

I. Principality of Asturias

• Other Provisions

Council for Education, Culture and Sports

Resolution of 11th February 2014, by the Council for Education, Culture and Sports, approving the regulatory bases of the “Clarín” Programme for Postdoctoral Grants by the Principality of Asturias.

The training of human resources targeting the Science and Technology System is one of the priority objectives of the policies by the Government of the Principality of Asturias aiming towards scientific and technological development, together with PCTI 2013-2017. The “Clarín” Programme for Postdoctoral Grants for professional improvement and specialisation of research personnel with a doctorate, whose bases are approved by means of this resolution, has the objective of achieving this, while also to include experienced postdoctoral research personnel to perform R&D activities in research centres of the Principality of Asturias

The existence of research personnel with high professional qualifications is a decisive element for the development of R&D&I projects, both in the public and private sectors, and for the transfer of knowledge from research centres to the production sector, therefore contributing towards strengthening the competitiveness of the regional socioeconomic fabric.

Law 14/2011, of 1st June, on Science, Technology and Innovation establishes the essential content for the development of scientific careers, indicating this must be foreseeable, be based on the accomplishments of research personnel and achieve social acknowledgement. After achieving a doctorate it becomes necessary to consolidate one's research career through stays at foreign research centres and research work leading to high professional qualifications.

This programme for grants presents two modes offering the option to integrate research personnel in different research centres, depending on the mode chosen.

Mode A offers the chance of extending postdoctoral training at prestigious foreign research centres; mode B offers grants for the inclusion of experienced postdoctoral research personnel in research centres of the Principality of Asturias, may these be Universities, Public Research Bodies or Technological Centres, to carry out research projects.

The grants considered here correspond to that foreseen in art. 22 of Law 14/2011, of 1st June, on Science, Technology and Innovation, regulating the contract for access to the Spanish Science, Technology and Innovation System.

Legal Grounds

- Law of the Principality of Asturias 6/1984, of 5th July, of the President and the Governing Council.
- Law of the Principality of Asturias 2/1995, of 13th March, on the Legal Regime of the Principality of Asturias.
- Legislative Decree 2/1998, of 25th June, approving the revised text of the Economic and Budgetary Regime of the Principality of Asturias.
- Decree 71/1992, of 26th October, on the general regime for the award of subsidies.
- Law 30/1992, of 26th November, on the Legal Regime of Public Administrations and Common Administrative Procedures.
- General Law 38/2003, of 17th November, on Subsidies.
- Law 14/2011, of 1st June, on Science, Technology and Innovation.
- Royal Decree 887/2006, of 21st July, approving the Regulations of the General Law on Subsidies.
- Royal Decree 1393/2007, of 29th October, establishing the planning of official university education.

Using the powers conferred to me by the aforementioned regulations and other provisions generally applicable, I hereby,

RESOLVE

Single Article. The approval of the regulatory bases of the “Clarín” Programme for Postdoctoral Grants by the Principality of Asturias.

The regulatory bases of the “Clarín” Programme for Postdoctoral Grants by the Principality of Asturias are approved and attached as an appendix to this resolution.

Single Annulment Provision. This resolution annuls the resolution of 22nd November 2013, by the Council for Education, Culture and Sports, approving the regulatory bases of the “Clarín” Programme for Postdoctoral Grants by the Principality of Asturias, published in the *Official Bulletin of the Principality of Asturias* dated 11th December 2013.

Single Final Provision. Publication and coming into force.

This resolution will be published in the *Official Bulletin of the Principality of Asturias*, coming into force on the day following its publication.

Oviedo, on 11th February 2014.— The Counsellor of Education, Culture and Sports, Ana González Rodríguez.— Code 2014-02711.

Appendix

REGULATORY BASES OF THE “CLARÍN” PROGRAMME FOR POSTDOCTORAL GRANTS BY THE PRINCIPALITY OF ASTURIAS

One.—*Object*

1. The object of these bases is to regulate the award of grants aimed at increasing the specialisation of postdoctoral research personnel, by means of offering stays in foreign research centres of excellence for the execution of research projects, while also to encourage the development of the professional careers of experienced postdoctoral research personnel by means of their inclusion in Public Universities, Public Research Bodies and Technological Centres of the Principality of Asturias to perform research projects, in accordance with the principles of accomplishment and capacity, publicity and on a competitive basis.

