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Law 4429/2016 Hellenic Foundation for Research and Innovation/issues concerning Technological Educational Institutes (TEI), the Centre of Post Training for Merchant Marine Officers (KESEN), athletes, etc. (682396)

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LAW No 4429 (GOV. GAZETTE, SERIES I, 199/21.10.2016)
Hellenic Foundation for Research and Innovation and other provisions.

THE PRESIDENT
OF THE HELLENIC REPUBLIC

We hereby issue the following law passed by Parliament:

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Article 1

Establishment of the Hellenic Foundation for Research and Innovation

1. A nonprofit legal person governed by private law is hereby established under the registered name 'Ελληνικό Ίδρυμα Έρευνας και Καινοτομίας' (hereinafter referred to as 'the Foundation'). In its dealings abroad, the Foundation shall use the registered name 'Hellenic Foundation for Research and Innovation (HFRI)'.

2. The Foundation is part of the broader public sector and shall operate in the service of the public interest and, more specifically, for the promotion of research and innovation. It shall operate in accordance with the rules of the private economy and shall be governed by the provisions of this law and the Internal Rule of Operation.

3. The Foundation shall enjoy all administrative, financial and judicial reliefs, as well as the procedural and substantive privileges of the Greek State, and shall be exempt from the obligation to pay taxes for revenue obtained in the pursuit of its purpose, excluding VAT, the Single Real Estate Tax (ENFIA), as well as inheritance and property transfer tax.

4. The Foundation shall be seated in Athens. Services and offices of the Foundation may operate in other cities within the territory of Greece.

5. The Foundation shall be supervised by the Alternate Minister of Education, Research and Religious Affairs who is competent for research matters (hereinafter referred to as the Minister).

"6. The General Secretariat of Research and Technology of the Ministry of Education, Research and Religious Affairs shall support the operation of the Hellenic Foundation for Research and Innovation."

"Until the issuance of the Ministry of Education, Research and Religious Affairs governing Act, the Secretary-General for Research and Technology (G.G.E.T.) shall appoint the G.G.E.T. Department to exercise the competency in question, and shall resolve all relevant matters."

*** The second indent of paragraph 6 (which was added by virtue of Article 28(10) of Law 4452/2017, Gov. Gazette, Series I, 17/15.2.2017) was added by virtue of Article 20(12) of Law 4521/2018, Gov. Gazette, Series I, 38/2.3.2018.

Article [2](#)

Article 2

Purpose

1. The purpose of the Foundation is the promotion of research and innovation in the context of the national strategy for research and innovation. In order to fulfil its purpose, the Foundation shall:

a. Fund research programmes. The funding includes but is not limited to payroll costs for research, administrative and other personnel, research infrastructure access costs, expenditures for consumables, travel expenses, costs for the publication of research and protection of intellectual property rights;

b. Sponsor scholarships for the authoring of doctoral theses and post-doctoral studies;

c. Fund the purchase of research equipment on the basis of a strategic plan;

d. Facilitate the access of Universities, Technological Educational Institutes (TEIs) and research and technological bodies to funding for innovative research programmes;

e. Support, through lump-sum funding, the creation and operation of start-ups to capitalise on research results. The funds for the fulfilment of the purpose of this sub-paragraph may not originate from the funds of Article 3(1) (d);

f. Provide services related to foregoing activities;

g. Conclude any type of contract, partnership agreement and programme agreement with the General Secretariat of Research and Technology, the various Central and General Government bodies, as well as natural or legal persons, whether domestic or foreign, for the assessment of funding proposals, the management of research programmes and other actions and, generally speaking, for the unhindered fulfilment of its purpose.

2a. The main beneficiaries of funding by the Foundation are, without prejudice to paragraph 1e of this Article, Universities and TEIs seated in Greece, the research and technological bodies of Article 13a of Law 4310/2014 (Gov. Gazette, Series I, 258) and the University Research Institutes of Law 2083/1992 and Law 3685/2008. Co-beneficiaries may be enterprises, educational and research foundations and other domestic bodies of the public or private sector. The potential main beneficiaries and co-beneficiaries of funding shall be designated in each call.

b. With respect to scholarships for the authoring of doctoral theses and post-doctoral studies, in particular, the beneficiaries are natural persons, irrespective of nationality and connection to the specific educational foundation or research centre, who satisfy the requirements laid down in each call.

Article 3

Article 3

Assets - Resources of the Foundation

1. The resources of the Foundation shall be:

a. Any type of funding/subsidy included in the State Budget (ordinary budget and Public Investment Programme);

b. Funding and any type of aid or subsidy from bodies and organisations of the European Union and other EU or international organisations;

c. Funding in compliance with the Agreement between the Hellenic Republic and the European Investment Bank of 15 July 2016 managed by the Foundation as the beneficiary and on account of the Hellenic Republic;

d. Donations, aid, inheritances, bequests, subsidies, sponsorships and any type of contribution by natural or legal persons, whether private or public, whether domestic or international.

2. The Foundation shall manage its resources in compliance with the provisions of this law, the Agreement between the Hellenic Republic and the European Investment Bank of 15 July 2016, and the Internal Rule of Operation, in a special treasury management account kept at the Bank of Greece.

