

GOVERNMENT REGULATION

of 19 October 2009

on an information system for research, experimental development and innovation

In order to implement Act No 130/2002 on the promotion of research, experimental development and innovation from public funds and amending certain related laws (the Act on the Promotion of Research, Experimental Development and Innovation), as amended by Act No 41/2004, Act No 215/2004, Act No 342/2005, Act No 413/2005, Act No 81/2006, Act No 227/2006, Act No 171/2007, Act No 296/2007, Act No 124/2008 and Act No 110/2009 (hereinafter referred to as the “Act”), the government promulgates the following regulation:

Section 1

Definitions

For the purposes of this Regulation

- a) “information system” shall mean an information system for research, experimental development and innovation pursuant to Section 30 et seq. of the Act,
- b) “development” shall mean experimental development pursuant to Section 2(1)(c) of the Act,
- c) “identification code” shall mean data clearly identifying, in the information system,
 1. a public tender in research, development and innovation pursuant to Section 17 et seq. of the Act,
 2. a project pursuant to Section 2(2)(i) of the Act,
 3. other research, development and innovation activity which may be eligible for support pursuant to Section 3 of the Act,
 4. a result pursuant to Section 2(2)(k) of the Act, or
 5. a natural person who has not been allocated a personal identification number, and created according to the rules laid down by the information system¹⁾ administrator (hereinafter referred to as the “administrator”),
- d) “note” shall mean a grantor-confirmed document containing information required by the administrator which uniquely identifies a transmitted data set, and information on the result of a check of the completeness of the data transmitted and the links between such data (hereinafter referred to as “data check”).

Section 2

Central project register data**(further to Section 32(1) of the Act)**

(1) Central project register data shall comprise

- a) the identification code of the project, its title in the language in which the project was submitted and approved (hereinafter referred to as the “original language of the project”),

¹⁾ Section 35(2)(h) of Act No 130/2002 on the promotion of research, experimental development and innovation from public funds and amending certain related laws (Act on the Promotion of Research, Experimental Development and Innovation), as amended by Act No 110/2009; Section 2(c) and Section 3(2) of Act No 365/2000 on public administration information systems and amending certain other laws, as amended by Act No 81/2006.

and in the English language, and a designation of the programme or group of grant projects,

- b) basic information on the beneficiary and other project participants, i.e.
1. the company name or trade name, or first name and surname of a natural person, or indication of the government department or local government unit, registered number, if any, or, where a legal person cannot have a registered number, the state in which is registered, the legal form of a legal person, the registered office or place of residence and place of business, and an address in a public information network and e-mail address, if any, and
 2. data on the organizational unit of the enterprise,²⁾ part of a public university or other internal organizational unit of the beneficiary or other project participant, if that organizational unit, under other legislation,³⁾ the founding charter or other relevant documentation, exercises rights and discharges obligations relating to the project or part thereof, or
 3. the first name and surname, any academic titles and scientific degrees (hereinafter referred to as "titles"), personal identification number, place of permanent residence of a natural person, or if that person is not a Czech citizen the first name and surname, titles, nationality and personal identification number, or, if none has been issued, the identification code, and an address in a public information network (Internet address) and e-mail address, if any;
- if the beneficiary or other project participant is the same as the person referred to in subparagraph c), of their personal data only the information referred to in subparagraph c) shall be stated,
- c) basic data about the natural person responsible to the beneficiary for the professionalism of the project, or about the natural person responsible to another project participant for project management, or about any another natural person involved in the project, i.e.
1. the first name, surname, titles and personal identification number; if the person is not a Czech citizen, his first name and surname, titles, nationality and personal identification number, or, if not allocated, the identification code,
 2. the electronic or telephone contact details of such persons,
- d) the project start and completion dates under the aid contract or aid award, the start and completion dates for the provision of targeted aid and, in English and Czech, the progress of the project, where appropriate with justification, and information on changes to the aid contract or aid award,
- e) the subject and objectives of project management in the original language and English, the field of research, development and innovation, and differentiation of the project pursuant to Section 2(1) of the Act,
- f) the approved project costs, the amount of targeted aid, with a specification of expenditures from the national budget, broken down by beneficiary and other project participants, for the whole duration of project management and for each year of project management,
- g) the identification code of the public tender in research, development and innovation, if an aid contract is concluded or an aid award is issued on the basis of the outcome of a public tender in research, development and innovation,
- h) the identification codes of other projects where the beneficiary is involved in the management thereof, which are listed in the information system and address similar issues,

²⁾ Section 7 of the Commercial Code.

