effective management of society;
- 4) national report on science – the annual report, contained the analysis of the state and tendency of development of the world and national science, suggestions on improvement of scientific-technical potential of the Republic of Kazakhstan, explanation of preferred directions of growth of science;
- 5) scientific-educational consortium – temporary voluntary equal association on the basis of agreement on jointly economic and scientific activity, in which the scientific organizations, higher education institutes and other legal entities, as well as those engaged in the scope of production shall unite intellectual, financial and other resources for conduct of fundamental, applied scientific researches, developments of technological innovations and training of highly qualified specialists;

6) parent organization on scientific, scientific-technical program – a legal entity, determined by the authorized state body following the results of a competitive tender for implementation of purpose-oriented scientific, scientific-technical program and carrying out maintenance of implementing the scientific, scientific-technical program of fundamental and applied researches and coordination of the activity of executing organizations within the executed program;

7) scientific, scientific-technical project and program – the document, including the content of suggested scientific-technical work, representing scientific, scientific-technical, design and experimental, marketing researches with explanation of the purpose and objectives, actuality, novelty, research and practice significance and practicability of carrying out of the planned works;

8) state policy in the field of science and scientific-technical activity – the component part of social and economic policy, expressing relation of the state to scientific and (or) scientific-technical activity, determining the main principles, purposes, directions, principles, forms and methods of activity of different organizations in the field of science and engineering of implementing the scientific-technical achievements, creation of new technology, including for the purpose of national security protection;

9) report on scientific and (or) scientific-technical activity – the document, containing information on implementation of scientific-technical work, scientific, scientific technical, design and experimental, marketing researches, as well as information on practicability of the following carrying out of the planned works or on results of completed scientific, scientific-technical project and program;

10) result of scientific and (or) scientific-technical activity – new knowledge or decisions, received in the course of performance of scientific and (or) scientific-technical activity and stated in any informational carrier, introduction of scientific research results and technology in production, as well as models, mockups, samples of new products, materials and substances;

11) research scientific work – the work, linked with scientific inquiry, conduct of researches, experiments for the purpose of extension of available and receipt of new knowledge, testing of scientific hypothesis, determination of regularity of the nature and society development, scientific generalization, scientific explanation of projects;

12) scientific researches – the applied fundamental, strategic scientific researches, carried out by the subjects of scientific and (or) scientific-technical activity within research scientific, design and experimental and technologic works, proper scientific methods and means for the purpose of achievement of scientific and (or) scientific-technical activity;

13) scientific infrastructure – the scientific laboratory and engineering equipment, pilot production, uniquely objects, as well as other movable and immovable property, being on balance of scientific organization;

14) candidate of science, doctor of science – the academic degrees, granted on the basis of thesis defence by the candidates;

15) scientific activity – the activity, oriented to study of surrounding reality for the purpose of determination of properties, special aspects and regularities, typical for the objects, phenomenas (processes), and use of received knowledge in practice;

16) scientific worker – an individual, working in scientific organization, higher education institute or scientific organizational unit, having higher education, receiving and implementing the result of scientific and (or) scientific-technical activity;

17) scientific-technical information – information, received in the course of scientific, scientific-technical, innovative and production operation, contained information on the national and foreign achievements of science, engineering, technology;

18) scientific-technical activity – the activity, oriented to receive and apply new knowledge in the all fields of science, engineering and production for solution of technological, engineering, economic and politico-social and other tasks, maintenance of the functioning of science, technology and production as the unified system, including development of the standard technical documents, required for conduct of these researches;

19) authorized body in the field of science (hereinafter – authorized body) – the state body , carrying out the cross-sector coordination and leadership in the field of science and scientific-technical activity;

19-1) endowment fund of a higher and (or) postgraduate educational institution - an endowment fund formed through charity, donations, offerings, grants, contributions of the founders (participants) of educational institutions, the investment income from which is used to finance scientific and (or) educational activities;

20) intellectual property – the exclusive right of a citizen or legal entity to results of the intellectual creative activity, received in the result of research scientific, design and experimental and technologic works, and means of individualization of the participants of civil turnover, goods, works or services;

21) engineering and technical worker – an individual, working in scientific organization or higher education institute having secondary vocational or higher education, assisting the receipt of the result of scientific and (or) scientific-technical activity and its implementation;

22) associate professor (docent), professor - academic titles assigned by the authorized body;

23) applied research – the activity, oriented to receive and apply new knowledge for achievement of practical purposes and solution of particular tasks;

23-1) state order - an order from the authorized body and (or) sectoral authorized bodies to a research and (or) scientific and technical institution under an agreement on conducting research financed from the state budget in the form of base, grant and result-oriented financing;

24) field authorized body – the state body, carrying out implementation of state policy in the field of science and scientific-technical activity and coordination of works on conduct of scientific researches in the relevant field;

25) strategic researches – fundamental or applied researches, oriented to solution of strategic tasks;

26) design and experimental works – the set of works, performed upon creation or modernizations of products, development of detailed engineering drawings and process control documentation to development types, production and testing of development types and utility models;

27) pilot-line production – structural subdivision of scientific organizations, higher education institutes or a legal entity, the main activity of which is production and approbation of development types and utility models, new products and technological processes;

28) Doctor of Philosophy (PhD), PhD in certain studies - degrees conferred to persons who have mastered a doctoral program in the scientific and pedagogical area or the corresponding field of professional activity and defended a thesis in the Republic of Kazakhstan or abroad, recognized in the manner established by the legislation of the Republic of Kazakhstan;

29) fundamental research – theoretical and (or) experimental research, oriented to receipt of new scientific knowledge on the basic regularities of nature development, society, human and their interrelation.

