

On Science

Unofficial translation

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

Unofficial translation

Note. Throughout the text, the words “higher education institutions” shall be replaced, respectively, by “higher and (or) postgraduate education organizations”, in accordance with the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication).

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

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions, used in this Law

The following definitions shall be used in this Law:

- 1) accreditation – the procedure, in the result of which the subjects of scientific and (or) scientific-technical activity shall obtain official recognition of conformity of their activity with requirements and standards, established by the legislation of the Republic of Kazakhstan ;
- 2) a scientist – an individual, carrying out scientific researches and receiving the results of scientific and (or) scientific-technical activity;
- 3) science – the scope of human activity, the function of which is studying of the laws of nature, society and thought, production and theoretic systematization of objective knowledge on reality for the purpose of rational use of natural wealth and effective management of society;
- 4) national report on science – the annual report, contained the analysis of the state and tendency of development of the world and national science, suggestions on improvement of scientific-technical potential of the Republic of Kazakhstan, explanation of preferred directions of growth of science;
- 4-1) classifier of scientific directions - a document establishing classification and coding of science areas;
- 5) research and education consortium - a temporary voluntary equal association on the basis of an agreement on joint economic and research activities, in which scientific organizations, higher and (or) postgraduate education organizations and other legal entities,

including those engaged in production, unite intellectual, financial and other resources for conducting fundamental, applied scientific research, development of technological innovations and training of highly skilled professionals;

6) the parent organization for the scientific, scientific-technical program - a legal entity determined by the authorized state body based on results of the competition for carrying out the target scientific, scientific-technical program and providing support for implementation of the scientific, scientific-technical program of fundamental and applied research and coordinating the activities of executor organizations within the framework of the pursued program;

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

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

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

9-1) report on commercialization of scientific and (or) scientific-technical activities results - a document containing information on performance of the project for commercialization of the results of scientific and (or) scientific-technical activities;

10) result of scientific and (or) scientific-technical activities - new knowledge or solutions obtained by appropriate scientific methods and means in the course of scientific and (or) scientific-technical activities and recorded on any information carrier, application of scientific developments and technologies to production, as well as models, prototypes, samples of new products, materials and substances;

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

12) scientific researches – the applied fundamental, strategic scientific researches, carried out by the subjects of scientific and (or) scientific-technical activity within research scientific,

design and experimental and technologic works, proper scientific methods and means for the purpose of achievement of scientific and (or) scientific-technical activity;

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

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

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

16) researcher - an individual working for a scientific organization, a higher and (or) postgraduate education organization or a research unit of an organization, having a higher education, receiving and applying the result of scientific and (or) scientific-technical activities ;

16-1) scholarly internships: internships for scientists at leading foreign institutions of higher and/or postgraduate education, scientific centres and other organisations for the purpose of developing professional competences in a chosen field of scientific research, excluding internships under the Bolashak International Scholarship;

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

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

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

19-1) lead scientist - a natural person who meets the requirements established by the competent authority;

19-2) endowment fund of higher and (or) postgraduate educational organisation - endowment fund formed from charity, non-repayable contributions, donations, grants, contributions of founders (participants) of educational organisations, the investment income from which is used to finance scientific, scientific and technical and (or) educational activities ;

20) intellectual property – the exclusive right of a citizen or legal entity to results of the intellectual creative activity, received in the result of research scientific, design and

experimental and technologic works, and means of individualization of the participants of civil turnover, goods, works or services;

21) engineering technician - an individual working for a scientific organization or a higher and (or) postgraduate education organization, having a secondary vocational or higher education, contributing to obtaining the result of scientific and (or) scientific-technical activities and its application;

21-1) academician of the National Academy of Sciences of the Republic of Kazakhstan - a scientist with outstanding achievements in the field of science, elected by the academy under the procedure and conditions established by the competent body in the field of science;

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

23) applied research - an activity aimed to obtain and apply new knowledge to achieve practical goals and address specific problems;

23-1) state order - an order of the competent authority and (or) sectoral competent authorities to the subject of scientific and (or) scientific-technical activity under a contract for performance of scientific-research works, financed from the state budget in the form of basic, grant and programme-targeted financing, financing of scientific organisations conducting basic scientific research;

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

25) strategic research - fundamental or applied research aimed to solve strategic problems;

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

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

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

29) fundamental scientific research - theoretical and (or) experimental research aimed to obtain new scientific knowledge about the main patterns of the development of nature, society, man and their relationship.

