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# National Institute of Chemical Physics and Biophysics Act

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RT I 1998, 101, 1664  
Entry into force 30.11.1998

Amended by the following acts

Passed	Published	Entry into force
29.01.2002	RT I 2002, 21, 117	04.03.2002
05.06.2002	RT I 2002, 53, 336	01.07.2002
12.06.2002	RT I 2002, 57, 357	01.08.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
19.02.2014	RT I, 13.03.2014, 2	23.03.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014

## § 1. Purpose of Act

This Act provides for the legal bases for the activities of the National Institute of Chemical Physics and Biophysics (hereinafter NICPB) as a research centre.

## § 1<sup>1</sup>. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act (RT I 2001, 58, 354) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.  
[RT I 2002, 61, 375 - entry into force 01.08.2002]

## § 2. Legal status

- (1) The NICPB is a legal person in public law.
- (2) The NICPB shall operate pursuant to this Act, the Organisation of Research and Development Act (RT I 1997, 30, 471), its statutes and other legislation.
- (3) The statutes of the NICPB and the amendments thereto shall be approved by the science council and registered by the Ministry of Education and Research. The statutes and the amendments thereto shall enter into force as of the moment of registration.
- (4) The NICPB is dissolved by an Act.
- (5) The NICPB shall be registered in the state register of state and local government agencies pursuant to the procedure provided for in the statutes of the register.  
[RT I 2002, 90, 521 - entry into force 01.01.2003]

## § 3. Functions

- (1) The NICPB shall carry out fundamental and applied research and shall engage in the development of the novel directions in material sciences, gene technology and biotechnology, environmental technology and informatics.
- (2) The NICPB shall assist in the preparation of a new generation of scientists pursuant to the association and other agreements with universities and other academic institutions.

(3) The NICPB shall participate in national and international research and development through national, European and international programmes and agreements and application for research and development grants.

#### **§ 4. Organisation of management**

The management bodies of the NICPB are the director and the science council.

#### **§ 5. Director**

(1) The NICPB is headed by the director who is elected on the basis of the results of the public competition by the science council of the NICPB and with whom the eldest member of the science council, on behalf of the NICPB, enters into an employment contract for the term of five years.

(2) An Estonian citizen who is proficient in the official language to the extent provided by law, who has been awarded a doctorate in Estonia or who has acquired an academic degree equal thereto in another country and who is less than 65 years of age may be a candidate for the position of director.

(3) The director shall be elected from among the candidates who comply with the requirements provided for in subsection (2) of this section pursuant to the procedure provided in the statutes of the NICPB.

#### **§ 6. Competence of director**

(1) The director shall:

- 1) ensure that research and development activities are organised in an expedient manner;
- 2) represent the NICPB in all legal acts within the limits of the authorisation granted by this Act, other legislation and the statutes of the NICPB;
- 3) report to the science council;
- 4) approve the internal work procedure rules, the documentary procedure rules and the accounting policies and procedures of the NICPB;
- 5) enter into employment contracts with the employees of the NICPB and determine their remuneration;
- 6) organise implementation of the decisions of the science council;
- 7) determine the right of representation and the functions of the deputy directors and the science secretary;
- 8) be responsible for all the activities and the development of the NICPB, and for the legitimate and expedient use of financial resources;
- 9) ensure that the draft budget of the NICPB is prepared;
- 10) ensure that the budget of the NICPB is implemented;
- 11) perform other tasks placed within his or her competence pursuant to law and the statutes of the NICPB.

(2) The director shall give orders and issue directives within the limits of his or her competence.

#### **§ 7. Science council**

(1) The science council is a collegial decision-making body of the NICPB, consisting of 19 members. The following shall belong to the science council:

- 1) the director;
- 2) deputy directors;
- 3) the science secretary;
- 4) the leading scientists of the NICPB and related disciplines.

(2) Members of the science council shall elect the chairman and deputy chairman of the council from among the persons specified in clause (1) 4) of this section.

(3) The term of authority of the chairman and deputy chairman of the science council is five years. The term of authority of the members of the science council who are specified in clause (1) 4) of this section is three years.

(4) The authority of a member of the science council terminates upon expiry of the term, leaving the position, resignation or withdrawal due to death. A vacant position of a member of the science council shall be filled by election pursuant to the procedure prescribed in the statutes of the NICPB. Each member of the science council has the right to put forward a candidate member for the science council.