Footnote. Article 1 as amended by Law of the Republic of Kazakhstan № 171-VI as of 04.07.2018 (shall be enforced ten calendar days after its first official publication); № 237-VI as of 18.03.2019 (shall be enforced from 01.01.2018).

Article 2. Legislation of the Republic of Kazakhstan on science

1. The legislation of the Republic of Kazakhstan on science shall be based on the Constitution of the Republic of Kazakhstan, consist of this Law, other regulatory legal acts of the Republic of Kazakhstan.

2. The force of the legislation of the Republic of Kazakhstan, establishing the requirements to procedure for carrying out of procurements, including public procurements shall not apply to legal relations, regulated by this Law, in a part of conducting scientific researches, carried out from the funds of grant, special-purpose program financing.

2-1. When forming and implementing a state defense order, public relations in the field of science and scientific and technical activities shall be regulated by the Law of the Republic of Kazakhstan “On the defense industry and state defense order”.

3. If the international treaty, ratified by the Republic of Kazakhstan establishes other rules, than those contained in this Law, the rules of international treaty shall apply.

Footnote. Article 1 as amended by Law of the Republic of Kazakhstan № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication).

Chapter 2. COMPETENCE OF THE STATE BODIES IN THE FIELD OF SCIENTIFIC AND (OR) SCIENTIFIC-TECHNICAL ACTIVITY

Article 3. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop principal directions of the state policy in the field of science and scientific-technical activity and organize its carrying out;

2) determine preferred directions of scientific, scientific-technical and innovative activity in accordance with priorities of social and economic development, as well as preferred directions of strategic, fundamental and applied scientific researches in the Republic of Kazakhstan;

3) advance the annual national report on science to the President of the Republic of Kazakhstan;

4) approve the rules of accreditation of the subjects of scientific and (or) scientific-technical activity;

5) establish the higher scientific-technical commission of the Republic of Kazakhstan under the Government of the Republic of Kazakhstan (hereinafter – higher scientific-technical commission) and approve its status and composition;

6) form the national research councils on the branches of science, approve the list, status and composition of the national research councils;

7) create the National centre of state scientific-technical expertise;

8) assign the status of research university and approve the program of its development;

9) approve the order of organizing and conducting the state scientific-technical expertise;

10) approve the order of base, grant and special-purpose program financing of scientific and (or) scientific-technical activity;

11) approve the list of organizations, being the subjects of base financing;

12) approve the premiums in the field of science, state scientific scholarships and approve the procedure for their granting;

13) determine legal entities, financing scientific and (or) scientific-technical activity;

14) approve the regulations of base financing of scientific and (or) scientific-technical activity;

15)-16) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication);

17) carry out the other powers, provided by the Constitution of the Republic of Kazakhstan, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 4. Competence of the authorized body

The competence of the authorized body shall include:

1) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication)*;

2) coordinate scientific, scientific and technical projects and fundamental and applied scientific research programs financed from the state budget, except for scientific, scientific and technical projects and programs formed as part of a state defense order;

3) development of preferred directions of fundamental and applied scientific researches in the Republic of Kazakhstan;

4) maintenance of the activity of higher scientific-technical commission;

5) organize the development of scientific, scientific and technical projects and fundamental and applied scientific research programs implemented at the expense of the state budget, and implement them at the stages of formation, execution and completion, except for scientific, scientific and technical projects and programs formed as part of a state defense order;

5-1) approval of the rules of state accounting of scientific, scientific and technical projects and programs financed from the state budget, and reports on their implementation;

5-2) approval of the procedure for organizing and conducting research and development work on the basis of public-private partnership;

6) development of rules of organization and conduct of the state scientific-technical expertise;

7) development of the rules of accreditation of the subjects of scientific and (or) scientific-technical activity, as well as conduct of their accreditation;

8) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication)*;

9) coordination of the activity of national research councils;

10) coordination of work of field authorized bodies, carried out within scientific, scientific-technical projects and programs;

- 11) approval of the standard type provision on advisory and deliberative body of scientific organization, including the procedure for election of its members;
- 12) approval of the standard type provision on multiple-access scientific laboratories;
- 13) approval of the standard type provision on dissertation council;
- 14) approve the order of awarding degrees;
- 15) approval of the procedure for awarding the academic ranks (associated professor (decent), professor);
- 16) approve the procedure for state registration of theses defended for the degree of Doctor of Philosophy (PhD), PhD in certain studies;
- 17) development of the provision on the national research councils;
- 18) development of the procedure for base, grant and special-purpose program financing of scientific and (or) scientific-technical activity;
- 19) development of the procedure for organization and conduct of scientific researches and design and experimental works on the basis of private-public partnership;
- 20) determination of the parent organization on scientific, scientific-technical program;
- 21) appointment to office and dismissal from office of the heads of state scientific organizations within the competence;
- 22) organization of the state accounting of scientific, scientific-technical projects and programs, financed from the state budget, and reports on their performance;
- 23) approve reports on completed scientific, scientific and technical projects and programs financed from the state budget, except for scientific, scientific and technical projects and programs formed as part of a state defense order;;
- 24) carrying out of other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 171-VI as of 04.07.2018 (shall be enforced ten calendar days after its first official publication); № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication).