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

as of 18.03.2019 (shall be enforced from 01.01.2018); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); No. 72-VII of 15.11.2021 (shall be put into force from 01.01.2022); No. 130-VII of 30.06.2022 (shall become effective sixty calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on science

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

2. The force of the legislation of the Republic of Kazakhstan, establishing requirements for the procurement procedure, including public procurement shall not apply to legal relations regulated by this Law in the part of scientific research conducted from grant, program-targeted funding, funding of scientific organizations engaged in fundamental scientific research.

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

2-2. Public relations in the field of science and scientific-technical activities in the field of biological safety shall be regulated with due regard for the requirements of the Law of the Republic of Kazakhstan “On Biological Safety of the Republic of Kazakhstan”.

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

Footnote. Article 1 as amended by Law of the Republic of Kazakhstan № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022); No. 123-VII of 21.05.2022 (shall enter into force six months after the date of its first official publication).

Chapter 2. COMPETENCE OF THE STATE BODIES IN THE FIELD OF SCIENTIFIC AND (OR) SCIENTIFIC-TECHNICAL ACTIVITY Article 3. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

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

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

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

4) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

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

5-1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

6) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

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

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

9) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

10) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

10-1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

11) excluded by the Law of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (shall be enforced ten calendar days after the date of its first official publication).

12) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

13) determine legal entities that finance scientific and (or) scientific-technical activities, as well as commercialization of the results of scientific and (or) scientific-technical activities;

14) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

14-1) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication);

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

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

17) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V(shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 24.11.2021 No. 75-VII (shall be enforced ten

calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 4. Competence of the authorized body

The competence of the authorized body shall include:

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

2) formation and implementation of the state policy in science and scientific and technological activities, cross-sector coordination in science and scientific and technological activities;

2-1) coordination of scientific, scientific-technical projects and programs of fundamental and applied research financed from the state budget, with the exception of scientific, scientific-technical projects and programs formed within the framework of the state defense order;

2-2) development and approval of the regulations and criteria for the election of academicians to the National Academy of Sciences of the Republic of Kazakhstan;

3) elaboration of priority directions of fundamental and applied scientific research in the Republic of Kazakhstan. When selecting scientific researches within the priority directions of fundamental and applied scientific researches, affecting the sphere of biological safety, the requirements of legislation of the Republic of Kazakhstan in the sphere of biological safety shall be taken into account;

3-1) approval of base financing norms for scientific and (or) scientific and technological activities;

3-2) approval of financing norms for scientific organizations carrying out fundamental scientific research in accordance with Article 27-1 of this Law;

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

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

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

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

5-3) approval of the rules for state accounting of projects for commercialization of the results of scientific and (or) scientific-technical activities financed from the state budget, and performance reports on them;

5-4) approval of the list of scientific organizations carrying out fundamental scientific research in accordance with Article 27-1 of this Law;

5-5) development of the norms for financing scientific organizations carrying out fundamental scientific research in accordance with Article 27-1 of this Law;

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

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

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

9) coordination of the activity of national research councils;

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

11) approval of the standard type provision on advisory and deliberative body of scientific organization, including the procedure for election of its members;

12) approval of the standard type provision on multiple-access scientific laboratories;

13) approval of the standard type provision on dissertation council;

14) approve the order of awarding degrees;

14-1) development of rules for the selection of applicants and scientific internships;

15) approval of the procedure for awarding the academic ranks (associated professor (decent), professor);

15-1) development and approval of requirements for leading scientists, remunerated within the base funding framework;

16) approve the procedure for state registration of theses defended for the degree of Doctor of Philosophy (PhD), PhD in certain studies;

16-1) approval of the rules for awarding the annual award "Best Researcher";

16-2) approval of the classifier of scientific directions;

16-3) monitoring of scientific and (or) scientific-technical activities and information support of the science management system, approval of the rules for the organization and operation of informatization objects in science;