³⁾ For example, Act No 111/1998 on higher education and amending other laws (the Higher Education Act), as amended, Act No 219/2000 on the property of the Czech Republic and its representation in legal relations, as amended, Act No 218/2000 on budgetary rules and amending certain related laws (Budgetary Rules), as amended, the Commercial Code.

- i) a brief evaluation of the project by the grantor on completion thereof in Czech and English,
- j) a definition of data protection provided under other legislation⁴⁾ (hereinafter referred to as the “degree of confidentiality”),
- k) data specified by the administrator, uniquely identifying the data set transmitted,
- l) other data relating to aid laid down in other legislation⁵⁾ or international obligations of the Czech Republic.

(2) If the aid contract or aid award applies to multiple beneficiaries, the data referred to in paragraph (1)(b), (c), (f) and (h) shall be stated for each such beneficiary. If multiple project participants are involved in a project, the data referred to in paragraph (1)(b), (c) and (f) shall be stated for each such participant.

Section 3

Data in the central register of research, development and innovation activities

(further to Section 32(2) of the Act)

Data in the central register of research, development and innovation activities shall comprise

- a) in the case of aid for specific university research under Section 3(2)(c) of the Act, in the case of aid for research organizations under Section 3(3)(a) of the Act, and in the case of aid for the Czech Republic’s international cooperation in research and development under Section 3(3)(b) of the Act
 - 1. basic information about the beneficiary, i.e. the company or trade name, or designation of the organizational unit of the Czech Republic or local government unit, registered number, if any, registered office and legal form if a legal person, address in a public information network and e-mail address, if any, or data about the organizational unit, internal organizational unit or component entrusted on the basis of other legislation,³⁾ the founding charter, other relevant document on establishment, to exercise rights and discharge obligations relating to research, development and innovation, if any,
 - 2. a description of the activity and its objectives, if set, in Czech and English,
 - 3. information about the enforceability of the aid award, the start date for the provision of aid in a given year,
 - 4. information about the amount of aid granted in a given year,
 - 5. data specified by the administrator, uniquely identifying the data set transmitted,
 - 6. other data relating to aid laid down in other legislation⁵⁾ or international obligations of the Czech Republic,
- b) in the case of aid for a group of grant projects under Section 3(2)(a) of the Act and for a programme under Section 3(2)(b), information about
 - 1. the grantor,
 - 2. the name of the group of grant projects or the programme and the objectives thereof, in Czech and English,
 - 3. the duration of the group of grant projects or programme,
 - 4. the approved amount of aid to implement the programme on aggregate and in the individual years thereof,

⁴⁾ For example Act No 412/2005 on the protection of classified information and security clearance, as amended, the Commercial Code, Act No 101/2000 on the protection of personal data and amending certain laws, as amended.

⁵⁾ For example Act No 218/2000, as amended, Act No 250/2000 on the budgetary rules of territorial budgets, as amended.

5. the approval of the programme by the government or the assembly of a local government unit,
 6. the outcome of any assessment by the European Commission,
 7. the method for the publication of the current version of the programme,
 8. the amount of aid actually spent on the group of projects or programme in the individual years thereof,
- c) in the case of arrangements for a public tender in research, development and innovation or the award of a public contract under Section 3(3)(d) of the Act, for a financial valuation of extraordinary results or a financial valuation of the promotion or popularization of research, development and innovation under Section 3(3)(e) of the Act, and in the case of costs associated with the activities of the Council for Research, Development and Innovation, the Grant Agency of the Czech Science Foundation, the Technology Agency of the Czech Republic and the Academy of Sciences of the Czech Republic under Section 3(3)(f) of the Act, information about
1. the grantor,
 2. the amount of aid granted in individual years.