Article 5. Competence of the field authorized body

The competence of the field authorized body shall include:

- 1) participation in development of suggestions and implementation of the state policy in the field of science and scientific-technical activity, coordination of works on conduct of scientific researches in the relevant field;

2) participation in formation of preferred directions of fundamental and applied scientific researches in the relevant field;

3) organization of development of scientific, scientific-technical projects and programs, financed from the state budget, and carrying out of their implementation in the relevant field;

4) approval of reports on performed scientific, scientific-technical projects and programs in the relevant field, financed from the state budget;

4-1) participation in the development of rules for organization and conduct of state scientific and technical expertise;

4-2) participation in the development of accreditation rules for subjects of scientific and (or) scientific and technical activities;

4-3) submission of proposals on candidates for inclusion in the membership of national scientific councils and coordination of their members to the authorized body;

4-4) participation in the development of a provision on national scientific councils;

4-5) submission of proposals on formation of the list of subjects of basic financing to the authorized body;

5) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication)*;

6) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication)*;

7) carrying out of other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Chapter 3. SUBJECTS OF SCIENTIFIC AND (OR) SCIENTIFIC-TECHNICAL ACTIVITY

Article 6. Subjects of scientific and (or) scientific-technical activity

1. Subjects of scientific and (or) scientific-technical activity shall be individuals and legal entities, carrying out scientific and (or) scientific-technical activity.

2. Subjects of scientific and (or) scientific-technical activity shall be guaranteed and ensured by the liberty of creative work, protection from unfair business practices, equal rights to participation in scientific and (or) scientific-technical activity, as well as participation in

the competitive tenders of scientific, scientific-technical projects and programs, financed from the state budget and other sources, not prohibited by the legislation of the Republic of Kazakhstan.

Subjects of scientific and (or) scientific-technical activity shall have the right to use the services of multiple-access scientific laboratories in the manner, determined by the authorized body.

3. Subjects of scientific and (or) scientific-technical activity shall have the right to use the objects of intellectual property, including the right to sell or offer for sale, in the manner and on conditions, established by the legislation of the Republic of Kazakhstan.

4. Subjects of scientific and (or) scientific-technical activity shall be obliged to carry out the research scientific and design and experimental works, ensuring the elimination of a threat of national security, in accordance with the legislation of the Republic of Kazakhstan.

Article 7. Individuals, carrying out scientific and (or) scientific-technical activity

1. Individuals, carrying out scientific and (or) scientific-technical activity shall be scientific, engineering and technical and other workers, being in labour relations with scientific organizations, higher education institutes, carrying out scientific and (or) scientific-technical activity, as well as scientists, carrying out scientific and (or) scientific-technical activity on an independent basis.

2. Individuals shall have the right to participate in competitive tenders of scientific, scientific-technical projects and programs, financed from the state budget in accordance with the manner of grant and special-purpose program financing of scientific and (or) scientific-technical activity and conditions of competitive tender.

Article 8. Scientific organizations

1. A scientific organization shall be a legal entity, the main type of activity of which is carrying out of scientific, scientific-technical and innovative activity, including exercise of the right to the objects of intellectual property, as well as conduct of research scientific and design and experimental works.

The advisory and deliberative bodies may be established under scientific organization.

2. State scientific organizations shall be scientific organizations, based on state property.

Scientific organizations, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, as well as scientific organizations in which fifty and more percent of voting shares (participatory shares in the charter capital) directly or indirectly belong to legal entities, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state shall be equated to the state scientific organizations. Indirect belonging means belonging of fifty and more percent of voting shares (participatory shares in the charter capital) of the other legal entity to each following person.

3. National academy of sciences of the Republic of Kazakhstan, other national and field academies, acting in the scope of scientific and (or) scientific-technical activity, creative unions of scientists, being the public associations shall take participation in formation and implementation of scientific, scientific-technical and innovative policy, development of preferred directions of development of science, scientific-technical expertise of fundamental and applied scientific researches, works, nominated for science premiums, in development of drafts of the regulatory legal acts in the scientific-technical field, professional consolidation of scientists for maintenance of social and economic development of the Republic of Kazakhstan

National academy of sciences of the Republic of Kazakhstan shall coordinate preparation and publication of annual national report on science.

Article 9. Scientific activity of higher education institutes

1. Main type of activity, carried out by the higher education institute together with educational activity: scientific, scientific-technical and innovative, as well as exercise of the right to objects of intellectual property, as well as conduct of research scientific and design and experimental works.

2. Higher education institutes, as well as their scientific workers shall have equal rights to use the services of multiple-access scientific laboratories in competitive tenders of scientific, scientific-technical projects and programs, financed from the state budget and other sources, not prohibited by the legislation of the Republic of Kazakhstan.

3. Higher education institutes together with introduction of forefront of scientific achievements into educational process shall have the right to engage the scientists of scientific , research scientific organizations, including foreign organizations to the educatory process.

