

Decree-Law 125/99, of 20 April

The Government Programme set up the strengthening of scientific institutions and the development of scientific research as one of the core objectives of its action in the area of science and technology.

To this end, emphasis was immediately given to the need to conduct a reform of public sector research in the framework of identification of current obstacles, of potentials detected and of future requirements.

In order to comply with these objectives, the Ministry of Science and Technology set in motion a process of detailed and independent evaluation of public sector research.

Initially all the units funded by the State in a multi-year basis were assessed, regardless of their public or private nature. Next the State laboratories were subject to evaluation.

This evaluation process, conducted independently by experts linked to foreign institutions and accompanied by the national scientific community resulted in a highly relevant series of recommendations which point, *inter alia*, to institutional and organisational reforms which it would be important to achieve.

To this end, the Council of Ministers adopted Resolution No. 133/97, of 17 July, which already defines the guidelines to be followed by these reforms and identifies the laws by which they should be achieved.

One of these laws is that which establishes the legal framework applicable to institutions devoted to scientific research and to technological development, which is now adopted.

This diploma intends, from the outset, to provide a consistent and systematic framework for the legal principles applicable to these institutions, putting an end to the dispersion of applicable rules, frequently contained in instruments of lesser legal status.

The different types of institution operating in the sector are clearly distinguished, ensuring their correspondence to a set of rights and obligations.

The first aspect to be emphasised, in this respect, is that of the openness to a wide range of institutional models and legal forms, accepting and moreover encouraging diversity as a factor of enrichment and development of the national scientific system.

Then particular attention is drawn to the inclusion, among the types of research and development institution, of the category of associated institution or laboratory. These are institutions that can be of a public or private nature provided, in this latter case, they take the form of private non-profit institutions and enjoy public interest status, and that are associated particularly with the pursuit of specific objectives of national scientific and technological policy, by way of contracts signed with the Government, which should define, namely, the aims to be achieved and the financial means granted by the Government for the pursuit of these aims.

The statute of public research institutions - State laboratories and others - is clearly defined, but the rules for private institutions which are the subject of state funding are also laid out.

Without prejudice to the principles of self-organisation and self-regulation, private research and development institutions that are beneficiaries of public funding should observe certain organisational principles and adopt a limited set of rules bearing on their organisational structure. It essentially amounts to establishing conditions that govern the provision of this funding.

With regard to the principles applicable to public institutions, it will be important to emphasise the adoption of regulations intended to help overcome the obstacles to their activities that are currently experienced.

It is considered that their recognition will help strengthen the essential role acknowledged for these institutions, in particular State laboratories, in the national scientific and technological context as institutions that carry out missions of indisputable public interest and conduct activities ranging from technological research and development to the provision of services, support for industry, certification, standardisation, inspections, regulation and others.

In this context, the first mention cannot fail to be for the flexibility that it is intended to introduce with regard to the mobility of human resources and of financial and asset management.

People are the most decisive component of the effective operation of an institution, and for this reason it is important to ensure mobility of personnel that can prevent the stagnation of institutions, permitting their constant renewal, maintaining high levels of motivation among employees and operating both within the public services and the private sector.

Mention should be made that the Assembly of the Republic granted the Government, through Article 9 of Law No. 127-B/97, of 20 December, legislative authorisation to enforce the objectives established in matters of human resources in the abovementioned resolution of the Council of Ministers.

It is also important to ensure the flexibility, adapting them to the specific demands of this type of institution, of the rules concerning the financial and asset management to which public research institutions are currently subject and which are a factor that interferes with their efficiency.

In addition to these principles, the law establishes a series of additional principles, some of which already with practical application, and which are now given justified binding force. This amounts to enshrining the regular and independent scientific, technical and financial monitoring and evaluation of institutions of this nature, of binding them to objectives

of diffusion of scientific and technological culture, of guaranteeing the optimisation of their assigned human and material resources and of promoting training of human resources and interinstitutional cooperation.