2. The award of grants will be subject to budget availability. In this manner, public calls approved in accordance with these bases will require the previous authorisation of the expenses referred to in article 41 of the revised text of the Economic and Budgetary Regime of the Principality of Asturias approved by Legislative Decree 2/1998, of 25th June. The respective calls will set the specific amount of the grants to be awarded.

3. The release and distribution of the grants awarded to the beneficiaries in the calls carried out in accordance with these bases, will be performed via the collaborating entity, which will equally take part in the management of the subsidies, under the terms established in these bases.

Two.—*Award Regime*

The grant award procedure within the framework of the “Clarín” Programme will be dealt with according to that established in the General Law on Subsidies 38/2003, of 17th November, through publicity, objectivity and competitive basis criteria.

Three.—*Modes*

The grants called in accordance with these regulatory bases will be one of the following modes:

Mode A: postdoctoral stays to perform research projects in foreign R&D centres of excellence.

Mode B: Grants aiming at the inclusion of experienced research personnel with a doctorate to perform research activities in Public Universities, Public Research Bodies and Technological Centres of the Principality of Asturias.

Four.—*Scientific Areas*

1. The requests may refer to any scope of knowledge. Those making a request will assign this to one of the following scientific areas:

- Sciences
- Engineering and Architecture
- Health Sciences
- Arts and Humanities
- Social and Legal Sciences

In those cases in which the Assessment and Selection Commission considers the scope assigned does not correspond to the project presented in the request, this request may be assigned to another scientific area.

Five.—*Research Projects*

1. The request will refer to a research project to be developed under the management of a doctor, who will be linked in a stable, contractual or statutory manner to the destination centre where the research project for which the grant is requested is to be carried out, and who will act as tutor for the activity proposed.

2. Research projects for which grants are requested will observe all the ethical aspects considered in the 7th Framework Programme of the European Union.

Six.— *Postdoctoral Research Personnel*

Research personnel will comply with the following requirements depending on the grant mode:

1. For mode A (postdoctoral research stays abroad):

- a) Documentation accrediting Spanish nationality or that of a member of the European Union with residence in Spain. Foreign nationals of non-EU countries will accredit their status of residents.
- b) Documentation accrediting the doctorate qualification on the dates indicated in the call.
- c) They will accredit a link with the Principality of Asturias during the development of their research career, this being understood to have obtained the Master, Doctorate, or Graduate, Engineering Degree or Equivalent (from among those enabling access to the doctor qualification by which the grant is requested) at a university located in the Principality of Asturias.
- d) The presentation of a work programme in agreement with the Postdoctoral training, with the endorsement and backing of a researcher with a doctorate and permanently related to a Public University, Public Research Body or Technological Centre of the Principality of Asturias. Similarly, an Acceptance Letter of the destination centre will be presented, establishing the approval of the project proposed and the dates of admission.
- e) Not to have resided, worked or studied in the State where the destination centre is located for a period of more than twelve months in the three years immediately previous to the date the presentation of requests ends.
- f) Not to be a career employee of the University Teaching Bodies or of the research levels of the Higher Scientific Research Council, or staff personnel of Public Research Bodies, or maintaining with these institutions any contractual relationship, at the time of formalizing the grant request.
- g) Not to have been a beneficiary of this "Clarín" Programme previously.

2. For mode B (reintegration of postdoctoral research personnel):

- a) To have the Doctorate qualifications on the dates indicated in the call.
- b) To have performed accredited research stays in foreign R&D centres lasting for at least 24 months.
- c) Not to have resided, worked or studied in Spain for a period of more than twelve months in the three years immediately previous to the date the presentation of requests ends.
- d) The presentation of a work programme in agreement with the Postdoctoral training, with the endorsement and backing of a researcher with a doctorate and permanently related to a Public University, Public Research Body or Technological Centre of the Principality of Asturias.
- e) Not to be a career employee of the University Teaching Bodies or of the research levels of the Higher Scientific Research Council, or staff personnel of Public Research Bodies, or to maintain with these institutions any contractual relationship, at the time of formalizing the grant request.

3. In the case the applicants have more than one doctorate, either in mode A or B, the requirements stated in the previous sections will refer to that most appropriate to achieve the objectives of the scientific project put forward.

Seven.— *Destination Centres*

The following may be considered destination centres:

Mode A: Foreign R&D centres where the research personnel perform the stay and the research project put forward during the postdoctoral stay. The destination centre requested will imply academic mobility with regard to the previous academic training centres of the beneficiary, together with an effective change of the usual residence and remaining at the recipient centre for the time the stay lasts.