3. The funding to be disbursed under the Agreement between the Hellenic Republic and the European Investment Bank of 15 July 2016 shall constitute loan revenue of the State Budget and an equal amount shall be registered in a special item for the Foundation in the budget of the Ministry of Education, Research and Religious Affairs.

4. Should the Foundation be dissolved, its property, both movable and immovable, as well as all its rights and obligations shall devolve to the Greek State.

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Article 4

Financial management

1. The financial operation of the Foundation and its funding of research programmes shall take place on the basis of the principles of outstanding academic performance, transparency, meritocracy and sound financial management.

2. The Foundation shall keep all the necessary receipts and supporting documents and shall make them available to the competent bodies upon request. The Foundation shall publish the annual scheduling of funding actions, all the projects for which calls have been issued, and a list of bodies and the funding amounts corresponding to them on its website.

3. Beneficiaries of funding are obligated to provide the Foundation with any and all information necessary to monitor the implementation of the corresponding action, to accept all the audits, verifications and inspections required by law and the Internal Rule of Operation, and to provide the competent Foundation bodies with all the information necessary for the unhindered execution of their work. Verifications, inspections and audits of funded programmes shall be conducted in order to monitor the actions and investments carried out and to ensure that the sums disbursed by the Foundation are invested according to the goals and provisions set forth herein and in the decisions of the bodies of the Foundation.

4. The accounting period of the Foundation shall begin on 1 January of each year and end on 31 December of the same year.

5. The Foundation shall draft an annual report containing the financial statement and review of Foundation activities, and publish it on its official website. The financial statement must include the balance sheet, the profit and loss account and the cash flow of the Foundation. Every October, the annual report concerning the preceding year shall be submitted to the Minister.

"6. The ordinary audit of the financial management of the Foundation shall be conducted on an annual basis by two (2) certified public accountants appointed, along with two substitutes, in a decision issued by the Director of the H.F.R.I. to audit the lawfulness of the financial management on the basis of the information contained in the annual report. The certified public accountants' fees shall be charged to the budget of the Foundation. An extraordinary audit may be ordered at any time by virtue of a decision issued by the Minister."

*** Paragraph 6 was replaced with the preceding text by virtue of Article 20(13) of Law 4521/2018, Gov. Gazette, Series I, 38/2.3.2018.

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Article 5

Calls and assessment of proposals

1. Every year, the allocation of Foundation resources per action category (e.g. scholarships, research programmes, equipment, etc.) and per scientific field shall be specified in a decision issued by the Minister, following a proposal by the Scientific Council of the Foundation (annual action programme).

"The decision shall concern the succeeding financial year. If the Scientific Council does not submit a proposal by late October, the Minister shall issue the resource allocation decision without such a proposal".

*** The second indent of paragraph 1 was added by virtue of Article 20(14) of Law 4521/2018,
Gov. Gazette, Series I, 38/2.3.2018.

2. Calls concern, *inter alia*, the following scientific fields: natural sciences, engineering and technology sciences, medicine and health sciences, agricultural sciences, social sciences and humanities.

3. The Director shall prepare and publish calls for the categories of Foundation actions on the Foundation website in accordance with the resource allocation decision, the annual programme of the Foundation and the decisions of the Scientific Council. With respect to the funding of research equipment, in particular, calls shall be published once per year, according to the annual programme of actions.

"4. The calls or implementation guides thereof shall set out, in particular, the nature and goals of the project, study or programme, the potential main beneficiaries and co-beneficiaries, the procedure and criteria for the submission of funding proposals, their preliminary screening and assessment, the financial activities receiving aid, the expenditures financed, the manner of final selection of the projects to be funded, the total budget, the procedure for the implementation of the project, study or programme, the procedure for the examination of proposals, the requirements for the disbursement of the funding, the obligations of beneficiaries, as well as the consequences of non-compliance with the terms and conditions of the funding decision. Furthermore, instructions on the lodging of objections and the procedure for their examination, as well as clarifications on any other relevant matter shall be provided.

*** Paragraph 4 was replaced with the preceding text by virtue of Article 69(7) of Law 4485/2017, Gov. Gazette, Series I, 114/4.8.2017.

5. Proposals shall be assessed in compliance with the provisions contained herein, the Internal Rule of Operation of the Foundation and the decisions of the Scientific Council. The assessment shall be conducted with a view solely to the scientific adequacy and quality of the proposals and according to procedures that ensure the swift and administratively streamlined completion of the programmes.