Another of the areas legislated is that of the organisational structure of State laboratories and of the other public research institutions, establishing for all the requirement for them to have an scientific board and a monitoring unit, and in addition, for State laboratories, a supervising committee, a joint committee and a steering committee, which works with their administrative boards. The steering committee comprises representatives of the ministries most concerned in the activity of the institution, as a means of ensuring more effective involvement of various government departments in the activities of State laboratories.

With a view to more effective pursuit of the public interest and as a result of the evaluation to be carried out, at a later date consideration will be given to other mechanisms for coordination of State intervention in scientific institutions and institution of technological development in which there is significant participation of the public sector. In short, this law is a further stage in the process of reform of the national scientific system which began with the evaluation of public sector research, aiming to help ensure that our country is invested with efficient institutions of scientific research and technological development, capable of meeting the demands of modern scientific activity and free from the restrictions that currently condition the efficiency of their work.

The associations representative of the sector were consulted.

Thus, by virtue of the legislative authorisation contained in Article 9 of Law No. 127-B/97, of 20 December, and under Article 198(1)a and b of the Constitution, the Government hereby decrees, to be valid as general law of the Republic, the following:

CHAPTER I

Scope and types

Article 1

Scope

This law establishes the regulatory framework applicable to institutions dedicated to scientific research and technological development.

Article 2

Types

The institutions of scientific research and technological development are of the following types:

- a) State laboratories;
- b) Other public research institutions;
- c) Private research institutions.

Article 3

State Laboratories

1 - State laboratories are public legal persons of an institutional nature created and maintained with the explicit purpose of pursuing the objectives of the scientific and technological policy adopted by the Government, by way of the pursuit of scientific research and technological development activities and of other types of scientific and technical activity provided for by their founding laws, such as the provision of services, support for industry, inspections, standardisation, certification, regulation and others.

2 - State laboratories enjoy administrative and financial autonomy.

3 - State laboratories are formally consulted by the Government on the definition of the programmes and instruments of national scientific and technological policy and are part of the structures of coordination of the scientific and technological policy provided for by law, in particular the *Gabinete Coordenador da Política Científica e Tecnológica*.

Article 4

Other public research institutions

1 - The other public research institutions are public legal persons or autonomous centres without legal personality which are formally part of the structure of those which, although they do not have the statute of State laboratories, are also dedicated to scientific research and technological development.

2 - The application of the regulations provided for in this law shall respect the principle of university autonomy and the legislation in force concerning the higher education system.

3 - Whenever the autonomous centres without legal personality referred to in Paragraph 1 need to enter into contracts or similar instruments, these will be signed by the institution with legal personality of which they are a part and by the director of the autonomous centre.

Article 5

Private research institutions

Private research institutions can be associations, foundations, cooperatives or companies or also constitute autonomous centres, without legal personality, of associations, foundations, cooperatives or companies.

Article 6

Associated laboratories

1 - Private research institutions in the form of private non-profit institutions with public interest status, as well as public research institutions that are not State laboratories, can be specially associated with the pursuit of particular objectives of national scientific and technological policy, by way of the conferral of the status of associated institution or associated laboratory.

2 - The status of associated laboratory is awarded by reasoned order of the Minister of Science and Technology for maximum periods of 10 years.

3 - The State, represented by the Ministry of Science and Technology, and the associated laboratory shall enter into an agreement, which should contain in particular:

a) A detailed description of the activities and objectives which the associated laboratory is bound to pursue, as well as a description of how they will be achieved and time-limits to be observed;

b) The public funds to be awarded by the State owing to the award of the status of associated laboratory and the forms of their transfer to the institution;

c) The undertaking of the associated laboratory to respect the principles consigned in this law and to adopt the organisational model enshrined herein.

4 - Associated laboratories are formally consulted by the Government on the definition of the programmes and instruments of national scientific and technological policy and are part of the structures of coordination of the scientific and technological policy provided for by law, in particular the *Gabinete Coordenador da Política Científica e Tecnológica*.