4. State higher education institutes shall have the right to create scientific laboratories, research scientific institutes, pilot-line productions, specialized subjects of innovative infrastructure, design and engineering organizations, as well as scientific-educational consortiums in the manner, established by the legislation of the Republic of Kazakhstan.

5. The status of research university may be awarded to the higher education institutes by the Government of the Republic of Kazakhstan upon recommendation of the authorized body.

Article 10. Research university

1. Research university shall be the higher education institute, implementing development program of the university, approved by the Government of the Republic of Kazakhstan and participated in organization and conduct of fundamental and applied scientific researches and other scientific-technical, design and experimental works.

2. The main objective of research university shall be integration of scientific activity and educational process at the all levels of higher education and postgraduate study.

3. Research university shall develop and implement the standards of educational programs of higher education and postgraduate study on an independent basis. Requirements to conditions of implementation and results of learning educational programs may not be less than the relevant programs of higher education and postgraduate study, established by the government standards.

4. Research university shall have the right to establish additional requirements of specialized directionality upon acceptance for study through the programs of higher education and postgraduate study.

Article 11. Other organizations in the field of science

Organizations, for which the scientific and (or) scientific-technical activity is not the main type of activity shall have the right to establish scientific units in its structure for the purpose of solving the tasks, attached to their constitutive documents.

Chapter 4. SOCIAL SECURITY OF SCIENTIFIC WORKERS

Article 12. Payment for labour of scientific workers

1. Payment for labour of scientific workers of the state scientific organizations and state higher education institutes, performing the state order for conduct of scientific researches from the state budget, shall be made in the manner and on the grounds, established by the Government of the Republic of Kazakhstan.

2. Scientists performing a state task or a state order for scientific and research and development works, are paid additionally every month for their academic degrees, degrees from the state budget - the amount equal to 17 times the monthly calculation index, established by the law on the republican budget and effective as of January 1 of a corresponding financial year, to a Candidate of Sciences, Doctor of Philosophy (PhD), PhD in certain studies and the amount equal to 34 times the monthly calculation index, established by the law on the republican budget and effective as of January 1 of a corresponding financial year, to a Doctor of Science.

3. Payment for labour to foreign scientists, as well as scientists of Kazakhstan, carrying out the activity abroad, performing scientific researches jointly with accredited scientific organizations or higher education institutes in the territory of the Republic of Kazakhstan shall be made on the basis of the agreement in recognition of their qualification.

Footnote. Article 12 as amended by Law of the Republic of Kazakhstan № 171-VI as of 04.07.2018 (shall be enforced ten calendar days after its first official publication); № 203-VI as of 26.12.2018 (shall be enforced from 01.01.2019).

Article 13. Leaves of scientific workers

1. Scientific workers of the state scientific organizations and scientific organizations, equated to the state scientific organizations shall be granted by annual leave with pay lasting fifty six calendar days for doctors of science, forty two calendar days for candidate of science, doctor of philosophy (PhD), doctors on profile, thirty five calendar days for other scientific workers with payment of health improvement benefit within available funds for the payment for labor in amount of one official salary.

In cases, established by the collective agreement, the scientific workers of scientific organizations, equated to state scientific organizations may be granted by annual leave lasting for thirty calendar days with pay and with the payment of health improvement benefit in amount of two official salaries within available funds for payment for labour.

2. Scientific workers of the state scientific organizations shall be granted by the leaves for the period until one year for the purpose of raise of qualification, probation in the leading higher education institutes, scientific centres and laboratories, as well as abroad. By this, the place of work and office without pay shall be preserved for this person for the term of leave.

Procedure and conditions of granting the leave shall be determined by internal documents of state scientific organizations.

Article 14. Measures of social protection of scientific workers

1. Scientific workers of state scientific organizations, scientific organizations, equated to state scientific organizations, state higher education institutions, higher education institutes, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, as well as higher education institutes, in which fifty and more percent of voting shares (participatory shares in the charter capital) directly or indirectly belong to legal entities, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, shall have the right to provision of housing in the manner and on conditions, established by the legislation of the Republic of Kazakhstan.

2. Land plots shall be provided gratuitously for individual housing construction to scientific workers of the state scientific organizations, scientific organizations, equated to the state scientific organizations, state higher education institutes, higher education institutes, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, as well as higher education institutes, in which fifty and more percent of voting shares (participatory shares in the charter capital) directly or indirectly belong to the legal entities, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, being in need of housing conditions.

3. Scientific workers of the state scientific organizations and their family members, residing together with them shall use medical service in the relevant health care organizations in the established manner.

4. Pension and social security of scientific workers shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Article 15. Incentives of scientists, scientific workers of scientific organizations

1. For the purpose of incentive, the scientists, workers of scientific organizations that made the contribution to development of science and engineering may be:

1) recommended in candidacy for the State Prize of the Republic of Kazakhstan in the field of science and engineering, constituted by the President of the Republic of Kazakhstan;

2) granted by the state award of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan on state awards;

3) recommended in candidacy for the annual premiums for the best scientific researches and works, spectacular achievements in the field of science;

4) recommended in candidacy for the state scientific scholarships.

State scientific scholarships may be granted to the following persons as well:

scientists and scientific workers, taking an active part in conduct of fundamental or applied researches in the preferred directions for the state, training of scientific personnel;

talented young scientists at the age up to thirty five years included, taking an active part in conduct of researches under decision of scientific problems and taking acknowledgement of scientific community.