"6. The proposals submitted by potential beneficiaries shall be assessed by one or more independent experts or by a committee (or committees) of experts or by an independent expert (or experts) and a committee (or committees) of experts, depending on the nature and number of scientific fields that an action or programme covers. The experts in question, whether independent or members of committees, shall be selected from the Registry of Certified Assessors of Article 27 of Law 4310/2014 (Gov. Gazette, Series I, 258) and shall have the qualifications related to the field of the project to be assessed. The experts and the committee shall be appointed by the Scientific Council. If the specialist scientists required for a specific case are not available or the existing ones do not cover the need of the specific assessment, specialist scientists from Greece or abroad not included in the Registry of Certified Assessors may be appointed as members pursuant to a decision of the Scientific Council. The provisions of Article 5(10) of Law 4429/2015 shall apply to the fees of the experts and committee members of this paragraph. The provisions of Article 2(D) (D9) of Law 4336/2015 shall apply to their off-site travel expenses. Acts that concern the selection, appointment, off-site travel and fees of experts and committee members shall be published and posted on the 'Diavgeia' Programme immediately after the assessments have been conducted and completed. This paragraph shall enter into force on 01/01/2017."

*** Paragraph 6, as replaced by Article 28(6) of Law 4452/2017, Gov. Gazette, Series I, 17/15.2.2017, was replaced with the preceding text by virtue of Article 69(8) of Law 4485/2017, Gov. Gazette, Series I, 114/4.8.2017.

"7. The assessment process shall not exceed six (6) months. The assessment results shall be immediately communicated to potential beneficiaries, with a personalised report and documentation of the assessment decision."

*** Paragraph 7 was replaced with the preceding text by virtue of Article 69(3) of Law 4485/2017, Gov. Gazette, Series I, 114/4.8.2017.

8. Potential beneficiaries may lodge an objection on grounds of the lawfulness of the decision within a time-limit of ten (10) days, commencing from the date of communication of the assessment decision, before an objections committee formed for this purpose by virtue of a decision of the Scientific Council. The objections committee shall consist of three (3) members who shall be selected from the Registry of Certified Assessors of Article 27 of Law 4310/2014 (Gov. Gazette, Series I, 258), as in force, and shall have the qualifications that are provided for in the foregoing provisions and are related to the field of the project to be assessed. The members of the objections committee must be different than those of the committee of paragraph 6. The objections committee shall issue decisions within a time-limit of ten (10) days from the date the objection was lodged. Committee decisions shall be communicated to the Director of the Foundation and forwarded to the interested parties.

9. Following the assessment of the proposals, the Director of the Foundation shall issue the funding decision. This decision shall constitute an enforceable administrative act and shall be subject to petitions for annulment filed with the Administrative Court of Appeal.

10. The provisions of Article 21 of Law 4354/2015, as in force, shall apply to the determination of the fee of the members of the committees of paragraphs 6 and 8 of this article. These fees shall be charged to the budget of the Foundation.

Article [6](#)

Article 6

Bodies of the Foundation

The bodies of the Foundation are the General Assembly (GA), the Scientific Council (SC) and the Director.

Article [7](#)

Article 7

General Assembly

1. The General Assembly (GA) shall guarantee the independence of the Foundation and the fulfilment of its mission. The General Assembly shall comprise of acclaimed scientists with extensive scientific work and research experience. The individuals selected shall be appointed for a full term and may not be terminated during their term for an opinion expressed or vote submitted in the discharge of their duties.

2. The members of the General Assembly shall be selected from a Greek Higher Educational Institute (AEI) and from the bodies of Article 13a of Law 4310/2014 under the following procedure:

a. Every two years, the National Council for Research and Innovation (ESEK) shall issue a decision setting the criteria that attest to significant research performance and which the AEIs of Greece and the bodies of Article 13a of Law 4310/2014 must meet in order to appoint members for the GA of the Foundation.

b. Subsequently, the ESEK shall prepare a list of the bodies that meet the foregoing criteria and communicate it to the SC and to the bodies.

c. The Senate and BoD of each body included in the foregoing list shall extend an open call for expressions of interest for the selection of one (1) member and their substitute to staff the GA of the Foundation.

d. Following the assessment of candidates, the Senate of the AEI, at the recommendation of the Research Committee and the BoD of the body of Article 13a of Law 4310/2014, respectively, shall select the ordinary member and their substitute, and shall notify the Foundation to this effect. The decision must be reasoned with respect to the range and quality of the research work, as well as the research experience of the individuals selected.

The BoD of the Biomedical Research Foundation of the Academy of Athens shall select one member and their substitute, and the Administration of the Academy of Athens shall select one member and their substitute from the research centres of the Academy.

3. The establishment of the GA shall take place by virtue of a decision issued by the Minister, to be published in the Government Gazette.

4. The capacity of member of the GA of the Foundation is not compatible with:

a. The capacity of Rector, Vice Rector and Dean, member of the Senate or the Research Committee or President of a School of an AEI;

b. The capacity of member of the Board of Directors of a research body or institute of Article 13a of Law 4310/2014.

5. Members of the GA shall serve a three-year term which may only be renewed once. The composition of the GA shall be renewed in a manner that safeguards the continuity of its operations. With respect to the first GA established, in particular, half the members shall be appointed for a two-year term on the basis of a lottery conducted during the first meeting of the body.

6. Three (3) months prior to the expiry of the term of each member at the latest, the Chairperson of the GA shall request the body concerned to select the new ordinary member and their substitute to succeed the departing member. If the body fails to make a choice within the foregoing time-limit, the Minister shall select a new ordinary member and their substitute from the professors or researchers of the body concerned.