Section 4

Data in the results information register

(further to Section 32(3) of the Act)

Data in the results information register shall comprise

- a) the identification code of the project, and its title in the language in which the result was published (hereinafter referred to as the “original language of the result”), and in the English language,
- b) the identification code of the project giving rise to the result, or information that it is a result achieved primarily
 1. within the scope of aid for specific university research under Section 3(2)(c) of the Act, aid for research organizations under Section 3(3)(a) of the Act, or aid for the Czech Republic’s international cooperation in research and development under Section 3(3)(b) of the Act,
 2. within the scope of aid not included under paragraph (1), or
 3. within the scope of research, development and innovation activities for which aid has not been granted,
- c) basic information pursuant to Section 2(1)(b) and Section 3(a)(1) about the beneficiary or other project participant achieving the result,
- d) the total number of authors, designers or other natural persons involved in the achievement of the result and holding similar rights to the result⁶⁾ (hereinafter referred to as the “creators”), of which the number of creators in an employment or similar relationship with the beneficiary or a research organization constituting another project participant,

⁶⁾ For example Act No 121/2000 on copyright, rights related to copyright and amending certain laws (the Copyright Act), as amended, Act No 527/1990 on inventions and rationalization proposals, as amended, Act No 529/1991 on the protection of the topographies of semiconductor products, as amended, Act No 478/1992 on utility models, as amended, Act No 206/2000 on the protection of biotechnological inventions and amending Act No 132/1989 on the protection of rights attached to new plant varieties and animal breeds, as amended by Act No 93/1996, Act No 207/2000 on the protection designs and amending Act No 527/1990 on inventions, industrial designs and rationalization proposals, as amended, as amended, Act No 408/2000 on the protection of rights attached to plant varieties and amending Act No 92/1996 on varieties, seeds and seedlings of cultivated plants, as amended (the Act on the Protection of Rights attached to Varieties), as amended.

- e) the first names, surnames, and personal identification numbers of the creators, or, if the creators are not Czech citizens, their first names and surnames, nationalities and personal identification numbers, or, if not allocated, the identification codes,
- f) a list of names of creators in the form set out in the publication or other type of result,
- g) the type of result, i.e. publications, demonstrations via direct actions, results protected under other legislation,⁶⁾ marketed results or other products; a research report shall be regarded as a type of result only where the results contain classified information under other legislation,⁷⁾
- h) a description of the result in the original language of the result and in English,
- i) information specifying the result in more detail,
- j) the field of the result,
- k) information on the application of the result pursuant to Section 31(6) of the Act, including the year of application of the result,
- l) the degree of confidentiality,
- m) data specified by the administrator, uniquely identifying the data set transmitted,
- n) other data relating to aid laid down in other legislation⁵⁾ or international obligations of the Czech Republic.

Section 5

Data in the register of public tenders in research, development and innovation (further to Section 32(4) of the Act)

Data in the register of public tenders in research, development and innovation shall comprise

- a) basic information about the public tender in research, development and innovation, i.e.
 - 1. the identification code of the public tender in research, development and innovation, and the designation of the programme or group of grant projects,
 - 2. in the case of a programme, the date of its approval by the government, the number of the government resolution, the start year and end year of the programme, and where appropriate information on the outcome of the assessment by the European Commission, if the programme is notified to the European Commission,
- b) information about the grantor advertising the public tender in research, development and innovation,
- c) information about the publication and conditions of the public tender in research, development and innovation, i.e.
 - 1. the date of publication of the public tender in research, development and innovation in the Business Journal [*Obchodní věstník*], a specification of the beginning and end of the tendering period and the evaluation period, the estimated start date of projects and the estimated start date for the granting of aid,
 - 2. the method for the submission of project proposals in Czech and English,
 - 3. the method for reporting the result of the public tender in research, development and innovation in Czech and English,
 - 4. the total amount of targeted aid earmarked by the grantor for the subject of the public tender in research, development and innovation and a breakdown thereof in individual years,
 - 5. the conditions of the public tender in research, development and innovation, including the reasons for the acceptance, disqualification or exclusion of a project proposal from the public tender, the project proposal evaluation criteria and requirements for proving the eligibility of the tenderer, in Czech and English,

⁷⁾ For example Act No 412/2005, as amended.