17) development of the provision on the national research councils;

17-1) development of a regulation on the appeal commission and approval of its composition;

18) development of the rules for base and program-targeted financing of scientific and (or) scientific-technical activities, grant financing of scientific and (or) scientific-technical

activities and commercialization of the results of scientific and (or) scientific-technical activities, financing of scientific organizations that carry out fundamental research;

19) development of the procedure for organization and conduct of scientific researches and design and experimental works on the basis of private-public partnership;

20) determination of the parent organization on scientific, scientific-technical program;

21) appointment to office and dismissal from office of the heads of state scientific organizations within the competence;

22) organization of the state accounting of scientific, scientific-technical projects and programs, financed from the state budget, and reports on their performance;

23) approve reports on completed scientific, scientific and technical projects and programs financed from the state budget, except for scientific, scientific and technical projects and programs formed as part of a state defense order;

23-1) development and approval of rules for the establishment, maintenance and upkeep of working collections of pathogenic and industrial micro-organisms used in scientific and industrial activities;

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

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 171-VI as of 04.07.2018 (shall be enforced ten calendar days after its first official publication); № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022); No. 123-VII of 21.05.2022 (shall be promulgated six months after the date of its first official publication); No . 130-VII of 30.06.2022 (shall enter into force sixty calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the day of its first official publication).

Article 5. Competence of the field authorized body

The competence of the field authorized body shall include:

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

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

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

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

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

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

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

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

4-5) proposals to the authorized body on the formation of lists of base financing subjects and scientific organizations carrying out fundamental scientific research in accordance with Article 27-1 of this Law;

4-6) participation in the development of rules for base and program-targeted financing of scientific and (or) scientific-technical activities, as well as grant financing of scientific and (or) scientific-technical activities and commercialization of the results of scientific and (or) scientific-technical activities, financing of scientific organizations carrying out fundamental research;

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

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

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

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

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

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

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

2. Subjects of scientific and (or) scientific-technical activity shall be guaranteed and ensured by the liberty of creative work, protection from unfair business practices, equal rights to participation in scientific and (or) scientific-technical activity, as well as participation in the competitive tenders of scientific, scientific-technical projects and programs, financed from the state budget and other sources, not prohibited by the legislation of the Republic of Kazakhstan.

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

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

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

5. Scientific and (or) scientific-technical activities on formation, maintenance and keeping of national and working collections of pathogenic and industrial microorganisms, used in scientific and production activities, shall be implemented under the legislation of the Republic of Kazakhstan in the field of biological safety.

Footnote. Article 6 as amended by Law of the Republic of Kazakhstan No. 123-VII of 21.05.2022 (shall be enacted six months after the date of its first official publication).

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

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

2. Individuals shall have the right to participate in competitions for research, scientific and technical projects and programs financed from the state budget, in accordance with the rules of base and program-targeted financing of scientific and (or) scientific-technical activities, as well as grant financing of scientific and (or) scientific-technical activities and commercialization of the results of scientific and (or) scientific-technical activities, financing of scientific organizations carrying out fundamental research, and the competition conditions.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

Article 8. Scientific organizations

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

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

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

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

3. Established as a non-profit joint-stock company with 100 per cent state participation in its authorised capital. the National Academy of Sciences of the Republic of Kazakhstan shall:

1) develop recommendations for determining priority areas of scientific, scientific-technical and innovation activity as per the priorities of socio-economic development, as well as priority areas of strategic, fundamental and applied scientific research in the Republic of Kazakhstan;

2) coordinate the preparation and publication of the annual national report on science;

3) coordinate the preparation and conduct of foresight studies on the development of science;

4) conduct competitions for nominal prizes and scholarships in the field of science;

5) perform scientific research in various fields of science and technology;

6) publish scientific journals;

7) engage in the development of international scientific and scientific-technical cooperation;

8) participate in the popularization of science;

9) exercise other powers, stipulated by the legislation of the Republic of Kazakhstan.