Mode B: R&D centres of the Principality of Asturias to which the research personnel is assigned, performing the stay and the research project put forward.

The destination centres will be assigned research functions and have renown academic and research prestige in the scientific scope of the project presented in the grant request, in such a way this represents a guarantee regarding the achievement of the scientific objectives of the project put forward and professional improvement of the postdoctoral research personnel proposed. The research projects will be performed under the tutorship of a doctor, who will be linked in a stable, contractual or statutory manner to the destination centre.

Eight.— *Applicants*

The following may be applicants and beneficiaries of the grants foreseen in the calls held in accordance with these bases:

- In the case of mode A: Applicants with a doctorate and fulfilling the requirements indicated in base six, under the terms of the respective calls.
- In the case of mode B: Public Universities, Public Research Bodies and Technological Centres of the Principality of Asturias (destination centres to which the postdoctoral research personnel is assigned) proposing and endorsing postdoctoral research personnel who comply with the general requirements established in base six. The centres will have research groups showing a consolidated or improving career path, this being considered according to its scientific production and not finding itself disqualified to obtain public subsidies. The inclusion of personnel will take place by means of its integration at the heart of a research group, under the terms established in the call.

Nine.— *General Conditions of the Grants*

1. The maximum duration period of the grants awarded charged to the “Clarín” Programme will be that established in each call in accordance with the regulatory conditions. Postdoctoral research personnel will start work at the destination centre in the dates indicated in the grant award resolution. Exceptionally and for duly accredited causes, the person in charge of the Directorate General responsible for the design and development of university policies may authorise a deferment of the inclusion date and, consequently, of the moment the grant start being enjoyed.

2. Postdoctoral research personnel will sign the corresponding work contracts with the collaborating entity, in mode A, and with the destination centres, in mode B. The collaborating entity and the destination centres will contract postdoctoral research personnel in accordance with the legislation in force.

3. The grant awarded, to which the supplementary funding deriving from the Marie Curie-Cofund action programme or others will be added, under the terms established in the collaboration agreements subscribed, will finance 100% of the total cost of the contracts of postdoctoral research personnel proposed up to the limit set in the corresponding calls. This amount will include the gross retribution for postdoctoral research personnel and the Social Security contribution. In mode B and if the destination centres consider this appropriate, they may increase the salary of the postdoctoral research personnel contracted using their own funds, in the same way becoming responsible for the corresponding Social Security contributions.

4. The grants awarded according to these bases may similarly include an amount destined to cover expenses related to travel and establishment of postdoctoral research personnel (mode A), together with research expenses directly related to the execution of the research project put forward (mode B), in accordance with that established in the corresponding calls.

5. In mode A and in the case the destination country has no agreement with the Spanish Social Security, or when the cover in this agreement is insufficient, postdoctoral research personnel will have the right to enjoy, without prejudice to the Social Security cover, an accident and medical assistance insurance, with the possibility of extending the latter, after a previous justified request by the person interested, to the spouse or underage children in the case they accompany this personnel in their stay abroad. This insurance may also be extended to common law partners through any kind of proof admitted by the legal system. The benefits covered by these insurances will remain suspended during the periods the grant being enjoyed is interrupted or whenever the postdoctoral research personnel is on leave of absence from the destination centre for causes not related to their research.

6. In the case postdoctoral research personnel contracted according to mode B of this programme, perform their activities in a university of the Principality of Asturias, they may, at their own request, collaborate in teaching tasks related to the activity proposed, according to that established in the corresponding calls.

7. It is incompatible for the contracted postdoctoral research personnel to enjoy grants while receiving any type of unemployment remuneration, benefit or subsidy originating from the General State Budget, Autonomous Communities or, in general, when receiving any kind of income having this same purpose and originating from the public or private sector. Exceptionally, these grants will be compatible with sporadic income from teaching tasks (courses, conferences or talks) or research tasks, directly related to the research project which is the object of the grant and as long as they are performed outside the timetable dedicated to the research project put forward. Likewise, it will be compatible with other grants of a social nature the destination centres may award them according to their own internal rules.

Ten.— *Call*

1. The file for awarding the grants will commence by law through a call approved by a Resolution of the competent body, putting into motion the procedure for the award of the grants offered in accordance with that established in these bases and with the principles of Law 30/1992, of 26th November, on the Legal Regime of Public Administrations and Common Administrative Procedures, necessarily having the following content:

- An express indication of compliance with these regulatory bases.
- The budgetary credit paying for the grants and the maximum total amount for the grants called out of the credit available or, otherwise, the amount estimated for the grants.
- The object, conditions and purpose of the grants awarded.
- A statement that the award is performed on a competitive basis.
- The requirements to request a grant and the way to accredit their compliance.
- An indication of the competent bodies for examination and resolution of the procedure.
- The criteria for assessment of the requests.
- The request presentation period.

