On Science and Technology Policy

Unofficial translation

Law of the Republic of Kazakhstan dated July 1, 2024 № 103-VIII.

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This Law shall regulate public relations in the field of science, scientific and (or) scientific and technological activity, commercialization of the results of scientific and (or) scientific and technological activity, shall determine the basic principles and mechanisms of functioning and development of the national science system of the Republic of Kazakhstan.

Chapter 1. General Provisions

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

1) accreditation - procedure of official recognition by the authorized body of conformity of scientific and (or) scientific and technological activity entities to the requirements established by the legislation of the Republic of Kazakhstan;

2) scientist – an individual, carrying out scientific research and achieving results of scientific and (or) scientific and technological activity;

3) science – the scope of human activity, the functions of which are the study of laws of nature, society and thinking, development and theoretical systematization of objective knowledge of reality for the rational use of natural resources and efficient social management;

4) scientific ethics - a set of principles, rules and norms of ethics, which are adhered to by scientific and (or) scientific and technological activity entities;

5) classifier of scientific fields - a document establishing classification and coding of the fields of science;

6) academic consortium - a temporary voluntary equal association on the basis of an agreement on joint economic activity in the field of science, scientific and technological activity, in which scientific organizations, higher and (or) postgraduate education organizations and other legal entities, including those engaged in the production sector, pool intellectual, financial and other resources to conduct fundamental, applied scientific research, for development of technological innovations and training of highly skilled professionals;

7) scientific, scientific and technological project and program - a document that includes the content of the proposed scientific-technical work, representing scientific, scientific and technological, experimental design, marketing research with a rationale for the goals and objectives, relevance, novelty, scientific and practical significance and expediency of carrying out the programmed work;

8) implementation (use) of the results of scientific and (or) scientific and technological activity - activities aimed at implementing the final stage of the scientific and production cycle of developing new products or new technology;

9) commercialization of scientific and (or) scientific and technological activity results - activities related to practical application of the results of scientific and (or) scientific and technological activity, including intellectual activity results, with the aim of bringing new or improved goods, processes and services to the market, aimed at generating income;

10) grant for commercialization of scientific and (or) scientific and technological activity results - funds provided on a gratuitous and irrevocable basis for the implementation of projects for commercialization of the scientific and (or) scientific and technological activity results within priority economy sectors;

11) center (office) of commercialization of scientific and (or) scientific and technological activity results - a legal entity, structural or separate unit of a scientific organization, organizations of higher and (or) postgraduate education, autonomous or other educational organization, implementing commercialization of results of scientific and (or) scientific and technological activity;

12) result of intellectual activity in the field of commercialization of scientific and (or) scientific and technological activity results (hereinafter - intellectual activity result) - inventions, utility models, industrial designs, selection achievements, topologies of integrated circuits, software and other intellectual activity results obtained in scientific and (or) scientific and technological or other activity;

13) report on commercialization of the scientific and (or) scientific and technological activity results - a document containing information on the results and efficacy of the implementation of the project on commercialization of the scientific and (or) scientific and technological activity results;

14) scientific and (or) scientific and technological activity result - new knowledge or solutions obtained by appropriate scientific methods and means in the course of implementation of scientific and (or) scientific and technological activity and recorded on any information medium, as well as scientific developments and technologies, models, layouts, samples of new product prototypes, materials and substances introduced into production;

15) state policy in scientific and (or) scientific and technological activity – a constituent of socio-economic policy that defines the main priorities, goals, directions, principles and procedures for the activities of scientists and organizations in the field of science and technology, commercialization of scientific and technological achievements, stimulating the creation of new technologies;

16) report on scientific and (or) scientific and technological activity - a document containing information on the implementation of scientific and technological work, scientific,

scientific and technological, experimental design, marketing research, as well as information on the expediency of continuing the planned work or on the result of completed scientific, scientific and technological projects and programs;

17) scientific research work– work related to scientific research, conducting research, for the purpose of expanding existing and obtaining new knowledge, testing scientific hypotheses , establishing patterns of development of nature and society, scientific generalization, scientific substantiation of projects;

18) scientific study– applied, fundamental, strategic scientific research carried out by scientific and (or) scientific and technological activity entities within the framework of research, experimental design and technological work using appropriate scientific methods and means in order to achieve results of scientific and (or) scientific and technological activity;

19) scientific infrastructure – scientific laboratory and engineering equipment, experimental industrial production, unique facilities, as well as other movable and immovable assets intended for scientific and (or) scientific and technological activity;

20) scientific activity - activity aimed at studying the surrounding reality in order to identify the properties, specifics and patterns inherent in the studied objects, phenomena (processes) , and using the acquired knowledge in practice;

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

22) research internship - internship of scientists in leading foreign and (or) domestic organizations of higher and (or) postgraduate education, scientific centers and other organizations for the development of professional competencies in the chosen field of scientific research, except for internship under the “Bolashak” international scholarship

23) scientific-technological information - information obtained in the course of scientific and (or) scientific and technological and production activities, containing data on national and foreign research results and achievements of science, engineering, technology;

24) scientific and technological activity - activity aimed at obtaining and applying new knowledge in the fields of science, technology and production to address technological, engineering, economic and socio-political and other tasks, ensuring the functioning of science , technology and production as a unified system, including development of regulatory and technical documentation required for these studies;

25) science and technology (S&T) policy - a part of the state technological policy, that defines the main objectives, directions, principles of science development and state support mechanisms of scientific and (or) scientific and technological activity entities;