National and branch academies operating in the field of scientific and (or) scientific-technical activity, creative unions of scientists, being public associations, shall be involved in the formation and implementation of scientific, scientific-technical and innovation policy, development of priority directions of science development, scientific and technical expertise of fundamental and applied scientific research, works nominated for scientific prizes, development of draft regulatory legal acts in the scientific and technical field, professional consolidation of scientists for the socio-economic development of the Republic of Kazakhstan

An academician of the National Academy of Sciences of the Republic of Kazakhstan who has reached the retirement age established by the Social Code of the Republic of Kazakhstan shall be awarded a monthly lifetime stipend in the amount and manner determined by the Government of the Republic of Kazakhstan.

Footnote. Article 8 as amended by Law of the Republic of Kazakhstan No. 130-VII of 30.06.2022 (shall become effective sixty calendar days after the date of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 9. Scientific activity of higher education institutes

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

2. Higher and (or) postgraduate education organizations, as well as their scientists shall have an equal right to avail of the services of collective research laboratories, participate in competitions for research, scientific-technical projects and programs financed from the state budget and other sources not prohibited by law Republic of Kazakhstan.

3. Higher and (or) postgraduate education organizations, along with application of advanced scientific achievements in the educational process, shall have the right to involve scientists from scientific, research organizations, including foreign ones, in the learning process.

4. State higher and (or) postgraduate education organizations shall have the right to establish scientific laboratories, research institutes, pilot production, specialized innovation infrastructure objects, design organizations, as well as scientific and educational consortiums in accordance with the procedure established by the legislation of the Republic of Kazakhstan

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

Article 10. Research university

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

2. The main task of the research university is the integration of scientific activity and the educational process at all levels of higher and postgraduate education.

3. Research university shall develop and implement the standards of educational programs of higher education and postgraduate study on an independent basis. Requirements to

conditions of implementation and results of learning educational programs may not be less than the relevant programs of higher education and postgraduate study, established by the government standards.

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

Article 11. Other organizations in the field of science

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

Chapter 4. SOCIAL SECURITY OF SCIENTIFIC WORKERS

Article 12. Payment for labour of scientific workers

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

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

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

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

Article 13. Leaves of scientific workers

1. Scientific workers of the state scientific organizations and scientific organizations, equated to the state scientific organizations shall be granted by annual leave with pay lasting fifty six calendar days for doctors of science, forty two calendar days for candidate of science,

doctor of philosophy (PhD), doctors on profile, thirty five calendar days for other scientific workers with payment of health improvement benefit within available funds for the payment for labor in amount of one official salary.

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

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

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

Article 14. Measures of social protection of scientific workers

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

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

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

4. Pension and social security for science workers shall be implemented in accordance with the legislation of the Republic of Kazakhstan on social protection.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 15. Incentives for scientists, researchers of scientific organizations and of higher and (or) postgraduate education organizations

Footnote. The heading of Article 15 as amended by the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication).

1. For the purpose of incentive scientists, researchers of scientific organizations and organizations of higher and (or) postgraduate education, who have contributed to the development of science and technology, may be:

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

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

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

4) recommended in candidacy for the state scientific scholarships;

5) nominated for the annual award "Best Researcher" in the amount of 2000-fold monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year.

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

to the scientists and researchers actively involved in fundamental or applied research in priority areas for the state, training of academic personnel;

talented young scientists under the age of forty inclusive, actively engaged in research to solve scientific problems and who have won acknowledgement of the scientific community.

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

3. As an incentive measure to students, scientists, researchers and organizations, a scholarship may be paid from the investment income of the endowment fund of a higher and (or) postgraduate education organization.

Footnote. Article 15 as amended by Law of the Republic of Kazakhstan № 171-VI as of 04.07.2018 (shall be enforced ten calendar days after its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 26.12.2022 No. 168-VII (shall be enforced sixty calendar days after the date of its first official publication).

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

1. Scientific, higher and (or) postgraduate education organizations, availing of highly qualified personnel and material and technical base, shall have the right to carry out training,

retraining and internships of scientific, scientific-technical personnel in the areas prioritized by them.