- The documents and information that must be included with the request.
- The resolution and notification period.
- An indication on whether the Resolution ends the administrative procedures or, otherwise, the body against which the corresponding appeal must be presented.
- The means of notification or publication.

2. With the object of managing the grants referred to in these bases in the most responsive and efficient manner, and unless there is express refusal by the person interested at the time of presenting the request, the Administration of the Principality of Asturias may put in force whatever instrument may be necessary or adequate for telematic transmission of the data accrediting compliance with the requirements to obtain the grants in any Public Administration, in accordance with the principles of inter-administrative cooperation and information system interoperability, while also admitting the different forms of identification and authentication foreseen in Law 11/2007, of 22nd June, for electronic access of citizens to public services.

Eleven.— Formalization and Presentation of Requests

Grant requests will be presented in the registries, within the periods and with all the documentation required in the call. Presenting the request will imply knowing and accepting these regulatory bases, together with the disclosure of the data included in this in favour of other Public Administrations and, where applicable, that regarding the grants awarded for statistical, assessment and follow-up purposes.

Twelve.— Rectification of Requests

Once the request has been examined at any procedure stage, if this not fulfil the requirements established in the call, the applicant will be required to rectify the faults and/or provide the appropriate documents within a non-extendable period of ten days. If this requirement is not complied with in the period indicated, it will be considered the request has been given up, after a resolution which will be reached under the terms of article 42 of Law 30/1992. The publication of the requirement and of the resolution will be made on the noticeboard or in the communication means established in the call.

The call will likewise establish the noticeboard, or the communication means that may be used, as the notification or publication means for all the acts making up the procedure other than those indicated in the previous paragraph and in point 11 of the base thirteen, and whose efficiency will require notification or publication.

Thirteen.— Bodies Competent for Examination and Resolution. Grant Award and Resolution Procedure

1. The competent Council regarding universities will be the body calling the grants and to which the grant requests will be sent.

2. The body examining the procedure will be the Directorate General responsible for the areas of design and development of university policies, which will perform by law whatever actions it deems appropriate to determine, know and verify the data by virtue of which the resolution proposal is to be made.

3. The respective calls may establish a pre-assessment stage to verify compliance with conditions required to acquire beneficiary status.

4. An Assessment and Selection Commission will issue a report specifying the result of the assessment of the requests presented. The Commission will be presided by whoever is in charge of the Directorate General responsible for university policies, and whose members will be a representative of the collaborating entity, the person in charge of the Directorate General responsible for the area of innovation, and civil servant personnel assigned to the Directorate General responsible for the areas of design and development of university policies. Acting as Secretary, with the right to speak and vote, there will be civil servant personnel assigned to the Directorate General responsible for the areas of design and development of university policies.

Those specifically making up the Assessment and Selection Commission will be determined in the call, being published by means of an announcement on the noticeboard the Directorate General responsible for the areas of design and development of university policies.

5. The Commission will request a qualified external assessment, under the terms of the call, and may seek the collaboration of the expert bodies, commissions or personnel it deems appropriate, always protecting the anonymity of those carrying out the assessment.

6. The Assessment and Selection Commission will send the corresponding report to the examination body which, in view of this and the budget available, will make the provisional resolution proposal and a proposal of reserves prioritised according to the score.

7. In view of the file and the report by the Assessment and Selection Commission, the examination body will make the duly reasoned provisional resolution proposal, which will be notified to the persons interested in the way determined by the call, allowing a period of ten days for allegations to be presented.

However, the hearing proceedings may be forgone whenever other facts or other allegations and proof than those claimed by the interested persons do not appear in the procedure or are taken into account, in which case the resolution proposal made will be considered definitive.

8. Once the hearing concludes, where applicable, the examination body may make the definitive resolution proposal stating the applicant or list of applicants for whom the award of subsidies is proposed, for their acceptance to be communicated within the period established in the call. Likewise, it will indicate the full documentation whose presentation will be mandatory within this period.

9. Provisional and definitive resolution proposals will grant no rights whatsoever in favour of the beneficiary proposed with regard to the Administration as long as the award resolution is not notified.