#### **§ 8. Competence of science council**

The science council shall:

- 1) approve the main directions of the activities of the NICPB and exercise supervision over the implementation thereof;
- 2) approve the statutes of the NICPB and make amendments thereto;
- 3) approve the reports of the NICPB on the research and development and other reports;
- 4) make decisions on issues relating to the assets of the NICPB to the extent and pursuant to the procedure provided for in this Act;
- 5) make decisions on taking of loans;
- 6) determine the procedure for the conduct of internal audit of the activities of the NICPB;
- 7) elect the members of the research staff of the NICPB;

- 8) make proposals to universities regarding the organisation of research and development;
  - 9) submit outstanding research for application for awards;
  - 10) approve the financial plan of the NICPB.
- [RT I, 13.03.2014, 2 - entry into force 23.03.2014]

#### **§ 9. Work format of science council**

- (1) The work format of the science council is a session.
- (2) The science council shall meet as required but not less frequently than once per quarter. A session shall be convened by the chairman of the science council or, in the absence of the chairman, by the deputy chairman. The agenda of a session of the science council shall be communicated to the members of the science council in writing at least ten days before the session is held.
- (3) The science council has a quorum if at least ten members of the science council are present, including the chairman or deputy chairman.
- (4) The science council shall adopt decisions by a simple majority of votes of the members present. Upon equal division of votes, the vote of the chairman or the deputy chairman substituting for the chairman prevails. The decision shall be signed by the chairman or, in the absence of the chairman, by the deputy chairman.
- (5) The decisions of the science council shall be communicated to the employees of the NICPB and to the Ministry of Education and Research.
- (6) The more specific work format of the science council shall be provided for in the statutes of the NICPB.  
[RT I 2002, 90, 521 - entry into force 01.01.2003]

#### **§ 10. Structure**

The structure of the NICPB shall include scientific, administrative and economic units.

#### **§ 11. [Repealed - RT I 2002, 53, 336 – entry into force 01.07.2002]**

#### **§ 12. Financing**

- (1) The activities of the NICPB shall be financed from the state budget and from other sources.
- (2) The NICPB has the right to provide services related to the activities as specified in its statutes for a charge to other persons and any revenue received therefrom shall accrue to the budget of the NICPB.
- (3) The director shall dispose of the funds of the NICPB under the conditions and pursuant to the procedure established by the science council.

#### **§ 13. Budget**

- (1) A balanced budget shall be prepared concerning all revenue and expenditure of the NICPB. The budget of the NICPB shall comply with the financial plan, budget balance rules provided for in § 6 of State Budget Act, net debt rules provided for in § 10 and the restrictions established under § 11 of State Budget Act.  
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]
- (2) The budget of the NICPB and the report on its implementation shall be approved by the science council.

#### **§ 13<sup>1</sup>. Financial plan of NICPB**

- (1) The NICPB shall prepare a financial plan each year which serves as the basis for the establishment of the budget of the NICPB.
- (2) The financial plan shall be prepared and submitted according to the requirements provided for in § 12 of State Budget Act.  
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

#### **§ 14. Reporting and auditing**

- (1) The NICPB shall keep accounts and statistical records of the use of its assets and funds pursuant to the procedure established by law.

(2) The Ministry of Finance shall verify whether the state funds allocated to the NICPB for research and development are used for their intended purpose. The State Audit Office shall audit the activities of the NICPB pursuant to the State Audit Office Act.

#### **§ 15. Administrative supervision**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) Administrative supervision over the legality of the activities of the NICPB shall be exercised by the Ministry of Education and Research.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) The Minister of Education and Research has the right to suspend an unlawful action or the validity of a legal instrument of the science council or the director and issue precepts for the elimination of deficiencies of the action or of the legal instrument.

[RT I 2002, 90, 521 - entry into force 01.01.2003]

#### **§ 16. Implementation of Act**

(1) The statutes of the NICPB shall be brought into conformity with this Act within three months after the entry into force of this Act.

(2) After the entry into force of this Act, the council of the NICPB shall, at the first session, elect the chairman and deputy chairman of the science council and shall organise the approval of the members pursuant to § 7 of this Act.

(3) The science council shall announce a public competition to elect the director of the NICPB three months after the entry into force of this Act.

(4) The administrator of state assets specified by the Government of the Republic shall transfer the movable property in the possession and use and necessary for the activities of the NICPB into the ownership of the NICPB not later than within three months after the entry into force of this Act. Immovable property in the possession and use of the NICPB shall be transferred to the NICPB pursuant to the procedure prescribed in the State Assets Act (RT I 1995, 22, 327; 1998, 30, 409).

(5) The name of *Keemilise ja Bioloogilise Füüsika Instituut* in English is the National Institute of Chemical Physics and Biophysics.