5 - Associated laboratories are subject to evaluation under the terms defined in this law and also to monitoring of the performance of contracts signed under the preceding paragraph, and the occurrence of any failure to fulfil the objectives to which they are bound or non-compliance with the principles enshrined in this law shall determine the cancellation of the status awarded, with the consequences referred to in Paragraph 3 of Article 30.

6 - At the end of half of the duration of the status of associated laboratory, a global evaluation will be made of the performance of the beneficiary institution in its pursuit of the objectives to which it is bound, and this evaluation may lead to the cancellation of the status under the terms referred to in the preceding paragraph or a change in the terms of the contract entered into with the State under the terms of Paragraph 3.

Article 7

Award of associated laboratory status

1 - The award of the associated laboratory status is dependent on an application by the institution interested therein.

2 - The award of the status shall be based on evaluation of the capacity of institutions in question to cooperate, on a stable, competent and effective basis, in the pursuit of specific objectives of the Government's scientific and technological policy, taking into account, namely, the results of the evaluations to which they are subject under the terms of Article 28 and of others expressly carried out for this purpose.

3 - At the end of the period for which the status is awarded, an evaluation shall be made of the results obtained, and under the terms referred to in Paragraphs 2 and 3 of Article 6, in the event of positive evaluation, the award of associated laboratory status may be renewed for successive periods.

CHAPTER II

Principles

SECTION I

Principles of scientific research and technological development

Article 8

Freedom of research

1 - Freedom of research is guaranteed to all institutions of scientific research and technological development, and should be exercised in compliance with the legal regime to which they are subject and with their missions.

2 - Private research institutions enjoy freedom of self-organisation, of self-regulation, of determination of their goals and of selection of their research projects.

Article 9

Accountability

1 - Accountability is inseparable from freedom of research.

2 - The director of the institution is accountable for the consequences of the dissemination or non-dissemination of the results of the activities of the institution, where public safety or health are involved.

3 - At State laboratories and other public research institutions the director discharges his/her accountability by transmitting to the minister concerned a detailed report on the consequences referred to in the preceding paragraph.

Article 10

Good scientific practice

Institutions of scientific research and technological development should be guided in their activities by principles of good scientific practice and should adopt the appropriate procedures to ensure the effective implementation of these practices.

SECTION II

Principles applicable to scientific institutions and to technological development

Article 11

Listing

1 - In addition to of the principles to which they are bound by virtue of general law and those arising from the pursuit of their duties, expressed in their own organic laws or statutes, State laboratories, other public research institutions and associated laboratories are governed by the following principles:

- a) Regular and independent scientific, technical and financial monitoring and evaluation;
- b) Diffusion of scientific and technological culture;
- c) Mobility of human resources;
- d) Flexibility of financial and asset management;
- e) Optimisation of available resources;
- f) Training of human resources;
- g) Planning by objectives in the context of programmes and projects;
- h) Interinstitutional cooperation.

2 - The principles referred to in subparagraphs a), b), e), f), g) and h) of the preceding paragraph apply also to private research institutions incorporated in long-term public funding programmes, and it may also be determined that they should apply to institutions that are beneficiaries of one-time funding whenever justified by its volume.

Article 12

Monitoring and evaluation

1 - The activities of State laboratories, of other public research institutions and of associated laboratories are subject to monitoring and evaluation.

2 - Scientific, technical and financial monitoring is conducted by an internal unit.

3 - External evaluation is organised by the State and conducted under the terms provided for in this law.

4 - Private research institutions covered by Paragraph 2 of Article 11 are also, under the terms referred to therein, subject to monitoring and evaluation.

Article 13 **Diffusion of scientific and technological culture**

1 - The state laboratories, other public research institutions, associated laboratories and private research institutions referred to in Paragraphs 2 of Article 11 should promote the diffusion of scientific and technological culture, in particular:

a) By circulating by appropriate means the results of their scientific and technological activities not covered by confidentiality restrictions;

b) By promoting the diffusion of scientific and technological knowledge, in particular among its users;

c) By organising initiatives to spread scientific culture, namely among the school population, providing school students with direct contact with the institution and the research projects in progress;

d) Maintaining continuously updated public information, in particular through telecommunications networks, with detailed presentations of the institution and of the research projects in which it is involved;

e) Facilitating public access to their libraries and multimedia libraries.