10. The procedure will be resolved by the person in charge of the Council responsible for proposing and executing policies regarding universities. The award resolution will bring an end to the administrative procedure, indicating the conditions for the award of grants and their duration, together with the appeals possible against this, their presentation period and the competent body for their resolution.

The resolution will contain the list of applicants to whom grants are awarded and the express dismissal of the rest of the requests, with the possibility of including an ordered list of all the requests which, having complied with the administrative and technical conditions established in this resolution to acquire the beneficiary status, were not considered for exceeding the maximum credit amount set in the call, indicating the score given to each of these in terms of the assessment criteria foreseen in it, together with the date or period to start work at the destination centre. Furthermore, it will expressly establish the obligations taken on by the beneficiaries. The appointment of the corresponding budget allocation(s) for the grant assigned will be included.

Should any beneficiary renounce to a grant, before the date or within the period indicated in the resolution, the examination body may propose the grant is awarded to the following applicant(s) according to their score order. The body awarding the grant will notify this option for them to state their acceptance and provide the documentation established in the call within a period of 5 working days. Once the proposal is accepted by the applicant(s), the awarding body will dictate the award act and proceed to its notification.

In the case of not receiving the acceptance, and all the documentation required, it will be declared dismissed and the award will be proposed to the following applicant in score order.

11. The maximum period for resolution of the procedure and its notification will be six months from the publication of the corresponding call, unless this postpones its effects to a later date. The resolution will be published in the *Official Bulletin of the Principality of Asturias*, with such publication having the effects of the notification itself, in accordance with the regime established in article 59.6 b) of Law 30/1992, of 26th November, on the Legal Regime of Public Administrations and Common Administrative Procedures.

12. If the maximum period expires without a legitimate resolution being notified to the persons interested, these will consider their subsidy award requests to have been dismissed as a result of administrative silence.

Fourteen.— *Modification of the Award Resolution*

1. The actions subsidised will be executed in the time and manner approved and stated in the award resolution. Any alteration of the objective and subjective conditions taken into account for the award of the subsidy and, in any case, concurrently obtaining subsidies or grants awarded by other Public Administrations, national or international public entities or persons, may give rise to the modification of the award resolution.

2. Whenever specific circumstances that alter the conditions taken into account for the award of grants arise, the beneficiaries may request the justified modification of the award resolution. The body responsible for resolving the modification requests will be that established as competent body to resolve the call. Any change will simultaneously require:

- a) For the change not to affect the aims sought by the grant, its basic aspects, the determination of the beneficiary, or harms the rights of third parties.
- b) For the change to be requested before the execution period ends and for it to be accepted expressly.

3. The authorisation of the modification will be in an express manner, notifying the person interested.

Fifteen.— *Award Criteria*

The grants will be awarded in accordance with the following general criteria and scales, in accordance with that stipulated in the corresponding calls:

Mode A:

- a) CV of the researcher and technical capacity of the postdoctoral candidate (0 to 40 points).
- b) Scientific knowledge and experience of the candidate to perform the project proposed (0 to 10 points).
- c) Potential and technical impact of the project proposed and feasibility of its execution within the time proposed (0 to 20 points)
- d) Scientific record of the research group at the destination centre (research projects, publications, patents, etc.) in the field of the project proposed (0 to 30 points).

Mode B:

- a) CV of the researcher, scientific and technical capacity of the postdoctoral candidate (0 to 50 points).

- b) Scientific and technical potential of the project and feasibility of its execution within the time proposed (0 to 20 points).
- c) Scientific record of the research group at the destination centre (research projects, publications, patents, etc.) in the field of the project proposed (0 to 20 points).
- d) Impact expected and incentive resulting from the inclusion of the researcher on the R&D improvement, growth and diversification capacity of the recipient group (0 to 10 points).

Only the requirements and achievements accredited by means of documents will be taken into account when assessing the request. The assessment process will award a score out of 100. In the case of a draw in the score obtained, the applicant obtaining the best score in section a) will be given priority; if the draw persists, this will be the person obtaining the best score in section b), and so on through sections c) and d).

Requests obtaining a qualification under 60 points will be dismissed.