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

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

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

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

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

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

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

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

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

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

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

6) integration of the science, education and production;

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

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

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

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

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

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

Article 18. Higher scientific-technical commission

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

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

3. The main tasks of the Higher Scientific-Technical Commission shall be:

1) formation of strategic tasks and priorities aimed to develop scientific, scientific-technical and innovative activities;

2) determination of priority fundamental and applied research in branches of science;

3) examination of proposals from national scientific councils;

4) determination and distribution of funding from the state budget for scientific and (or) scientific-technical activities, with the exception of scientific, scientific-technical projects and programs formed within the state defense order, also determining the amount of financing for commercialization of research and (or) scientific-and technical activities' results.

Footnote. Article 18 as amended by Law of the Republic of Kazakhstan № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 18-1. Appeal Commission

1. The Appeal Commission is a collegial body.

2. The appeal commission shall be formed from among the representatives of the authorized body, sectoral authorized bodies, scientific public associations, experts, as well as members of the Higher Scientific-Technical Commission who are scientists. The chairman of the appeal commission shall be elected from among the appeal commission members, with the exception of state bodies' representatives.

3. The Appeal Commission shall examine:

1) appeals of participants of competitions about disagreement with the decisions of national scientific councils;

2) compliance by members of national scientific councils with the Code of Ethics of the members of national scientific councils on the proposal of the authorized body;

3) appeals on results of consideration by the national scientific councils of interim and final reports on scientific and (or) scientific-technical activities, commercialization of the results of research and (or) scientific-technical activities.

4. The Appeal Commission shall not consider:

1) appeals of the competition participants, whose applications were not admitted to the consideration by national scientific councils;

2) appeals concerning reducing of financing of projects and programs;

3) appeals on consideration of the results of monitoring the implementation of research, scientific-technical projects and programs, projects for commercialization of the results of research and (or) scientific-technical activities, submitted by the National Center for State Scientific and Technical Expertise;

4) anonymous appeals;

5) appeals that do not state the essence of the matter and sufficient grounds and facts;

6) other appeals in accordance with the regulation on the appeal commission.

5. The procedure for considering applications from participants in competitions and statements from the authorized body on compliance with the Code of Ethics is defined by the regulation on the appeal commission.

6. The Appeal Commission, within its competence, shall ensure an objective, full and timely consideration of the applicants' appeals, including with their participation.

7. Decisions of the appeal commission shall be mandatory for execution by national research councils, an authorized body and (or) sectorial authorized bodies or legal entities determined by the Government of the Republic of Kazakhstan, that finance scientific and (or) scientific-technical activities, as well as commercialization of the results of research and (or) scientific-technical activities.

8. The working body of the appeal commission shall be the authorized body.

Footnote. Chapter 5 is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

Article 19. National research councils

1. National research councils are collegiate bodies established according to the science branches.

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

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

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

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

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

5) competitive selection of scientific, scientific-technical projects and programs for fundamental and applied research, as well as projects for commercialization of the results of research and (or) scientific-technical activities proposed for financing from the state budget;

6) excluded by the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication);

7) examination of interim and final reports on scientific and (or) scientific-technical activities, commercialization of the results of scientific and (or) scientific-technical activities, as well as the results of monitoring the implementation of scientific, scientific-technical projects and programs, projects for commercialization of the results of scientific and (or) scientific-technical activities submitted by the National Center for State Scientific and Technical Expertise, making a decision based on the examination results of such reports and the monitoring results.

3. excluded by the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication).

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

5. National scientific councils shall decide by open voting on grant and program-targeted financing (termination of financing), financing (termination of financing) of fundamental scientific research carried out by scientific organizations in accordance with Article 27-1 of this Law, at the expense of the state budget within the approved budget for the corresponding fiscal year:

scientific, scientific-technical projects and programs of research, development and technological work;

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

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

projects for commercialization of the results of scientific and (or) scientific-technical activities.

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

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

8. National scientific councils shall accept interim and final reports on scientific and (or) scientific-technical activities, commercialization of the results of scientific and (or) scientific-technical activities.

9. Ensuring the activities of national scientific councils, including remuneration for conducting an examination of a specific scientific, scientific-technical project and program (reports), including projects for commercialization of the results of scientific and (or) scientific-technical activities, travel expenses of Kazakhstani and foreign scientists shall be provided by the National center of state scientific and technical expertise from the state budget.

10. The regulation on national scientific councils shall include in its structure the Code of Ethics for members of national scientific councils.