2 - All the entities referred to in the preceding paragraph should enter into their budgets funds intended for the diffusion of scientific and technological culture.

Article 14 **Human Resources**

1 - Besides the application of ways of constituting and modifying public employment relationships as provided for by general law, State laboratories and other public research institutions may also obtain the collaboration of personnel necessary to the pursuit of their duties, in particular scientific research and technological development personnel, through the following instruments:

a) Fixed-term contract of employment, under Decree-Law No. 427/89, of 7 December, the content of which should be adapted to the duties to be carried out, these contracts to have the duration of the project whenever their object is the performance of research and development projects, although without ever exceeding five years;

b) Individual contract of employment, with the prior consent of the Minister of Science and Technology and the minister concerned;

c) Assignment from a public or private entity;

d) Secondment from a public entity;

e) Invitation, under the terms of Article 79 of the Statute of the University Teaching Career;

f) Fixed-term contract of employment, under the regulations established in Decree-Law No. 64-A/89, of 27 February;

g) Grants, which, whenever their object is performance of research and development projects, may have the duration of these projects.

2 - The fixed-term contracts signed under Paragraph 1(a) are not subject to the selection procedure provided for in Article 19 of Decree-Law No. 427/89, of 7 December.

3 - In the case of assignment or secondment of employees or workers to pursue activities related the performance of research and development projects, the duration of these forms of mobility may be up to the duration of these projects.

4 - The assignment from private entities referred to in Paragraph 1(c) depends on the prior agreement of the employee assigned and his or her employer and is determined by order of the member from the Government on whom the entity interested in the assignment depends, who shall establish the corresponding period, which may be renewed, and the remuneration to be received.

5 - The use of the forms of mobility or hiring provided for in Paragraph 1(a) to (f) are exceptional in nature and, with respect to scientific research, requires prior consultation of the scientific board of the institution.

6 - Personnel in a scientific research career and employees especially hired under the terms of the statute of that career, as well as any other employees or workers at public research or higher education institutions, they can provide, on assignment or secondment, services in private research institutions that demonstrably carry out, or intend to carry out, activities in the field of science and technology, in order to, in particular, participate in projects that receive public funding and provided, as far as secondment is concerned, these institutions are private non-profit institutions and have been conferred public interest status.

7 - The assignment and secondment referred to in the preceding paragraph depend on the prior consent of the interested party and of the institution to which they belong, and is authorised by the minister concerned, following a duly reasoned request from the interested institution, the ministerial order to state its duration, which may be renewed.

8 - The authorisations of members of the Government referred to in Paragraphs 4 and 7 will be given, if the forms of mobility considered therein operate from or to public universities, by their rectors (*reitores*).

9 - Public research institutions may collaborate with entities of a public or private nature provided the entities of a private nature are non-profit private institutions, have been conferred public interest status and are dedicated to science and technology activities, and for this purpose they may, whenever it is in the public interest and whenever the use of the forms of mobility referred to in Paragraph 5 is not justified, assign working hours of their employees to these entities, without prejudice to their remuneration and social benefits and provided there is agreement by the interested parties.

10 - Whenever a researcher who does not have public employee status is to provide services in a State laboratory or in another public research institution, he or she will be assigned a research career rank, under the terms of the career's statute.

11 - The work performed under the terms of Paragraphs 1 and 6 can be part time.

12 - The powers of authorisation conferred by this article to Ministers of Science and Technology and other ministers concerned may be delegated to the directors of the organisations involved.

Article 15

Flexibility of financial and asset management

1 - State laboratories and other public research institutions with legal personality are governed, in matters of acquisition of goods and services, by the general framework applicable, with the following special situations:

a) Possibility of use of direct award with exemption from consultation in the acquisition of goods and services related to the scientific and technological activities of the institution up to a value of 15 million escudos, excluding VAT;

b) Possibility of use of negotiated procedure with publication of a contract notice in the acquisition of goods and services related to the scientific and technological activities of the institution up to a value of 30 million escudos, excluding VAT;

c) Power of their executive bodies to authorise expenditure related to the acquisition of goods and services up to the value indicated in the preceding subparagraph, when a higher value is not given by law.