6. information about the place of storage of the tender documentation, the location, form and time of submission of project proposals and information about the name, address, telephone number and e-mail address of the grantor's contact person or person responsible for the organization of the public tender in research, development and innovation,
 7. other sources of information about the public tender in research, development and innovation,
- d) information about the evaluation of the public tender in research, development and innovation, i.e.
1. the number of project proposals delivered, the number of project proposals accepted, the number of project proposals which will be granted targeted aid based on the grantor's decision pursuant to Section 21(7) of the Act,
 2. the total amount of targeted aid approved and the breakdown thereof into individual years,
 3. if a public tender in research, development and innovation is cancelled, the date and reason for the cancellation in accordance with Section 24(1) to (4) of the Act in Czech and English,
- e) data specified by the administrator, uniquely identifying the data set transmitted,
- f) other data relating to aid laid down in other legislation⁵⁾ or international obligations of the Czech Republic.

Section 6

Procedure for the transmission of data about published public tenders in research, development and innovation, and evaluation thereof

(further to Section 31(2) of the Act)

(1) The grantor, prior to publishing a public tender in research, development and innovation, on the basis of which targeted aid will be provided from the grantor's budget, shall provide the operator and administrator of information system data elements and code lists (hereinafter referred to as the "operator")⁸⁾ with information to the extent determined by the administrator under Section 5(a) to (c), (e) and (f) within the time limit under Section 31(2). The grantor shall provide such information to the operator in a version consistent with data disclosures in the Business Journal.

(2) If there is a change in the details of a published public tender in research, development and innovation that are provided under paragraph (1), the grantor shall provide new information to the operator in the form of a full set of data transmitted in accordance with paragraph (1) in the relevant year no later than 10 working days before the date stated in the previous data set as the date of publication of the public tender in research, development and innovation.

(3) The grantor shall forward the information referred to in paragraphs (1) and (2) or data on the evaluation of the public tender in research, development and innovation under Section 5(d) to the operator via the administrator of the equipment for the processing and transmission of data on data carriers, together with a note. The note shall be delivered in paper form or in electronic form as a data message bearing an advanced electronic signature or electronic mark in accordance with other legislation.⁹⁾

⁸⁾ Section 2(d) of Act No. 365/2000.

⁹⁾ Section 2(b) and (c) and Section 3 of Act No 227/2000 on electronic signatures and amending certain other laws (the Electronic Signatures Act), as amended by Act No

(4) The grantor, prior to forwarding the data to the operator, shall check the data with a valid version of the software provided by the operator.

Section 7

Procedure followed by the beneficiary to provide information on projects and the results thereof, other research, development and innovation activities, and the results of research organizations

(further to Section 31(3) of the Act)

(1) The beneficiary shall fulfil the obligation under Section 12 of the Act via the grantor, to whom the beneficiary shall forward information on projects and the results thereof, further research, development and innovation activities and the results of research organizations in the form and in the time limit determined by the grantor pursuant to Section 31(3) of the Act and under other legislation.⁴⁾ A research organization may submit information on results which do not arise in connection with the targeted or institutional aid via the grantor of institutional aid appointed pursuant to Section 4(2)(a) of the Act.

(2) If amendments are made to the aid contract or aid award, the beneficiary shall provide the grantor with information in the form and within the time limit set by the grantor.

(3) If changes are made to data which are not the subject of the aid contract or aid award, or which are not subject to the grantor's approval, the grantor shall arrange for the transmission of valid data to the information system further to the beneficiary's notification delivered to the grantor in paper form or in electronic form as a data message bearing an advanced electronic signature or an electronic mark in accordance with other legislation.⁹⁾

Section 8

Procedure followed by the grantor to provide information on projects and the results thereof, other research, development and innovation activities, and the results of research organizations

(further to Section 31(7) of the Act)

(1) The grantor, prior to granting targeted aid or institutional aid, shall provide the operator with information to the extent laid down by the administrator under Sections 2 and 3 on projects and other research, development and innovation activities for which the grantor provides or uses aid in the relevant calendar year from the grantor's budget, such being within the time limits pursuant to Section 31(4) of the Act. Information on project evaluations pursuant to Section 2(1)(i) and information on actual project costs transmitted by the grantor to the operator within six months from the beginning of the calendar year following completion of the project shall be an exception.

(2) The grantor shall provide the operator with data on the results of projects or other research, development and innovation activities supported by the grantor's budget within the time limit under Section 31(6) of the Act to the extent determined by the administrator under Section 4.

(3) New information about projects, other research, development and innovation activities, and the results of research organizations that changes during the calendar year shall

be delivered by the grantor to the operator within the time limit pursuant to Section 31(5) of the Act as a complete set of data transmitted in accordance with paragraph (1) or (2) in the relevant year.