Violation by a member of the National Scientific Council of the requirements and provisions of the Code of Ethics of Members of National Scientific Councils shall be the ground for excluding this member from the National Scientific Council.

Footnote. Article 19 excluded by the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

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

1. To ensure the unity of administration, independence, transparency and publicity of the examination of research, scientific-technical projects and programs, as well as projects for commercialization of the results of scientific research and (or) scientific-technical activities, the National Center for State Scientific and Technical Expertise shall be established by the Government of the Republic of Kazakhstan.

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

1) organization of work on conducting state scientific-technical expertise of research, scientific-technical projects and programs, projects for commercialization of the results of scientific research and (or) scientific-technical activities proposed for financing from the state budget;

2) organization of work of the national scientific councils and posting information about members of the national scientific councils on their own Internet resource;

3) sending conclusions of the state scientific-technical expertise and a ranked list of research, scientific-technical projects and programs (reports), as well as projects for commercialization of the results of scientific research and (or) scientific-technical activities to the national scientific councils;

4) evaluation of the results of performed scientific, scientific-technical projects and programs (reports), as well as projects for commercialization of the results of scientific and (or) scientific-technical activities;

5) monitoring the implementation of scientific, scientific-technical projects and programs, projects for commercialization of the results of scientific and (or) scientific-technical activities at their implementation and completion stages and sending its results to the national scientific councils;

6) ensuring the qualitative selection of the composition of Kazakhstani and foreign experts;

6-1) selection of experts for examination of scientific and scientific and technical projects and programs containing information constituting state secrets shall be carried out from among Kazakhstani scientists in compliance with the requirements of the legislation of the Republic of Kazakhstan on state secrets;

7) methodical and organizational and technical ensuring of the state scientific-technical expertise;

8) formation of data banks of scientific, scientific-technical projects and programs, as well as projects for commercialization of the results of scientific and (or) scientific-technical activities;

9) conduct of research scientific works on improvement of its activity;

10) carrying out of the other activity, not prohibited by the legislation of the Republic of Kazakhstan.

3. National centre of the state scientific-technical expertise shall have the right to:

1) require and receive information, required for carrying out of functions and performance of objectives assigned on it from the state bodies, subjects of scientific and (or) scientific-technical activity;

2) give explanations on the issues, related to its competence;

3) **excluded by the Law of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication);**

4) engage the other organizations, Kazakhstani and foreign scientists for conduct of the expertise and carrying out of the monitoring of scientific researches in established manner;

5) interact with scientific organizations in established manner;

6) create advisory and deliberative bodies in the scope of scientific-technical activity;

7) conduct measures on the issues of scientific and scientific-technical development;

8) carry out publishing activities.

4. Financing of the activity of the National centre of the state scientific-technical expertise shall be performed from the state budget.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 131-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication);

Article 21. State scientific-technical expertise

1. State scientific-technical expertise shall be carried out in order to prepare an analytical assessment of scientific, scientific-technical projects and programs, as well as projects for commercialization of the results of scientific and (or) scientific-technical activities on the principles of independence, neutrality, competence, complexity, authenticity, completeness and soundness of expert opinions.

2. State scientific-technical expertise of scientific, scientific-technical projects and programs, as well as projects for commercialization of the results of scientific and (or) scientific-technical activities to be financed from the state budget, shall be carried out by competent Kazakhstan and foreign experts, whose main tasks are expert evaluation of objects, with regard to scientific novelty, the proposed scientific-technical level, relevance, prospects, the degree of development of scientific, scientific-technical projects and programs, as well as projects for commercialization of the results of scientific and (or) scientific-technical activities and economic feasibility of the requested amount of funding.

The Kazakh and foreign experts shall be selected on the basis on scientometric indicators in accordance with their specialization and features of scientific, scientific-technical projects and programs, as well as projects for commercialization of the results of scientific and (or) scientific-technical activities.

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

4. Scientists, experts, including foreign ones, involved in the evaluation of scientific, scientific-technical projects and programs, as well as projects for commercialization of the results of scientific and (or) scientific-technical activities, shall keep confidentiality and commercial secrets of materials submitted for examination.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 No. 131-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication);

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

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

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

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

4. Reports on implementation of scientific, scientific and technical projects and programs funded from the state budget shall be posted on the Internet resources of the authorized body and sectoral authorized bodies, with the exception of reports on implementation of scientific, scientific and technical projects and programs financed from budgetary funds containing information constituting state secrets.