2 - The power of the executive bodies of the institutions alluded to in subparagraph c) of the preceding paragraph may, in the case of collegiate bodies, be delegated to the chairmen and to their other members, for spending that does not exceed 70% and 60% respectively of the values referred to in subparagraph b) of that paragraph.

3 - The rules laid down in subparagraphs a), b) and c) of Paragraph 1 shall apply to procedures that commence after the entry into force of this law.

4 - The provisions in the statute of public companies, in particular in matters of financial and asset management, may apply to State laboratories, with the necessary adaptations, the specific terms of the application of these regulations and the form of transition thereto being the subject, in each case, of a decree-law.

Article 16

Optimisation of available resources

1 - The use of human and material resources of the institutions of scientific research and technological development should be optimised, in order to guarantee that the maximum benefits are obtained therefrom.

2 - Whenever the internal or external evaluation procedure to which the institution is subject ascertains that the institution is not making full use of the resources at its disposal and recommends that its premises and equipment be made available for use by researchers working for other public or public interest institutions of scientific research and technological development, the institution assessed should comply with this recommendation, insofar as it is not detrimental to its own operation.

Article 17

Training of human resources

Institutions of scientific research and technological development should promote the vocational training of their employees, encouraging, by the most appropriate means, their constant personal, professional and cultural development.

Article 18

Planning by objectives

1 - State laboratories, associated laboratories and other public research institutions should adopt planning by objectives, in the framework of the programmes and projects that they execute.

2 - Private research institutions should observe the provisions of the preceding paragraph, in the framework of programmes subject to public funding.

Article 19 **Interinstitutional cooperation**

Institutions of scientific research and technological development should actively promote forms of interinstitutional cooperation, using mechanisms provided for in this law and others deemed appropriate, as a way of boosting and developing scientific and technological activities.

CHAPTER III **Organisation**

Article 20 **Structure**

1 - Without prejudice to the provision of other categories in their own organic laws, State laboratories must have the following entities:

- a) Executive Board;
- b) Steering committee;
- c) Scientific board;
- d) Monitoring unit;
- e) Supervisory committee;
- f) Joint committee.

2 - The institutional structure provided for in the preceding paragraph is applicable to associated laboratories, with the exception of the bodies provided for in subparagraphs b) and f).

3 - Public research institutions which are not State laboratories nor have been conferred associated laboratory status should, without prejudice to the provision of other categories of bodies in their organic laws, must have the bodies provided for in subparagraphs a), c) and d) of Paragraph 1.

4 - Private research institutions incorporated in long-term public funding programmes should have the bodies referred to in subparagraphs c) and d) of Paragraph 1.

5 - Private research institutions that are beneficiaries of one-off public funding may, whenever justified by their volume, find that funding subordinate to the existence of any of the bodies referred to in subparagraphs c) and d) of Paragraph 1.

6 - The statutes of each research institution should accurately regulate the composition of each body, as well as the duration of the terms of office of their members and their names.

Article 21 **Executive Board**

1 - The executive boards of the institutions covered by Paragraphs 1, 2 and 3 of the preceding article are responsible, under general law and under their organic laws or statutes, for the management, running and administration of the institution, and also, in the case of State laboratories and other public research institutions, links with its controlling government department.

2 - Given the eminently technical nature of their duties, the directorships of public research institutions, including State laboratories, can be occupied by national or foreign specialists of recognised standing, without prejudice to the application of the provisions of the statute of the directors.

3 - The executive directors of the institutions referred to in the preceding paragraph will be appointed from among candidates with relevant curricula, which shall be published together with order approving the appointment.

Article 22 **Steering committee**

1 - Alongside the executive boards of State laboratories is a steering committee, comprising a representative of the minister concerned, a representative of the Minister of Science and Technology and also representatives of other ministries with interests in the specific area of action.