Sixteen.— *Obligations of the Postdoctoral Research Personnel*

The status of postdoctoral research personnel within the framework of this grant programme implies the acceptance of the rules and conditions set in these bases and in the respective calls, together with those that may be established by the Council responsible for proposing and executing the policies regarding universities for scientific follow-up of the grants awarded and those indicated by the Treasury Council and the Public Sector regarding the justification of the public funds received. In particular, they will:

1. Start working at the destination centre within the period foreseen in the award resolution. Not starting work in the destination centre on the dates indicated, or not having signed the corresponding contract with the entities indicated in base eight under the terms established in the award resolution will be understood to be a renunciation to the grants awarded. The start of the work will be informed to the Council responsible for proposing and executing the university policies of the Principality of Asturias de Asturias, via the collaborating entity, within a period of 15 calendar days by means of a writ signed by the person responsible for the postdoctoral researcher in the recipient group.

2. Dedicate themselves exclusively to the research project appearing in the request, performing their tasks at the destination centre established in the award resolution. In the case of any change in the centre, the research project, the recipient group or any other substantial alteration of the activity developed, previous authorisation will be requested from the Directorate General responsible for the areas of design and development of university policies.

3. Comply with the internal regime of the destination centre where they perform their activities.

4. Send all the reports established in the corresponding calls, together with any other which may be required by the collaborating entity.

5. Communicate to the collaborating entity, in mode A, and the destination centre, in mode B, any renunciation, interruption or modification of the initial grant award situation or any other issue within a maximum period of 15 calendar days from the date they occur.

6. Communicate any collaboration regarding teaching activities (with the approval of the Doctor endorsing the request and whoever legally represents the destination centre) to the Directorate General responsible for the areas of design and development of university policies, via the collaborating entity, at least 15 calendar days in advance to the date the teaching tasks are expected to start, detailing the period, duration and subjects in which the postdoctoral research personnel will collaborate.

7. State in publications and other results that may derive from the activities and research performed during the time the grant is enjoyed, that they were subsidised by the Government of the Principality of Asturias, also stating any funding of the Marie Curie-Cofund action programmes in the publications, talks and other result dissemination activities financed by the grants awarded in accordance with these bases.

8. Provide any information which may be required by the competent taxation bodies.

9. In addition, postdoctoral research personnel contracted in accordance with this grant programme will be bound by that determined in the labour legislation in force.

Seventeen.— *Obligations of the Beneficiaries, the Destination Centres and the Collaborating Entity*

1. The beneficiaries will have the following obligations, according to that established in article 14 of General Law 38/2003, of 17th November, on Subsidies:

- a) To use the grant for the purpose for which it was awarded.
- b) To justify the fulfilment of all the requirements and conditions before the awarding body, together with performing the activity and complying with the purpose determining the award or the subsidy.
- c) To submit themselves to verification actions, which will be performed by the awarding body, and to any other financial verification and control actions corresponding to the General Intervention of the Principality of Asturias and to other national or international control bodies.
- d) To communicate to the awarding body any other subsidy, grant, income or resource obtained which finances the activities subsidised. These will be communicated as soon as they are known and, in any case, before justifying the application of the funds received.

- e) To reimburse the funds received in the cases considered in base nineteen of this resolution.
- f) To accredit they comply with all their tax obligations and with the Social Security before the award resolution proposal being issued.
- g) To accredit they comply with all their tax obligations and with the Social Security before receiving the payment.
- h) To provide adequate public advertising of the grant awarded.
- i) To expressly refer to the funding of the "Clarín" Programme for Postdoctoral Grants by the Principality of Asturias, while also to the funding of Marie Curie-Cofund action programmes, in the publications, talks and other result dissemination activities which are financed by the grants awarded in accordance with these bases.

2. In particular, the destination centres in mode B will:

- a) Certify the contracting of the postdoctoral research personnel proposed by means of sending a copy of the contract subscribed to the Directorate General responsible for the areas of design and development of university policies, via the collaborating entity, within a period of 15 calendar days.
- b) Include candidates under a regime of exclusive dedication to the research project appearing in the request under the terms established in the award resolution and to ensure their adequate development, without the possibility of demanding from them any other activity not related to the development of their research or to the specific training required for them while this lasts.
- c) Ensure compliance with the incompatibility regime.
- d) Provide the postdoctoral research personnel contracted the necessary support and enable their use of the means, instruments or equipment that may be required to normally carry out the research project put forward, together with guaranteeing they have the rights and benefits personnel of an equal or similar level have at the centre.
- e) Communicate to the Directorate General responsible for the areas of design and development of university policies, any renunciation, interruption or modification of the initial grant award situation or any other issue within a maximum period of 15 calendar days from the date it occurs.
- f) The beneficiary entities will state they received the sponsorship of the Government of the Principality of Asturias in their yearly reports.
- g) Provide whatever information required from them and submit themselves to the inspection, verification and control actions that may be requested by the Directorate General responsible for the areas of design and development of university policies or other competent bodies, in accordance with the regulations in force.
- h) Keep the original receipts and other documentation related to the grant for a minimum period of 5 years, or the period established in the call in the case there is supplementary funding deriving from Marie Curie-Cofund action programmes or others.