7. Following its establishment as a body, the GA shall operate lawfully, even if one or more of its members are disqualified, terminated, resign or become permanently unable to discharge their duties on any grounds, provided the remaining members account for at least 3/4 of the initial number. In the event that more than 1/4 of the members of the GA become permanently unable to discharge their duties or are absent, the bodies from which they originated shall select new members for the remainder of their term. If a body fails to make a choice within three (3) months from the date of notification of the absence or permanent inability of a member, the Minister shall select a new ordinary member and their substitute from the body in question.

8. Members of the GA of the Foundation may be terminated during their term by virtue of a decision issued by the Minister due to activities incompatible or actions conflicting with the capacity of member of the GA of the Foundation.

9. The Chairperson and Vice-Chairperson of the GA shall be elected by its members to serve a three-year term which may only be renewed once. The

Chairperson shall convoke an ordinary or extraordinary meeting of the GA, set the agenda and direct its work. Should the Chairperson be absent or indisposed, he or she shall be substituted by the Vice-Chairperson.

10. The General Assembly shall have the following competencies:

a. To select the members of the Scientific Council;

b. To approve partnerships and cooperation with other bodies of the public or private sector, whether domestic or foreign, proposed by the Scientific Council for the fulfilment of the purpose of the Foundation;

c. To submit proposals to the Scientific Council on matters related to the research activities of the Foundation, and to propose measures for their implementation;

d. To approve the annual report (financial statement and review of activities) of the Foundation.

11. The GA shall hold ordinary meetings twice per year and extraordinary meetings whenever requested by at least ten (10) of its members or by the Chairperson of the SC or by the Director of the Foundation. The GA shall achieve a quorum when at least 50% of its members are present, and shall make decisions with a majority of the members present. The Chairperson shall have a tie-breaking vote.

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Article 8

Scientific Council

1. The Scientific Council (SC) of the Foundation shall consist of nine (9) ordinary members, scientists of international standing, belonging to the following fields: a) agricultural sciences; b) natural sciences; c) mathematics and information technology; d) social sciences; e) humanities; f) environment and energy; g) medicine and health sciences; h) engineering and technology sciences; and i) innovative entrepreneurship.

2. Individuals who have been distinguished for their international work and experience in the corresponding foregoing field shall be elected as SC members. The specific qualifications of SC members shall be set out in the Internal Rule of Operation. The capacity of SC member is not compatible with the capacity of member of the Ministerial Council, Deputy Minister, General or Special Secretary of a Ministry of independent General Secretariat, MP, Regional Governor, Deputy Regional Governor, Mayor or Deputy Mayor. Furthermore, the capacity of SC member is not compatible with the capacity of member of the GA, Director and deputy Director of the Foundation.

"Members of the Scientific Council (SC) may not submit applications for funding to the H.F.R.I. nor serve as a member of a scientific team that has submitted an application."

*** The final indent of paragraph 2 was replaced with the preceding text by virtue of Article 98(3) of

Law 4547/2018, Gov. Gazette, Series I, 102/12.6.2018.

3. The members of the SC of the Foundation shall be selected as follows:

a. The GA shall prepare an international call for expression of interest to fill the foregoing nine (9) posts and publish it on the Foundation website.

b. Interested parties shall submit their candidacies online. The GA shall appoint a nine-member Recommendation Committee from among its members, representing the nine fields of paragraph 1. Should a field not be represented on the GA, the GA shall appoint an external member with significant international experience in the corresponding field on the Recommendation Committee. The committee shall assess the candidacies and recommend a list with candidates per field, ranked by assessment grade, to the GA.

c. The GA shall select SC members from the list of candidates, with one member selected for each of the fields set out in paragraph 1. The SC shall be established by virtue of a decision issued by the Minister published in the Government Gazette.

"4. SC members shall serve a four-year term."

5. Three (3) months prior to the expiry of the term of each member at the latest, the GA shall prepare and publish a call for expression of interest to select a new member to replace the departing member.

"6. Upon being established as a body, the SC shall elect a Chairperson and Vice-Chairperson. The Chairperson of the SC is elected by the members of the SC to serve a four-year term which may not be renewed. The Chairperson shall convoke an ordinary or extraordinary meeting of the SC, set the agenda and direct its work. Should the Chairperson be absent or indisposed, he or she shall be substituted by the Vice-Chairperson and if the latter is also indisposed, by the most senior member of the Council. The SC shall achieve a quorum when at least five (5) of its members are present, and shall make decisions with a majority of the members present. The Chairperson shall have a tie-breaking vote."

*** Paragraphs 4 and 6 were replaced with the preceding text by virtue of Article 28(9) of Law 4452/2017,

Gov. Gazette, Series I, 17/15.2.2017.

"7. Members of the Scientific Council of the Foundation may be terminated during their term by virtue of a decision issued by the General Meeting or by the Minister of Education, Research and Religious Affairs for misconduct or activities incompatible or actions conflicting with the capacity of member of the Scientific Council of the Foundation."