2 - The steering committee is responsible for accompanying the activities of the State laboratory and should, in particular, support the management in the design, framework and implementation of actions necessary to achieve the

missions attributed by the Government, delivering it opinions and recommendations for this purpose that it deems appropriate to formulate or it has been requested.

3 - The contract referred to in Article 6(3) may provide for the existence of a steering committee at associated laboratories.

Article 23

Scientific board

1 - The scientific board comprises all those who, in any capacity, including as holders of grants and whether Portuguese or foreign citizens, work at the institution, provided they have a doctoral degree or equivalent, has passed the examinations referred to in Article 17(2) of Decree-Law No. 219/92, of 15 October, or, even if they do not have any of these qualifications, are engaged in a research career with the category the same as or higher than that of assistant researcher or in a university teaching career with the category the same as or higher than assistant professor.

2 - The scientific board is responsible for approving its own internal regulations and delivering opinions on the budget, the plan and the institution's annual activity report.

3 - The organic law, the statutes of the institution or the internal regulations of the scientific board should ensure that this body works efficiently and, given the number of members it comprises, provisions may be made for it to operate in sessions or for there to be a coordinating committee for the scientific board.

Article 24

Monitoring unit

1 - The monitoring unit performs internal evaluation and advisory duties, in accordance with parameters defined by the institution itself, the results of its activities being intended for the use of the institution.

2 - The monitoring unit comprises specialists and persons from outside the institution, selected by the institution, with recognised competency in the area of activity of the institution and, whenever possible, at least part of these should work at non-Portuguese institutions; it should also comprise representatives of users invited for this purpose by the institution.

3 - The monitoring unit is responsible for regularly analysing the operation of the institution and delivering the opinions it deems appropriate, namely on the plan and the annual activity report.

4 - The number of members of the monitoring units should be suitable for the size and nature of the institutions where they operate and should have between five and nine members at public research institutions, including State laboratories.

5 - The composition of the monitoring units of State laboratories requires ratification by its controlling government department.

6 - At State laboratories and associated laboratories where technological development in support of companies is the dominant activity, their organic laws may also provide for other mechanisms of participation by business entities.

Article 25

Supervisory committee

1 - The supervisory committee must include a qualified auditor and is appointed by joint order of the Minister of Finance and the Minister concerned.

2 - The responsibilities of the supervisory committee include:

- a) Examining the accounts of the institution;
- b) Monitoring the execution of activity plans and the budgets;
- c) Delivering opinions on the financial and asset management instruments;
- d) Informing the competent authorities of any irregularities detected;
- e) Exercising other competencies attributed by law and pronouncing on all the questions put to it by the competent bodies of the institution.

3 - Associated laboratories which, in accordance with the law or their statutes, have a body to supervise their accounts are exempted from the creation of a supervisory committee as provided for in this article.

4 - Public research institutions that are not State laboratories nor have associated laboratory status should, whenever justified by the amount of their funding, subject their accounts to supervision in accordance with the model appropriate at their dimension and nature.

Article 26
Joint committee

1 - The joint committee comprises members elected by the institution's employee representatives and members appointed by its executive board, in identical numbers, as established in the organic laws of the institutions.

2 - The members of the joint committee should be chosen to represent, insofar as it is possible, all categories of staff at the institution.

3 - The joint committee shall be called on to pronounce, in an advisory capacity, on the plan and the annual activity report of the institution, as well as on labour issues, in particular the organisation of work and vocational training.

4 - The organic laws of State laboratories may provide, as an alternative to the model established in this article, for other ways of consulting staff on the matters referred to in the preceding paragraph.

Article 27
Confidentiality

The participation of specialists or persons from outside the institutions in advisory and evaluation functions may be subject to a confidentiality commitment and duty of secrecy with regard to the information which, to this end, they are given or to which they have access.

CHAPTER IV
External evaluation

Article 28
Scope and nature

1 - The external evaluation of scientific research and technological development institutions covers:

- a) The evaluation of the applications for public funding;
- b) The periodical evaluation of the institutions.