3. In mode A, the obligations indicated under letters a), c), e), g) and h) in point 2 will correspond to the collaborating entity.

Eighteen.— Follow-up and Control of the Scientific Activity Subsidised

1. The follow-up of the subsidised activities will correspond to the Directorate General responsible for the areas of design and development of university policies, via the collaborating entity, which will establish the adequate procedures for this and, likewise, may appoint the bodies, commissions or personnel it deems appropriate to perform the appropriate grant application follow-up and verification actions.

2. This follow-up will assess the level of compliance with the activities foreseen, which will be duly justified by means of presenting the follow-up and final reports on the development and the objectives achieved which may be required by the collaborating entity in accordance with that established in the corresponding calls.

Nineteen.— Non-compliance

1. Partial or total non-compliance with the requirements established in these bases, those which may be established in the respective call or any other cause stated in article 37 of General Law 38/2003, of 17th November, on Subsidies, together with the conditions which, where applicable, may be established in the corresponding award resolution, will give rise to its cancellation, following the appropriate non-compliance file, and force to reimburse the grants with their corresponding legal interest.

2. Whenever compliance by the beneficiary significantly approaches total compliance and accredits actions unequivocally tending towards fulfilling the commitments and conditions for award of the grant, the amount to be reimbursed will be determined by applying the following criterion, always following the proportionality principle:

- Partial non-compliance of the purposes for which the grant was awarded or of the justification obligation will give rise to a partial reimbursement of the grant in the percentage corresponding to the activity not performed or not justified.

3. The resolution agreeing on subsidy reimbursement will be made by the person in charge of the Council responsible for proposing and executing the policies regarding universities, after the examination of the file which, together with a reasoned proposal by the managing centre, will include the pertinent reports and the allegations of the beneficiary and, where applicable, of the postdoctoral research personnel.

4. The amounts to be reimbursed will be considered public law revenue, which will be charged in compliance with that established for this type of income in the revised text of the Economic and Budgetary Regime of the Principality of Asturias, approved by Legislative Decree 2/1998, of 25th June.

5. Apart from the partial or total return of the public funds received unduly, the default interest accrued from the moment of their payment up until the date the reimbursement origin is agreed will be claimed. The interest claimed will be calculated from the amount to be reimbursed of the subsidy awarded.

6. Any lack of reimbursement of the amounts reclaimed to the Principality of Asturias within the voluntary period will give rise to their charged through enforced recovery in accordance with the regulations in force.

7. The infraction and penalty regime regarding subsidies will be governed by that stipulated in articles 67 to 71 of the aforementioned Legislative Decree 2/98, and in General Law 38/2003, of 17th November, on Subsidies.

Twenty.— Renunciations and Substitutions

1. Any renunciation or leave of postdoctoral research personnel occurring before the date determined in the corresponding calls may be covered by the award of the vacancies in the reservation order previously established in the award resolution, with the new grant taking effect from the moment the person substituting starts work at the destination centre and communicates this to the collaborating entity. Renunciations after the date determined in the corresponding calls will not give rise to any substitution.

2. The substitution award resolution will expressly determine, for each postdoctoral researcher, the entity with the obligation to subscribe the contract with the research personnel, the destination centre, the starting date, the duration of the grant and its economic provision, while being the object of notification both to the entity and the postdoctoral research personnel.

Twenty-one.— Payments to the Collaborating Entity. Payment and Justification of the Grants

1. The total amount of the grants awarded will be paid to the collaborating entity for the management of these grants with the periodic nature established in the calls, after a previous reasoned request by the collaborating entity to the competent Directorate General. The beneficiaries will be exempted from providing guarantees for advance payments carried out in accordance with that established in the general regime on guarantees for advance payment of subsidies. In this way, beneficiaries that are public bodies or entities will be exempted from providing guarantees, under the terms stipulated in article six of the resolution of 11th February 2000, by the Counsellor of the Treasury, regulating the regime on guarantees for advance payment of subsidies. Individuals who are beneficiaries will also be exempted. Other entities will comply with that required in the aforementioned resolution.