2. Granting of premiums and state scientific scholarships shall be carried out by the authorized body and field authorized bodies within their competence in accordance with the legislation of the Republic of Kazakhstan.

3. To encourage students, scientists, researchers and institutions, they can be paid a scholarship from the investment income of the endowment fund of a higher and (or) postgraduate educational institution.

Footnote. Article 15 as amended by Law of the Republic of Kazakhstan № 171-VI as of 04.07.2018 (shall be enforced ten calendar days after its first official publication).

Article 16. Training, retraining and probation of scientific, scientific-technical personnel

1. Scientific organizations, higher education institutes, holding highly-qualified personnel and material and technical basis shall have the right to carry out training, retraining and probation of scientific, scientific-technical personnel on directions preferred for them.

2. Training, retraining and probation of scientific, scientific-technical personnel may be carried out from the state budget as in the national, so in foreign scientific organizations and higher education institutes in the manner, established by the legislation of the Republic of Kazakhstan.

Chapter 5. MANAGEMENT OF SCIENTIFIC AND (OR) SCIENTIFIC-TECHNICAL ACTIVITY

Article 17. Management of scientific, scientific-technical and innovative activity and its principles

1. For the purpose of development and functioning of the national scientific system in the Republic of Kazakhstan with the compliance of allocation of strategic, expert and administrative functions, the management of scientific and (or) scientific-technical activity shall be carried out by:

- 1) the Government of the Republic of Kazakhstan;
- 2) higher scientific-technical commission;
- 3) national research councils;
- 4) authorized body;
- 5) field authorized bodies.

2. Management of scientific and (or) scientific-technical activity shall be based on the following principles:

1) priority of scientific and (or) scientific-technical activity for the purpose of competitive growth of the national economy;

2) transparency, neutrality and equality of the subjects of scientific and (or) scientific-technical activity upon receipt of the state support;

3) economic efficiency and effectiveness of the state support of the subjects of scientific, scientific-technical and innovative activity;

4) development of preferred directions of fundamental and applied scientific researches;

5) neutrality and independence of the expertise of scientific, scientific-technical projects and programs;

6) integration of the science, education and production;

7) training of highly-qualified personnel on preferred directions of science and scientific-technical activity;

8) development of international scientific and scientific-technical cooperation;

9) stimulation of commercialization of technology in priority economy sectors through the sales promotion;

10) incentive and creation of conditions for participation of subjects of private enterprise in development of scientific, scientific-technical and innovative activity;

11) stimulation of receipt, transformation of knowledge into technology and their transfer into economy.

Article 18. Higher scientific-technical commission

1. Higher scientific-technical commission shall be collegial body under the Government of the Republic of Kazakhstan, headed by the Prime Minister of the Republic of Kazakhstan.

2. The composition of higher scientific-technical commission shall be formed from among the number of members of the Government of the Republic of Kazakhstan, heads of state bodies, leading scientists, experts of different departments of knowledge, representatives of the national managers of holdings, national development institutes, national holdings, subjects of private enterprise and scientific public associations and shall be approved by the regulation of the Government of the Republic of Kazakhstan.

3. The main tasks of the Higher Scientific and Technical Commission are the formation of strategic objectives and priorities aimed at the development of scientific, scientific and technical, and innovative activities, the identification of priority fundamental and applied research in the areas of science, the consideration of proposals of national scientific councils, the development of proposals for financing scientific and (or) scientific and technical activities from the state budget, except for scientific, scientific and technical projects and programs formed as part of a state defense order.

Footnote. Article 18 as amended by Law of the Republic of Kazakhstan № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication).

Article 19. National research councils

1. National research councils shall be a collegial body on the branches of development of scientific and (or) scientific-technical activity.

2. The main objectives of the national research councils shall be:

1) formation of specialized scientific fields in accordance with priorities, determined by higher scientific-technical commission;

2) determination of forms and volumes of financing, appropriated for conduct of scientific researches;

3) estimation of scientific novelty, scientific-technical level, perspective, degree of development of proposed scientific, scientific-technical projects and programs, economic justification of required volume of financing;

4) estimation of requirements of the Republic of Kazakhstan in new scientific fields;

5) carrying out of competitive selection of scientific, scientific-technical projects and programs on fundamental and applied researches, suggested for financing from the state budget;

6) monitoring of the course of implementation of conducted scientific researches, as well as with the visiting in place.

3. National research councils shall be created on the branches of science in accordance with the state priorities of social and economic development of the Republic of Kazakhstan.

4. Compositions of the national research councils shall be formed by the authorized body from among the number of competent Kazakhstani and foreign scientists, representatives of the state bodies, national managers of holdings, national development institutes, national holdings, national companies, subjects of private enterprise at the suggestion and upon recommendations of field authorized bodies, scientific organizations, higher education institutes and scientific public associations and shall be approved by the Government of the Republic of Kazakhstan.

5. National research councils shall adopt decisions on grant and special-purpose program financing (termination of financing) at the expense of the state budget:

projects and programs of research scientific, design and experimental and technologic works;

other programs in a part of research scientific, design and experimental and technologic works;

projects of inter-state research scientific programs, implemented with participation of scientific institutions, organizations and enterprises of the Republic of Kazakhstan;

innovative projects.