*** Paragraph 7 was replaced with the preceding text by virtue of Article 20(7) of Law 4521/2018, Gov. Gazette, Series I, 38/2.3.2018.

8. Should a member of the SC resign, be absent or should their term end in any other manner, they shall be temporarily substituted by a member selected by the SC following the publication of a relevant call for expressions of

interest prepared and published by the SC. During the GA meeting held following the selection of the temporary member, the GA shall either approve or reject the election of that member for the remainder of the term in question. In the event of rejection, the GA shall prepare and publish a relevant call for expression of interest for the selection of a new member.

"In the event that the number of members of the Scientific Council does not suffice to achieve a quorum, the Minister shall appoint the number of members necessary to achieve the quorum required by Article 8(6). The decision shall be published in the Government Gazette. This appointment shall remain in effect until the appointment of the members of the Scientific Council under the provisions of this law and, in any event, may not exceed six (6) months in duration."

*** The last three indents of paragraph 8 were added by virtue of Article 45 of Law 4521/2018,
Gov. Gazette, Series I, 38/2.3.2018.

9. The Scientific Council shall govern the Foundation and have the following competencies in particular:

a. To ensure the fulfilment of the purpose of the Foundation on the basis of the national policy for research and innovation;

b. To accept donations and funding of any type;

"c. To form evaluation committees and objections committees to assess proposals and select the final beneficiaries, and to supervise their proper operation with a view to the principles of meritocracy and transparency. Members of the Scientific Committee may not serve on these committees;

d. To select the Director and approve the selection of Deputy Directors;

e. To approve the Foundation budget, following a recommendation by the Director;

f. To recommend partnerships and cooperation between the Foundation and bodies of the public and private sector, whether domestic or foreign, to the GA;

g. To recommend amendments to the Internal Rule of Operation to the Minister;

8. To approve the operation of Foundation services and offices in other cities within the territory of Greece, following a recommendation by the Director.

*** indents c and d of paragraph 9 were replaced with the preceding text by virtue of Article 20(15) of
Law 4521/2018, Gov. Gazette, Series I, 38/2.3.2018.

10. The SC is competent for all matters concerning the administration of the Foundation that are not assigned to the GA or to the Director.

"11.a. An Advisory Committee, which shall be independent from the other bodies of the Foundation, shall be formed by virtue of a decision issued by

the Minister, published in the Government Gazette. The members of the Advisory Committee shall serve a four-year term.

b. The Advisory Committee shall consist of eleven (11) members, who must be acclaimed scientists of high international standing or members of domestic or foreign business and/or production bodies.

c. Three (3) months prior to term expiry of Advisory Committee members, the National Council for Research and Innovation (ESEK) shall prepare a list of twenty two (22) proposed members of the Advisory Committee, of whom six (6) shall also be ESEK members, and submit it to the Minister and to the Scientific Council. The Minister shall select six (6) members from this list, while the Scientific Council shall select five (5) members. Up to three (3) of the eleven (11) members of the Advisory Committee may simultaneously serve as ESEK members.

d. The Advisory Committee is consultative in nature and is competent to evaluate the action of the Foundation and put forward opinions and recommendations aiming at optimising its operation. The Advisory Committee shall examine issues of particular importance or issues of specific interest concerning the operation of the Foundation and the funding of research and innovation. Issues are examined either at the request of the Minister or the Scientific Council, or at the proposal of members of the Advisory Committee.

e. Up to three (3) members of the Advisory Committee may attend meetings of the Scientific Council of the Foundation. These members shall be appointed in the Advisory Committee establishing decision. A representative of the General Secretariat of Research and Technology, appointed by the supervising Minister, may also attend the meetings of the Scientific Council.

f. Acclaimed Greek or foreign scientists may be invited to Advisory Committee meetings by virtue of a decision issued by the Scientific Council or by the Advisory Committee.”.

*** Paragraph 11 was replaced with the preceding text by virtue of Article 69(5) of

Law 4485/2017, Gov. Gazette, Series I, 114/4.8.2017.

12. Members of the Scientific Council shall be entitled to compensation for their participation in meetings in compliance with the provisions of Article 22(3) of Law 4354/2015. Members of the Advisory Committee shall be entitled to compensation for their participation in meetings in compliance with the provisions of Article 21 of Law 4354/2015. The provisions of Article 2(D) (D9) of Law 4336/2015 shall apply to the travel costs of members of the Scientific Council and of the Advisory Committee. These expenditures shall be charged to the budget of the Foundation.

Director

1. The Director of the Foundation shall be a scientist of high international standing and expertise, with administrative experience and significant research activity. The qualifications of the Directors shall be specified in the Internal Rule of Operation.

2. The Director shall be selected and appointed by virtue of a decision of the Scientific Council to serve a four-year term, which may only be renewed once. The decision concerning the appointment of the Director shall be published in the Government Gazette. The term of the Director may be extended until his or her successor has been assigned his or her duties and, in any event, for no longer than six (6) months. New Directors shall always be appointed to serve a full term.