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

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

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

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

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

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

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

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

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

- 1) basic financing;
- 2) grant financing;
- 3) special-purpose program financing.
- 4) financing of scientific organizations carrying out fundamental research.

3. Financing of subjects of scientific and (or) scientific-technical activities can be carried out simultaneously under various forms of financing in the order and on the terms established by the rules of base and program-targeted financing of scientific and (or) scientific-technical activities, grant financing of scientific and (or) scientific-technical activities and commercialization of the results of scientific and (or) scientific-technical activities, financing of scientific organizations carrying out fundamental scientific research.

4. An agreement on implementation of scientific, scientific-technical projects and programs shall be concluded between an accredited subject of scientific and (or) scientific-technical activities or an autonomous educational organization and its organization and an authorized body and (or) sectoral authorized body or legal entities determined by the Government of the Republic Kazakhstan, financing scientific and (or) scientific-technical activities, throughout the entire period of their implementation, but not more than five years.

Footnote. Article 24 as amended by the Laws of the Republic of Kazakhstan dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

Article 25. Base financing

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

1-1. Base financing shall not be allocated to scientific organizations included in the list of scientific organizations, carrying out fundamental research approved by the authorized body.

2. Base financing shall comprise expenses according to the base financing norms for the current maintenance of the research infrastructure and property, including buildings, equipment and materials, wages for leading scientists, administrative and service staff, and also information support for the scientific-technical activities of state scientific organizations, scientific organizations equated to state organizations, state organizations of higher and (or)

postgraduate education, organizations of higher and (or) postgraduate education, whose fifty or more percent of the voting shares (stakes in the authorized capital) is held by the state, as well as higher and (or) postgraduate education organizations, in which fifty or more percent of the voting shares (stakes in the authorized capital) are directly or indirectly owned by legal entities, whose fifty or more percent of the voting shares (stakes in the authorized capital) are owned by the state.

3. The list of organizations that are base financing subjects shall be formed and approved by the authorized body on the basis of proposals from sectoral authorized bodies.

Footnote. Article 25 as amended by the Laws of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

Article 26. Grant financing

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

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

3. Accredited subjects of scientific and (or) scientific-technical activity, as well as autonomous educational organizations and their organizations shall participate on equal terms in the competition for grant funding.

The competition for grant financing of projects for commercialization of the results of scientific and (or) scientific-technical activities shall be conducted in accordance with the Law of the Republic of Kazakhstan "On commercialization of the results of scientific and (or) scientific and technical activities", the rules of base and program-targeted financing of scientific and (or) scientific-technical activities, as well as grant financing of scientific and (or) scientific-technical activities and commercialization of the results of scientific and (or) scientific-technical activities, financing of scientific organizations engaged in fundamental scientific research.

4. The competition for grant financing shall be announced by the authorized body or sectoral authorized body and the announcement shall be placed on the Internet resource of the authorized body or sectoral authorized body that announced the competition.

5. Applications for participation in grant financing shall be submitted by accredited subjects of scientific and (or) scientific-technical activities, as well as autonomous

educational organizations and their organizations to the authorized body or sectoral authorized body that announced the competition.

5-1. The submitted applications shall be directed by the authorized body or the sectorial authorized body that announced the competition to the National Center for State Scientific and Technical Expertise for consideration by the relevant national scientific council.

The list of applications examined by national scientific councils, except the applications in the national security and defense, shall be posted on the Internet resource of the National Center for State Scientific and Technical Expertise.

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

7. Grant financing shall be provided by the authorized body or sectoral authorized body that announced the competition, or by legal entities determined by the Government of the Republic of Kazakhstan, financing scientific and (or) scientific-technical activities, and commercialization of the results of scientific and (or) scientific-technical activities.

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

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 31.10.2015 № 382-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

Article 27. Special-purpose program financing

1. Targeted financing shall be assigned for strategic scientific research for the purpose of addressing strategically important state tasks, including national scientific-technical tasks, and shall be carried out on a competitive basis. Program-targeted financing for applied research in the national security and defense, containing data constituting state secrets, may be allocated outside the competition procedures by the resolution of the Government of the Republic of Kazakhstan.