6. Decisions of the national research councils shall be subject to compulsory fulfillment by the authorized body and field authorized bodies.

7. Members of the national research councils shall be obliged to inform the council on the conflict of interests known to them upon consideration of particular issues and shall bear responsibility for neutrality and justification of decisions, adopted by the council.

8. National research councils shall accept interim and summary reports on scientific and (or) scientific-technical activity on performed scientific researches on the relevant fields of scientific, scientific-technical and innovative activity, as well as carry out the monitoring of performing decisions, adopted by them.

9. Maintenance of the activity of national research councils, including the compensation for conduct of expertise of particular project, program (their report), monitoring of performance of scientific works, as well as business trip expenses of Kazakhstani and foreign scientists shall be incurred by the National centre of the state scientific-technical expertise from the state budget.

Article 20. National centre of the state scientific-technical expertise

1. For the purpose of ensuring the unity of administration, independence, transparency and publicity of expertise of scientific, scientific-technical and innovative projects and programs by the Government of the Republic of Kazakhstan, the National centre of the state scientific-technical expertise shall be created.

2. The competence of the National centre of the state scientific-technical expertise shall include:

- 1) organization of works on conduct of the state scientific-technical expertise of scientific, scientific-technical projects and programs, suggested to financing from the state budget;
 - 2) organization of work of the national research councils;
 - 3) sending results of the state scientific-technical expertise to the National research councils;
 - 4) estimation of results of the performed scientific, scientific-technical and innovative projects and programs (reports);
 - 5) carrying out of monitoring of effectiveness of conducted scientific researches, scientific-technical and innovative projects and programs;
 - 6) ensuring the qualitative selection of the composition of Kazakhstani and foreign experts;
 - 6-1) selection of experts for examination of scientific and scientific and technical projects and programs containing information constituting state secrets shall be carried out from among Kazakhstani scientists in compliance with the requirements of the legislation of the Republic of Kazakhstan on state secrets;
 - 7) methodical and organizational and technical ensuring of the state scientific-technical expertise;
 - 8) formation of data banks of scientific, scientific-technical and innovative projects and programs;
 - 9) conduct of research scientific works on improvement of its activity;
 - 10) carrying out of the other activity, not prohibited by the legislation of the Republic of Kazakhstan.
3. National centre of the state scientific-technical expertise shall have the right to:
- 1) require and receive information, required for carrying out of functions and performance of objectives assigned on it from the state bodies, subjects of scientific and (or) scientific-technical activity;
 - 2) give explanations on the issues, related to its competence;
 - 3) conduct monitoring of scientific researches at the stages of their performance and completion;
 - 4) engage the other organizations, Kazakhstani and foreign scientists for conduct of the expertise and carrying out of the monitoring of scientific researches in established manner;
 - 5) interact with scientific organizations in established manner;
 - 6) create advisory and deliberative bodies in the scope of scientific-technical activity;
 - 7) conduct measures on the issues of scientific and scientific-technical development;
 - 8) carry out publishing activities.
4. Financing of the activity of the National centre of the state scientific-technical expertise shall be performed from the state budget.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 131-V (shall be enforced upon expiry of ten calendar days after its first

official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 21. State scientific-technical expertise

1. State scientific-technical expertise shall be carried out for the purpose of preparation of analytical estimation of scientific, scientific-technical and innovative projects and programs on principles of independence, neutrality, competence, complexity, authenticity, completeness and justification of expert opinions.

2. State scientific-technical expertise of scientific, scientific-technical projects and programs, subject to financing from the state budget shall be conducted by the competent foreign and Kazakhstani experts.

3. Data base of foreign experts, the candidacy of which are represented by the leading foreign universities, research scientific institutions, national academies of sciences and scientific communities shall be created for engagement of experts for conducting the scientific-technical expertise.

Selection of experts shall be performed in accordance with their specialization and special aspects of the project.

4. Scientists, experts, including foreign, engaged to the estimation of scientific, scientific-technical and innovative projects and programs shall be obliged to comply with confidentiality and to preserve commercial secrecy of materials, represented to expertise.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 131-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 22. State accounting of scientific, scientific-technical projects and programs, and reports on scientific and (or) scientific-technical activity

1. State accounting of the implemented scientific, scientific-technical projects and programs, and reports on scientific and (or) scientific-technical activity shall be carried out for the purpose of formation of the national source of scientific-technical information and monitoring of the dynamics of scientific-technical potential of the Republic of Kazakhstan.

2. Subjects of scientific and (or) scientific-technical activity shall be obliged to represent the scientific projects, scientific-technical projects and programs, financed from the state budget, and reports on their performance for state accounting.

3. Control of representation of scientific, scientific-technical projects and programs, and reports on scientific and (or) scientific-technical activity for the state accounting shall be carried out by the authorized body and field authorized bodies.

4. Reports on implementation of scientific, scientific and technical projects and programs funded from the state budget shall be posted on the Internet resources of the authorized body

and sectoral authorized bodies, with the exception of reports on implementation of scientific, scientific and technical projects and programs financed from budgetary funds containing information constituting state secrets.

5. Rules for organization and conduct of state registration of scientific, scientific and technical projects, programs and reports on their implementation shall be developed and approved by the authorized body.