3. The Director of the Foundation shall be selected as follows:

a. The SC of the Foundation shall prepare and publish a call for expressions of interest to fill the post of Director on the Foundation website. The call shall include a detailed list of the formal and substantive qualifications that the Director must possess, as well as the candidate assessment method according to the Internal Rule of Operation.

b. The SC shall appoint a three-member candidacy assessment Committee from among its members. This Committee shall assess the candidacies and recommend the five (5) candidates who received the highest score to the SC, and invite them to an interview before the SC. The SC shall select one candidate to fill the post of Director.

4. The Director of the Foundation shall recommend the appointment of two (2) Deputy Directors, selected following an open call for expressions of interest published on the Foundation website, to the SC. The posts of Deputy Directors shall require qualifications similar to those of the Director. Deputy Directors of the Foundation shall be appointed by the SC to serve a four-year term, which may only be renewed once. The decision concerning the appointment of the Deputy Directors shall be published in the Government Gazette, and shall specify which Deputy Director will substitute the Director.

"The appointment of Deputy Directors shall take place by way of derogation from the provisions of Ministerial Council Act 33/2006 (Gov. Gazette, Series I, 280)."

*** The final indent of paragraph 4 was added by virtue of Article 21(16) of Law 4521/2018,
Gov. Gazette, Series I, 38/2.3.2018.

5. Following a proposal by at least three (3) of its members and a decision made by six (6) of its members, the SC may terminate the Director or Deputy Directors at any time if they fail to discharge their obligations.

6. The capacity of Director and Deputy Director of the Foundation is not compatible with:

a. The capacity of member of the GA or SC of the Foundation;

b. The capacity of beneficiary of funding by the Foundation;

c. The capacity of member of the Ministerial Council, Deputy Minister, General or Special Secretary of a Ministry or independent General Secretariat, MP, Regional Governor, Deputy Regional Governor, Mayor, Deputy Mayor, Regional and City Councillor. Should the Director be a Professor at an AEI or a Researcher at a research centre, his or her duties shall be suspended for the entire duration of his or her term.

7. The Director shall implement the strategy of the Foundation decided upon by the Scientific Council. The Director shall have the following competencies:

a. To preside over the services of the Foundation, to be responsible for its unhindered operation, and to serve as the authorising officer for all its expenditures;

b. To prepare and publish calls concerning the actions funded by the Foundation according to the annual programme of actions and SC decisions;

c. To endeavour for the realisation of the goals set in the budget of the Foundation;

d. To request the convocation of an extraordinary meeting of the GA and of the SC, always through the Chairperson of the collective body concerned, and to attend their meetings with no voting rights;

e. To prepare the annual report to be submitted to the SC and subsequently to the GA for approval;

f. To seek funding sources for the Foundation;

g. To represent the Foundation in judicial and extra-judicial proceedings;

h. To issue funding decisions following the assessment by the competent committees;

i. To order extraordinary administrative and on-the-spot audits of the actions funded, and to appoint bodies to conduct the administrative and on-the-spot audits of the execution of approved operations.

j. To recommend partnerships and cooperation between the H.F.R.I. and bodies of the public and private sector, whether domestic or foreign, to the Scientific Council and to the General Assembly."

*** Indents g, h and i were added by virtue of Article 21(17) of Law 4251/2018,

Gov. Gazette, Series I, 38/2.3.2018.

8. The Director may delegate the exercise of specific powers to the Deputy Directors and assign the right to sign at his or her order to the Deputy Directors or to an employee of the Foundation.

9. The Director and the Deputy Directors of the Foundation shall discharge their duties under full-time, exclusive employment. The remuneration of the Director and the Deputy Directors shall be set out in a joint decision issued by the Minister of Finance and the Minister of Education, Research and Religious Affairs. The foregoing remuneration shall be charged to the budget of the Foundation.

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Article 10

Personnel

1. The personnel of the Foundation shall be hired and employed by the Foundation under open-term employment agreements, in compliance with Law 2190/1994 (Gov. Gazette, Series I, 28). This personnel shall be subject to the provisions of Chapter B of Law 4354/2016.

"2. Personnel may be employed by the Foundation under a service contract or a fixed-term employment agreement under private law or a salaried assignment up to three years in duration, which may be renewed. Foundation personnel shall be hired by virtue of a decision of the Director and with the approval of the Scientific Council, following a call for expressions of interest published on the Foundation website and an assessment of qualifications by a three-member committee appointed by the Director according to the Internal Rule of Operation. These employment agreements shall be concluded by way of derogation from the provisions of Law 2190/1994 and in compliance with the provisions of Article 2(23) of Law 2621/1998."

*** Paragraph 2 was replaced with the preceding text by virtue of Article 69(17) of Law 4485/2017, Gov. Gazette, Series I, 114/4.8.2017.