2. The collaborating entity will pay the grants to the beneficiaries in the manner established in the calls.

3. Subsidy justification will adapt to that stipulated in article 72 of Royal Decree 887/2006, of 21st July, approving the Regulations of General Law 38/2003, of 17th November, on Subsidies, or via simplified justification accounts regulated according to article 75 of this, but only in the case of subsidies under 60,000 euros. The report will include the certification of the expenses carried out during the execution of each of the grants, performed by the collaborating entity, in mode A, and by the destination centres, in mode B. This detailed certification will be signed by whoever is the maximum person responsible for economy in such entities and will include all the expenses corresponding to the contract of each researcher. In mode B, the yearly certification will be presented to the collaborating entity before the end of February of the following year, including the expenses performed up until 31st December of the previous year and in accordance with that established in article 30 of General Law 38/2003, of 17th November, on Subsidies and according to the provisions established in the call resolutions, together with the instructions established by the Directorate General responsible for the areas of design and development of university policies. In mode A, this certification will be presented to the Directorate General responsible for the areas of design and development of university policies.

In mode A, the collaborating entity and, in mode B, the destination centres will have the obligation to immediately reimburse the amounts paid in advance and not justified each year.

The call will determine the period for presenting the final justification of the grants.

The awarding body will verify, by means of sampling techniques, 30% of the receipts in order to obtain reasonable proof on the adequate application of the subsidy and paying attention to the expenses which may be made in each mode. The awarding body require the beneficiaries provide selected expense receipts.

4. The payment of the grants aimed at covering postdoctoral researcher travel and establishment expenses (only in mode A) will be performed the month following the justification that the researcher started work at the destination centre. The following documentation will be presented for this purpose and under the terms established in the call:

- a) Certification by the person responsible for the destination centre accrediting the inclusion of the postdoctoral researcher.
- b) Travel expense receipts.

5. The payment of the grants aimed at covering research expenses directly related to the execution of the research project put forward (only mode B), will be performed yearly once the bills of the expenses directly related to the execution of the project have been presented. The expenses will have occurred during the year for which the grant is awarded.

The justification will be presented before the collaborating entity before the end of February of the following year, including the expenses carried out up until 31st December of the previous year, and will be carried out according to that established in article 30 of General Law 38/2003, of 17th November, on Subsidies and according to the provisions established in the call resolutions, together with the instructions established by the Directorate General responsible for the areas of design and development of university policies.

Twenty-two.— *Supplementary Regime*

1. The interpretation and development of these bases will correspond to the person in charge of the Council responsible for proposing and executing the policies regarding universities.

2. For anything not foreseen in these bases or in the calls held in accordance with that foreseen in them, that established in General Law 38/2003, of 17th November, on Subsidies, and in its Development Regulations; in Law 30/1992, of 26th November, on the Legal Regime of Public Administrations and Common Administrative Procedures and in the budgetary regulations of the Principality of Asturias, in particular Decree 71/1992, of 29th October, regulating the general regime for the award of subsidies within the scope of the Principality of Asturias, will be followed.

Twenty-three.— *Jurisdiction*

Any divergence which may derive from these bases or in the calls held in accordance with that foreseen in them, will be subjected to the bodies of the Contentious-Administrative jurisdiction under the terms of Law 29/1998, of 13th July, regulating the Contentious-Administrative Jurisdiction.

Twenty-four.— *Penalty Regime*

The infraction and penalisation regime regarding subsidies will be governed by that stipulated in chapter 6 of Legislative Decree 2/1998, of 25th June, approving the revised text of the Economic and Budgetary Regime (arts. 67-70), and by that established in General Law 38/2003, of 17th November, on Subsidies.

Twenty-five.— *European Letter of the Researcher and Code of Conduct when Contracting Research Personnel*

1. The Recommendation of the European Commission (2005/251/EC) of 11/03/2005 («DOUE» L75 of 22/03/2005), regarding the European Letter of the Researcher and the Code of Conduct for contracting researchers, will be applicable to these grants.

2. The beneficiaries receiving a grant will comply with the principles and general requirements applicable to research personnel.

3. The entities to which research personnel is assigned will comply with the principles and general requirements of the employing and financing entities.

4. These grants are excluded from the Community regulations regarding previous notification, in accordance with that specified in article 3 of Regulation (EC) no. 800/2008 by the Commission, of 6th August 2008, declaring certain grant categories to be compatible with the common market through the application of articles 87 and 88 of the Treaty («Official Journal of the European Union» of 9th August 2008) and, whenever appropriate, authorised by the Commission.