2. Accredited subjects of scientific and (or) scientific-technical activities, and also autonomous educational organizations and their organizations, including as co-executors, shall participate in the competition for program-targeted financing.

3. A competition for program-targeted financing for a scientific, scientific-technical program shall be announced by an authorized body or a sectoral authorized body and the announcement shall be placed on the Internet resource of the authorized body or sectoral authorized body that announced the competition.

4. Applications for participation in program-targeted financing shall be submitted by accredited subjects of scientific and (or) scientific-technical activities, as well as autonomous educational organizations and their organizations to the authorized body or sectoral authorized body that announced the competition.

The submitted applications shall be directed by the authorized body or the sectorial authorized body that announced the competition to the National Center for State Scientific and Technical Expertise for consideration by the relevant national scientific council.

The list of applications examined by national scientific councils, except applications in the national security and defense, shall be posted on the Internet resource of the National Center for State Scientific and Technical Expertise.

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

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

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

8. Program-targeted financing shall be provided by the authorized body or sectoral authorized body that announced the competition, or by legal entities determined by the Government of the Republic of Kazakhstan that finance scientific and (or) scientific-technical activities.

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

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

11. The order of financing applied research in case of co-financing attracted from a private partner, except applied scientific research in social sciences, humanities, national security and defense science, shall be determined by the rules for base and program-targeted financing of scientific and (or) scientific-technical activities, as well as grant financing of scientific and (or) scientific-technical activities and commercialization of the results of scientific and (or) scientific-technical activities, financing of scientific organizations engaged in fundamental scientific research.

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

official publication); dated 31.03.2021 No. 24-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

Article 27-1. Financing of scientific organizations carrying out fundamental scientific research

1. Financing of state scientific organizations and scientific organizations with 100% stakes of the state, included in the list of scientific organizations engaged in fundamental research approved by the authorized body, shall be assigned for conducting fundamental research in archeology, astronomy, astrophysics, atomic energy, oriental studies, art, history, culture, literature, mathematics and mechanics, education, political science, religious studies, sociology, philosophy, ethnology, linguistics.

2. Financing of scientific organizations included in the list of scientific organizations approved by the authorized body, carrying out fundamental research in accordance with paragraph 1 of this article, shall comprise expenses on the current maintenance of the research infrastructure and property, including buildings, equipment and materials, wages, conducting of fundamental scientific studies for a period not exceeding five years.

3. Applications for inclusion in the list of scientific organizations carrying out fundamental research in accordance with paragraph 1 of this article, as well as for funding fundamental research, shall be sent by state scientific organizations and scientific organizations with 100% state stakes to the authorized body.

Submitted applications for funding fundamental research shall be directed by the authorized body to the National Center for State Scientific and Technical Expertise and further for consideration by the relevant national scientific councils.

The authorized body shall direct to the Higher Scientific and Technical Commission the applications for funding fundamental scientific research along with the decisions of the national scientific councils.

4. Applications for funding fundamental research, approved by the Higher Scientific and Technical Commission, shall be examined according to the procedure established by the budgetary legislation of the Republic of Kazakhstan.

5. Scientific organizations included in the list of scientific organizations approved by the authorized body, carrying out fundamental research in accordance with paragraph 1 of this article, shall present annual performance reports to the national scientific councils.

Footnote. Chapter 6 is supplemented by Article 27-1 in accordance with the Law of the Republic of Kazakhstan dated 15.11.2021 No. 72-VII (effective from 01.01.2022).

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

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

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

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

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

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

Part of the revenue from commercialization of results of the scientific and (or) scientific-technical activities carried out by the organization may be allocated to the endowment fund of the higher and (or) postgraduate education organization, which finances the conduct of scientific research or its commercialization.

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

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

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

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

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

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

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

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

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

Article 29. International cooperation

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

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

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

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

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

Chapter 8. FINAL PROVISIONS

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

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

Article 31. The order of enforcement of this Law

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

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

The President
of the Republic of Kazakhstan

N. Nazarbayev

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