"3. Following a call for expression of interest issued by the Minister supervising the Foundation and published on the Foundation website, as well as a relevant request, employees from any other Greek State service or other legal person under public or private law may be seconded to the Foundation by virtue of a joint decision issued by the Minister supervising the Foundation, the Minister of Administrative Reconstruction and the Minister supervising the body of origin. The number of posts to be filled, the formal and substantive qualifications of the candidates to fill the posts in questions, the assessment procedure shall be set out and all other relevant matters shall be regulated in the call for expressions of interest. Candidacies shall be assessed by a three-member committee appointed by the Minister supervising the Foundation. Secondment shall take place by way of derogation from the provisions in force, without the issuance of an opinion by the service council of the body from which the employee is seconded and for a period of three (3) years, which may be extended once or several times. Personnel seconded to the Foundation shall retain the established post they held at their body of origin by way of derogation from any general or specific provision. The secondment duration shall be considered, for every consequence, as a period of actual service discharged at the established post of the service or legal person to which the employee belongs. The remuneration of the personnel in question shall be charged to the budget of the Foundation. Such secondments fall within the exceptions of Article 19(1)(v) of Law 4440/2016 (Gov. Gazette, Series I, 224)".

*** Paragraph 3 was replaced with the preceding text by virtue of Article 98(4) of Law 4547/2018, Gov. Gazette, Series I, 102/12.6.2018.

4. The remuneration and emoluments of any type of individuals employed by the Foundation under any type of agreement shall be charged to the budget of the Foundation.

Article [11](#)

Article 11

Conflict of interest, confidentiality

1. Members of the bodies and personnel of the Foundation shall avoid any eventuality that could lead to conflict of interest. Conflict of interest arises when members of the Foundation have private or personal interests that could affect or appear to affect the unbiased and objective discharge of their duties. Private or personal interests of the members of the Foundation mean any potential advantages benefiting them, their families or other relatives up to the second degree. Furthermore, the members of the GA, the SC and the personnel of the Foundation are obligated to observe confidentiality with respect to the affairs of the Foundation, and shall be bound by professional secrecy. The issues of this paragraph are specified in the Internal Rule of Operation of the Foundation.

2. Any violation of the provisions of the preceding paragraph by a member of the GA, the SC, the Director, the Deputy Directors or the personnel of the Foundation shall constitute serious misconduct and grounds for termination.

Article [12](#) [Delegated and Implementing Laws](#)

[12](#)
1

Article 12

Internal Rule of Operation

The Internal Rule of Operation of the Foundation shall be issued by virtue of a decision of the Minister of Finance, the Minister of [the Interior and] Administrative Reconstruction, and the Minister of Education, Research and Religious Affairs. The Internal Rule of Operation shall provide for the following issues, in particular, as well as those provided for herein:

*** The phrase "the Interior and" was deleted by virtue of Article 98(9) of Law 4547/2018, Gov. Gazette, Series I, 102/12.6.2018.

a. the competencies of the bodies of the Foundation, the manner of their establishment and operation;

- b. the procedure and bodies responsible for preparing and publishing calls for expression of interest for the selection of members of the General Assembly, of the Scientific Council, and the Director;
- c. the procedure for the selection of the Deputy Directors;
- d. the specification of the qualifications that the members of the Scientific Council must possess, the bodies responsible and the procedure for the assessment and selection of candidates;
- e. the specification of the qualifications that the Director and Deputy Directors must possess, the bodies responsible and the procedure for the assessment and selection of candidates for the posts in question;
- f. issues of conflict of interest and confidentiality of members of the bodies of the Foundation and its personnel;
- g. the procedure for the termination of members of the GA, the SC and the Director;
- h. the internal organisational structure and manner of organisation and operation of the services of the Foundation;
- i. the allocation of competencies, and the rights and obligations of personnel;
- j. the number of personnel posts per division and specialisation;
- k. the procedure and bodies for the assessment and hiring of personnel employed under service contracts, fixed-term employment agreements and salaried assignment;
- l. the specific service obligations, disciplinary powers, disciplinary offences and disciplinary bodies, as well as the manner of imposition of disciplinary penalties;
- m. the details concerning the financial management of the Foundation;
- n. the procedure and bodies for the preparation and publication of calls for the research projects, scholarships and other actions of the Foundation;
- o. the procedure and specific stages of assessment of proposals submitted by potential funding beneficiaries, the criteria for the selection of beneficiaries, and the manner of establishment of assessment committees;
- p. the procedure for the examination of objections lodged by candidates for funding, and the manner of establishment of the objections committee;
- q. the procedures and bodies responsible for conducting audits, inspections, verifications of the expenditures of funding beneficiaries, as well as the recovery of amounts unduly paid;
- r. the bodies responsible for and the procedure for the drafting of the annual report of the Foundation, which shall include the financial statement and the review of activities;

s. the creation of a repository of the results of the research programmes and other actions funded by the Foundation;

t. the process for the evaluation of the bodies and personnel of the Foundation;

u. every necessary detail concerning the organisation of the Foundation, as well as any other matter necessary for the unhindered operation of the Foundation and the fulfilment of its purpose.