Footnote. Article 22 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 23. Accreditation of the subjects of scientific and (or) scientific-technical activity

1. Accreditation of the subjects of scientific and (or) scientific-technical activity shall be carried out at the expense of their own funds by the authorized body.

2. Accreditation of individuals, carrying out the scientific and (or) scientific-technical activity shall have the notifying nature with establishment of minimal required requirements to them.

Chapter 6. FINANCING OF SCIENTIFIC AND (OR) SCIENTIFIC-TECHNICAL ACTIVITY

Article 24. Financing of scientific and (or) scientific-technical activity

1. Financing of scientific and (or) scientific-technical activity shall be carried out from the state budget, as well as from other sources, not prohibited by the legislation of the Republic of Kazakhstan.

2. Financing of scientific and (or) scientific-technical; activity from the state budget shall be carried out in the following forms:

- 1) basic financing;
- 2) grant financing;
- 3) special-purpose program financing.

3. Financing of the subjects of scientific and (or) scientific-technical activity may be carried out simultaneously on the different forms of financing in the manner and on conditions, established by the order of basic, grant and special-purpose program financing of scientific and (or) scientific-technical activity.

4. The agreement on implementation of scientific, scientific-technical projects or programs shall be concluded by the subject of scientific and (or) scientific-technical activity

with the authorized body or field authorized body for the whole term of their implementation, but no more than three years.

Article 25. Base financing

1. Base financing shall be allocated to the state scientific organizations and scientific organizations, equated to them, state higher education institutes, higher education institutes, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, as well as higher education institutes in which fifty and more percent of voting shares (participatory shares in the charter capital) directly or indirectly belong to the legal entities, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, accredited in the authorized body and performing the state task and state order for conduct of scientific researches on the fields preferred for them, determined by the field authorized body.

2. Base financing shall include the expenses of the regulations of base financing for the current ensuring of the scientific infrastructure and property, including buildings, equipment and materials, payment for labour of administrative and service personnel, as well as informative maintaining of scientific-technical activity of the state scientific organizations, scientific organizations equated to them, state higher education institutes, higher education institutes, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state, as well as higher education institutes, in which fifty and more percent of voting shares (participatory shares in the charter capital) directly or indirectly belong to the legal entities, fifty and more percent of voting shares (participatory shares in the charter capital) of which belong to the state.

3. The list of organizations, being the subjects of base financing shall be formed by the authorized body on the basis of proposals of the field authorized bodies and approved by the Government of the Republic of Kazakhstan.

Article 26. Grant financing

1. Grant financing shall be allocated for scientific research in order to increase the level of scientific research, scientific and technical potential and competitiveness of scientific organizations and their teams, scientists, as well as the commercialization of scientific and / or scientific and technical activities.

2. The main direction and volumes of grant financing shall be approved by the higher scientific-technical commission on the basis of recommendations of the national research councils in accordance with preferred directions of science development of the Republic of Kazakhstan and shall be subject to consideration in established manner by the Republican budget commission.

3. Accredited subjects of scientific and (or) scientific-technical activity, as well as autonomous educational organizations and their organizations shall have the right to take participation on the equal conditions in a competitive tender for the grant financing.

4. Competitive tender to grant financing shall be undertaken by the authorized body or field authorized bodies using periodic printed publications and shall be subject to the placement on web-site of the authorized body or field authorized bodies, undertaken the competitive tender.

5. Applications for participation in grant financing shall be filed by the subjects of scientific and (or) scientific-technical activity to the authorized body or field authorized body, undertaken the competitive tender.

6. Decisions on grant financing shall be delivered by the national research council and approved by the authorized body or field authorized bodies, undertaken the competitive tender.

7. Grant financing shall be carried out by the authorized body or field authorized body, undertaken the competitive tender, or by the other person (body), authorized by the Government of the Republic of Kazakhstan for carrying out of financing of scientific and (or) scientific-technical activity.

8. The results of the tender for grant funding shall be subject to placement on the Internet resources of the authorized body or the sectoral authorized body, that announced the tender.

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 31.10.2015 № 382-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 27. Special-purpose program financing

1. Special-purpose program financing shall be oriented to decide strategic important state tasks and carried out on the competitive basis or under decision of the Government of the Republic of Kazakhstan beyond the tendering procedures.

2. The accredited subjects of scientific and (or) scientific-technical activity, as well as autonomous educational organizations and their organizations, as well as in capacity of an accomplice shall have the right to participate in competitive tender for the special-purpose program financing.

3. Competitive tender for implementation of the purpose-oriented scientific, scientific-technical program shall be undertaken by the authorized body or field authorized body in periodic printed publications and shall be subject to placement on web-sites of the authorized body or field authorized body, undertaken the competitive tender.

4. Applications for implementation of scientific, scientific-technical programs shall be filed by the authorized body or field authorized bodies to the National centre of the state scientific-technical expertise for consideration by the relevant research council.

5. The authorized body or field authorized body, undertaken the competitive tender for the special-purpose program financing shall file the applications for implementation of scientific, scientific-technical programs to the higher scientific-technical commission together with decisions of the national research councils.

6. Applications for scientific, scientific-technical programs, approved by the higher scientific-technical commission shall be subject to consideration by the Republican budget commission in established manner.

7. Winners of competitive tenders for implementation of purpose-oriented scientific, scientific-technical program shall be determined on the basis of decision of the national research councils and approved by the authorized body or field authorized body, undertaken the competitive tender.