(4) The procedure under Section 6(3) and (4) shall apply mutatis mutandis to the transmission of data pursuant to paragraphs (1) to (3).

Section 9

Procedure for the entry of data transmitted by the grantor in the information system

(further to Section 31(9) of the Act)

(1) The operator shall enter in the information system only data transmitted by the grantor in accordance with Section 6(3) and (4), or Section 8(4) or, if the subject of the project contains classified information, in accordance with the procedure laid down in other legislation.⁷⁾

(2) The operator shall notify the grantor of the entry of data in the information system in paper form or in electronic form as a data message bearing an advanced electronic signature or an electronic mark in accordance with other legislation⁹⁾ within the time limit laid down in Section 31(8) of the Act.

(3) A data set transferred to the information system that reports errors found during a data check by a valid version of software or that does not meet the requirements laid down by law and other legislation⁴⁾ shall be returned by the operator to the grantor; the operator shall not enter such a data set in the information system and shall notify this fact and the reasons therefor to the grantor by analogy with paragraph (2). The grantor may transmit a returned, non-entered data set, upon correction thereof, by analogy with Section 6(3) and (4).

(4) The operator shall be governed by the information system operating regulations drawn up and approved by the administrator.

Section 10

Method and time limits for the provision of data from the information system

(further to Section 31(12) of the Act)

(1) An operator shall not disclose information on a public tender in research, development and innovation through a public information network before the date notified to the operator by the grantor as the date of publication in the Business Journal pursuant to Section 5(c)(1) and Section 6.

- (2) The operator shall provide, from the information system,
- a) pursuant to Section 31(11)(a) of the Act, the public with
 1. information about a published public tender in research, development and innovation no earlier than on the date of publication of the tender as indicated by the grantor in the final data set transmitted to the operator,
 2. information on the evaluation of a public tender in research, development and innovation within 30 calendar days from the date of entry thereof in the information system,
 3. information on projects or other research, development and innovation activities, and information on the results achieved, within the time limit referred to in point 2 above,

- b) the grantor and administrator, by e-mail or via a public information network, within 30 calendar days of delivery of a request or clarification thereof, with information not available under subparagraph (a),
- c) a beneficiary, in paper form, on storage media, by e-mail or via a public information network, within 30 calendar days of delivery of a request or clarification thereof, with information not available under subparagraph (a),
- d) other entities, pursuant to Section 31(11)(e) of the Act, with information in the manner laid down in subparagraph (c), unless other legislation or international obligations of the Czech Republic lay down a different method and time limits for the provision of data.

(3) A request under paragraph (2)(b) and (c) may be submitted in paper form or in electronic form as a data message bearing an advanced electronic signature or electronic mark in accordance with other legislation.⁹⁾ If a request is unintelligible or if it is not clear what data are required and in what form, or if it is formulated too generally, within 10 calendar days of delivery of the request the operator shall call on the requesting party to clarify the request. If the requesting party fails to clarify the request within 30 calendar days from delivery of the operator's request for clarification, the operator need not disclose the information.

Section 11

Common provisions

(1) In the storage, disclosure, transmission and other processing of personal data, the procedure under other legislation¹⁰⁾ shall be followed.

(2) Personal data about the contact person for the publication of a public tender in research, development and innovation shall be rendered anonymous¹⁰⁾ after one year as of the end of the public tender.

(3) Sections 5 and 6, Section 10(1) and Section 10(2)(a)(1) and (2) shall not apply to a public contract in research, development and innovation pursuant to Section 2(2)(g) of the Act awarded in accordance with other legislation.¹¹⁾

Section 12

Transitional provisions

(1) The administrator shall be responsible for the operation of a central register of research projects, in the manner laid down in current legislation, until such projects end.

(2) Current legislation shall apply to the procedure followed by the grantor, beneficiary and operator in the transmission and entry of data on research projects and their results in the central register of research projects.

Section 13

Repeal

Government Regulation No 267/2002 on the research and development information system is repealed.

¹⁰⁾ Act No 101/2000, as amended.

¹¹⁾ Act No 137/2006 on public procurement, as amended.

Section 14

Effect

This Regulation shall enter into effect on 1 January 2010.

Prime Minister

Fischer, *m.p.*