2 - The evaluation procedure will be conducted by evaluation panels, which generally and in order to promote the internationalisation of the institutions and a desirable reciprocity on this matter, will predominantly comprise experts from non-Portuguese institutions, its composition being duly announced and subject to periodical renewal.

3 - The evaluation procedure will be based, as appropriate, on the applications or activity reports of the institutions, in their academic and financial components, evaluation visits and hearings of officials and other members of the institution.

4 - The report on the periodical evaluation of institutions may be commented in writing by the institution concerned, which is granted publicity the same as that granted to the report.

5 - Research and development institutions have the right to appeal against the periodical evaluation reports to which they are subject.

6 - Without prejudice to any external evaluations promoted by the corresponding controlling government departments, the Ministry of Science and Technology is responsible for ensuring that research and development institutions are subject to a consistent system of periodical and independent evaluation, carried out in compliance with the principle of the collaboration of the institutions assessed.

Article 29
Evaluation factors

1 - For the evaluations referred to in the preceding article, the following factors will be considered in each scientific or technological domain:

- a) The results and the success of the scientific or technological activity developed, as well as the efficiency of the institution in obtaining these results with the resources available;
- b) The results and the success obtained with the provision of services to public or private external entities, and with activities of certification, standardisation, regulation, expert studies and others, as well as the efficiency of the institution in obtaining these results with the resources available;
- c) The relevance of the research activity and technological development and their contribution to the pursuit of the national objectives of the scientific and technological policy;
- d) The internationalisation of its activities;
- e) The quality of the organisation and of the scientific and technological management and the working environment, taking into account in particular leadership, internal structure and strategic orientation;

f) Effective cooperation with other establishments;
g) The circulation of the results of the activities of the institution to users and to society in general and also activities carried out in the field of promotion of scientific and technological culture, particularly those involving collaboration with schools, aimed at strengthening basic scientific education.

2 - The curriculum details of researchers may only contribute to the evaluation of the institution to which they formally belong.

3 - Depending on the results of the periodical evaluations of the institutions or the exceptional evaluations, corrections may be decided to the public funding initially established.

4 - When evaluation process leads to the conclusion that the quality of the research activities is insufficient, this may determine the suspension of the public funding attributed to this purpose.

CHAPTER V

Final provisions

Article 30

Optimisation of public funding of institutions

1 - Institutions of scientific research and technological development should make efficient of the public funding that they receive.

2 - Whenever it is established that the premises, equipment or other resources obtained with public funds are not being properly used, to the detriment serious of the public interest that governed the award of these funds to the institution, the minister concerned and the minister responsible for the funding programme, or just the latter, in the case of private establishments, should, by the most appropriate means and within the limits of the law, intervene to ensure the efficient use of these premises, equipment or resources.

3 - Whenever, as a result of the intervention referred to in the preceding paragraph, it is not possible to overcome the situation that justified the intervention, the aforementioned members of the Government shall determine the reassignment to other institutions of the premises, equipment and resources obtained with public funding that are not being properly used.

Article 31

Organic laws

Without prejudice to the immediate application of the provisions of this law, the organic laws of the public research institutions should be brought in line with it within no more than one year.

Article 32

Military institutions

The regime established in this law does not apply to institutions of scientific research and technological development of a military nature.

Seen and approved in the Council of Ministers of 30 December 1998. - António Manuel de Oliveira Guterres - José Veiga Simão - António Luciano Pacheco de Sousa Franco - Jorge Paulo Sacadura Almeida Coelho - João Cardona Gomes Cravinho - Joaquim Augusto Nunes de Pina Moura - Luís Manuel Capoulas Santos - Eduardo Carrega Marçal Grilo - Maria de Belém Roseira Martins Coelho Henriques de Pina - Elisa Maria da Costa Guimarães Ferreira - José Mariano Rebelo Pires Gago.

Enacted on 5 April 1999.

To be published.

The President of the Republic, Jorge Sampaio.

Countersigned on 9 April 1999.

The Prime Minister, António Manuel de Oliveira Guterres.