8. Special-purpose program financing shall be carried out by the authorized body or field authorized body, undertaken the competitive tender, or the other person (body), authorized by the Government of the Republic of Kazakhstan to carry out the financing of scientific and (or) scientific-technical activity.

9. Following the results of competitive tender, the authorized body or field authorized body may determine the parental organization on scientific, scientific-technical program.

10. The results of the tender for program-targeted financing shall be subject to placement on the Internet resources of the authorized body or the sectoral authorized body, that announced the tender.

11. The procedure for financing of applied scientific researches when attracting co-financing from a private partner, with the exception of applied researches in the field of social sciences, humanities, ensuring national security and defense science, shall be determined in the rules of basic, grant and program-targeted financing of scientific and (or) scientific-technical activity.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 7. ECONOMIC STIMULATION OF THE SCIENCE DEVELOPMENT AND INTERNATIONAL COOPERATION

Article 28. Commercialization of the results of scientific and (or) scientific-technical activity

1. The state shall guarantee economic stimulation of development of the national scientific innovative system, development of the public private partnership in the field of scientific, scientific-technical and innovative activity, financing of commercialization of technology in priority sectors of economic in the manner, established by the legislation of the Republic of Kazakhstan.

2. State scientific organizations, state higher education institutions shall be allowed to create organizations, the activity of which is the practical application (commercialization) of the results of scientific and (or) scientific-technical activity, as well as together with the other persons.

3. In the capacity of the contribution to the charter capital of an organization, carrying out commercialization of results of scientific and (or) scientific-technical activity, the state scientific organizations, state higher education institutes may introduce only the rights of intellectual property without coordination with state bodies.

Disposal of the property rights to intellectual property shall be carried out by the state scientific organizations, state higher education institutes without coordination with the authorized state body- owner of their property.

A part of the income from commercialization of the results of scientific and (or) scientific - technical activity, carried out by the organization may be allocated to the endowment fund of the organization of higher and (or) postgraduate education, which finances conducting of scientific research or its commercialization.

4. Notification on creation of organization, carrying out the commercialization of results of scientific and (or) scientific-technical activity shall be filed by its incorporators to the relevant field authorized body not later than seven calendar days from the moment of the state registration.

5. In the capacity of contribution to the charter capital of organization, carrying out the commercialization of results of scientific and (or) scientific-technical activity, the other subjects of scientific and (or) scientific-technical activity may introduce the other property together with the rights of intellectual property.

6. Evaluation of the right of intellectual property, introduced in the capacity of contribution to the charter capital of an organization, carrying out the commercialization of results of scientific and (or) scientific-technical activity shall be performed in accordance with the legislation of the Republic of Kazakhstan.

7. Management of shares (participatory shares) in the charter capitals of organizations, carrying out commercialization of results of scientific and (or) scientific-technical activity shall be carried out in the manner, established by the legislation of the Republic of Kazakhstan.

8. Right of intellectual property, received by the subjects of scientific and (or) scientific-technical activity in the results of scientific and (or) scientific-technical activity, carried out from the state budget shall belong to scientific organizations, unless otherwise

provided by the agreement between them and the author (authors) of the object of intellectual property.

9. Use of the objects of intellectual property, representing strategic importance for the state or containing information, related to the state secrecy shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Restriction of exclusive rights to the objects of intellectual property shall be allowed in the cases, extents and manner, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 04.07.2018 No. 171-VI (shall be enforced upon expiry of decimal days after the day of its first official publication).

Article 29. International cooperation

1. International cooperation shall be carried out on the basis of the relevant international agreements, international scientific, scientific-technical projects and programs, as well as in the form of assistance to establish and extend scientific-technical cooperation between Kazakhstani and foreign scientific and other organizations.

2. Subjects of scientific and (or) scientific-technical activity shall have the right to join to international scientific, scientific-technical organizations and associations, participate in international scientific, scientific-technical projects and programs, scientific, scientific-technical projects and programs of the foreign states.

3. Scientific organizations and scientific centres may be created in the territory of the Republic of Kazakhstan in established manner with participation of foreigners, stateless persons and foreign legal entities.

4. Foreign investments in the scope of science and engineering shall be carried out in the manner and forms, provided by the legislation of the Republic of Kazakhstan.

5. State bodies of the Republic of Kazakhstan shall carry out the control of transfer of scientific and (or) scientific-technical results, as well as scientific and (or) scientific-technical production beyond the boundaries of the Republic of Kazakhstan in the manner, established by the legislation of the Republic of Kazakhstan.

Chapter 8. FINAL PROVISIONS

Article 30. Responsibility for violation of the legislation of the Republic of Kazakhstan on science

The violation of the legislation of the Republic of Kazakhstan on science shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Article 31. The order of enforcement of this Law

1. This Law enters into force upon expiry of ten calendar days after its first official publication.

2. The Law of the Republic of Kazakhstan dated 9 June 2001 “On science” (The bulletin of the Parliament of the Republic of Kazakhstan 2001, No. 15-16, Article 226; 2004, No. 23, Article 142; 2006, No. 15, Article 92; 2007, No. 20, Article 152) shall be deemed to have lost force.

The President
of the Republic of Kazakhstan

N. Nazarbayev

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