Article

[13](#)

[Delegated and Implementing Laws](#)

3

[Previous forms of the Article](#)

2

Article 13

Final and transitional provisions

1. Upon the entry of the law into force, the following procedure shall be followed in order to fill the posts of the members of the GA, the SC and the Director:

a. Within ten (10) days of the entry of this law into force, a five-member Scientific Committee consisting of acclaimed scientists of high international standing shall be established by virtue of a decision issued by the Minister. The Chairperson of this committee shall be appointed in the same decision. The decision shall be published in the Government Gazette.

b. By virtue of a decision published in the Government Gazette, the Scientific Committee shall specify the qualifications of the members of the SC and of the Director in compliance with the provisions of Articles 8 and 9, respectively. On the basis of these criteria, the Committee shall publish calls for applications for the SC and the post of Director of the Foundation. Following the publication of the calls, the Scientific Committee shall automatically be dissolved.

c. The members of the provisional General Assembly shall originate from Greek AEIs and the bodies of Article 13a of Law 4310/2014 who are participating or have participated in at least four (4) research programmes under the 'Thales', 'Aristeia I', 'Aristeia II' of the 2017-2013 NSRF, in the national actions of ERC Grant Schemes or in a programme of 'Horizon 2020'.

The AEIs and the bodies of Article 13a of Law 4310/2014 focusing on education and/or research in humanities and social sciences shall select a member to participate in the GA of the Foundation provided they are participating or have participated in at least two (2) research programmes under the 'Thales', 'Aristeia I', 'Aristeia II' of the 2017-2013 NSRF, in the national actions of ERC Grant Schemes or in a programme of 'Horizon 2020'.

Within fifteen (15) days from the entry of this law into force, the Minister shall notify the bodies meeting the above criterion of their obligation to select one (1) member and their substitute to serve on the GA on the Foundation within one (1) month in compliance with Article 7 hereof. The term

of the members of the provisional General Assembly shall expire on 30/06/2018.

2. "a. Until the appointment of the Director of the Foundation and by 31/08/2017 at the latest, the Minister of Education, Research and Religious Affairs shall take all the actions necessary for the housing of the Foundation, the hiring of the personnel required, the issuance of the necessary calls and the conclusion of agreements, and shall provisionally exercise the various powers of its bodies that are absolutely necessary for the organisation and commencement of operation of the Foundation. Upon the appointment of the Director, the powers provided for herein shall be automatically transferred to him or her, and the supervising Minister shall cease to exercise them."

*** Indent a, as replaced by Article 28(8) of Law 4452/2017, Gov. Gazette, Series I, 17/15.2.2017, was replaced with the preceding text by virtue of Article 69(4) of Law 4485/2017, Gov. Gazette, Series I, 114/4.8.2017.

b. Until the publication of the Internal Rule of Operation, all details necessary for the operation of the Foundation shall be regulated by virtue of a decision issued by the supervising Minister and published in the Government Gazette.

Article [14](#)

Article 14

Other provisions concerning research bodies

Article 19 of Law 4310/2014 is replaced as follows:

"1. The organisational structure and operation of the research bodies shall be set out in the governing Acts of these bodies, which shall be prepared, replaced or amended by virtue of Presidential Decrees issued at the proposal of the Minister of Education, Research and Religious Affairs, the Minister of Interior and Administrative Reconstruction, and the Minister of Finance.

2. The governing Acts shall set out:

- a) The name, seat and resources of the research body;
- b) The purpose and mission of the body;
- c) The structure of the research centre and institutes into individual organisational units;
- d) The name and seat of the foregoing organisational units, as well as the strategic objectives of the Directorates-General, the operational goals of the Directorates and Sub-Directorates, and the competencies of the Departments and other organisational units;

e) The personnel divisions per category, the number and allocation of posts into divisions and specialisations, where required, as well as the formal qualifications for appointment or hiring per division and specialisation;

f) The general description of the duties of each office, as well as the divisions from which the Heads of organisational units will originate.

g) All other details, in compliance with the applicable legislation, concerning the organisation and operation of the research body and its units.

3. Internal Rules of Operation of the research bodies shall set out the issues of internal operation of the research bodies and the following in particular:

a) the manner of conduct of elections for the single-member and collective bodies of the research body;

b) the procedures for the establishment and operation of the scientific council, the advisory council of institutes and other collective bodies;

c) the process for the selection of research personnel;

d) the process for the granting of research and other leaves and awards;

e) issues concerning the establishment and protection of intellectual property rights;

f) issues concerning the development of the assets of research bodies;

g) the emoluments of personnel not originating from public funding;

h) the specific service obligations of employees according to the job outlines;

i) the disciplinary bodies and their competencies, disciplinary offences and the related penalties;

j) the relationship of the research body with educational programmes and post-graduate studies in particular;

k) the procedure for granting scholarships for the acquisition of a post-graduate degree or doctorate;

l) the distinct accounting monitoring of financial and non-financial activities;

m) the procedures for the electronic communication and identification of members of the Board of Directors and personnel of research centres and technological bodies;

n) specific issues concerning the operation of all the services of the body;

o) all other details necessary for the unhindered operation of the research centre or technological body.

4. The Internal Rule of Operation shall be prepared and amended by the Board of Directors of the research centre, taking account of the template proposed by the General Secretariat of Research and Technology. The Internal Rule of Operation shall be made subject to legal review by the Secretary-General for Research and Technology, shall be approved by virtue of a decision of the supervising Minister, and shall be published in the Government Gazette.