26) candidate of science, doctor of science – academic degrees awarded based on thesis defense by candidates;

27) authorized body in the field of science (hereinafter - the authorized body) - a state body, carrying out cross-sectoral coordination and guidance in science and scientific and technological activity;

28) leading scientist - scientist with a doctorate or candidate of science degree, doctor of philosophy (PhD) degree, doctor in the profile with scientific achievements and indicators established by the relevant requirements of the authorized body;

29) endowment fund of the higher and (or) postgraduate education organization, scientific and (or) scientific and technological activity entities - a fund of the target capital formed from charitable assistance, gratuitous deductions, donations, grants, contributions of founders (participants) of educational organizations and scientific and (or) scientific and technological activity entities, investment income from which is directed to the financing of scientific and (or) scientific and technological, innovative and (or) educational activity, also for venture financing of start-ups;

30) industrial-scientific technological consortium - a temporary voluntary equal association on the basis of an agreement on joint economic activity aimed at commercializing scientific and (or) scientific and technological activity results, formed by scientific organizations, higher and (or) postgraduate education organizations and business entities to carry out scientific research -research and (or) development work and commercialization of the results of scientific and (or) scientific and technological activity in order to participate in a competition for program-targeted financing;

31) engineering technician - an individual working for a scientific organization or a higher and (or) postgraduate education organization or an enterprise, having secondary vocational or higher education, contributing to obtaining the result of scientific and (or) scientific and technological activity and its implementation;

32) unified information system “Kazakhstan Science” - an informatization object intended for insuring digitalization of processes of scientific and (or) scientific and technological activities, competitive procedures on forms of science funding, state scientific-technical expertise, analysis, collection, processing of scientific and technological information, scientific and technological electronic library and digital archive, the single database of scientists of Kazakhstan and system of scientific citation of Kazakhstan scientists;

33) 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 National Academy of Sciences of the Republic of Kazakhstan in accordance with the rules and criteria for the election of academicians of the National Academy of Sciences of the Republic of Kazakhstan;

34) associate professor (docent), professor - academic titles awarded by the authorized body;

35) applied scientific research - research aimed at obtaining and applying new knowledge to achieve practical goals and address specific problems;

36) state order - an order of the authorized body and (or) sectoral authorized bodies to the scientific and (or) scientific and technological activity entities on the basis of contract for performance of research works financed from budget funds in the form of base, grant and program-targeted financing, financing of scientific organizations carrying out fundamental scientific research, financing of scientific-technical support and commercialization of scientific and (or) scientific and technological activity results;

37) state order of the local executive body of the oblast, city of republican status and the capital – an order of the local executive body of the oblast, city of republican status and the capital to the scientific and (or) scientific and technological activity entities on the basis of the contract for performance of research work financed from budgetary funds;

38) sectoral authorized body - a central executive body implementing the state policy in science and scientific and technological activity and coordinating works on conducting scientific research in the relevant sector;

39) service company - a legal entity providing consulting, engineering, certification, patent and other services necessary for commercialization of the results of scientific and (or) scientific and technological activity;

40) startup company - an individual entrepreneur or a legal entity registered in the territory of the Republic of Kazakhstan, belonging to small or medium-sized businesses, created with participation of higher and (or) postgraduate education organizations, scientific organizations, whose activities are aimed at commercialization of the results of scientific and (or) scientific and technological activity, developing innovations;

41) strategic scientific research - scientific research aimed to address strategic tasks;

42) design and experimental works - a set of works performed during creation or modernization of products, development of design and technological documentation for prototypes, manufacturing and testing of prototypes and utility models;

43) pilot production - a production site of a legal entity intended for testing, manufacturing and approbation of prototypes and utility models, new products, methods, processes and systems;

44) technology transfer - the process of transferring the results of scientific and (or) scientific and technological activity, knowledge, technologies and intellectual property rights before their implementation by industrial-innovative activity subjects;

45) full scientific cycle project - a complex of coordinated scientific, scientific and technological works implemented by scientific and (or) scientific and technological activity entities aimed to create products with scientific content (goods, works, services);

46) “Single window” of the national innovation system - an informatization object that provides access to support measures for the development of innovation activities and innovations through a single portal;

47) Doctor of Philosophy (PhD), Doctor by profile - degrees awarded to persons who have completed a doctoral program in scientific-pedagogical direction or relevant field of

professional activity and defended a dissertation in the Republic of Kazakhstan or abroad, recognized in the procedure established by the legislation of the Republic of Kazakhstan;

48) fundamental scientific research - theoretical and (or) experimental study aimed to obtain new scientific knowledge about the basic patterns of the development of nature, society, man and their interrelation.

Article 2. Legislation of the Republic of Kazakhstan in science and technology policy

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

2. International treaties ratified by the Republic of Kazakhstan shall take precedence over this Law. The procedure and conditions of validity on the territory of the Republic of Kazakhstan of international treaties to which the Republic of Kazakhstan is a party shall be determined by the legislation of the Republic of Kazakhstan.

3. Public relations in the field of science and scientific and technological activity in the formation and implementation of the state defense order shall be regulated by the Law of the Republic of Kazakhstan "On Defense Industry and State Defense Order".

4. Public relations in science and scientific and technological activity in the field of biological safety shall be regulated with regard to the requirements of the Law of the Republic of Kazakhstan "On Biological Safety of the Republic of Kazakhstan"

Article 3. Main goals, objectives and principles of this Law

1. The main goals of this Law shall be development of science, realization of science and technology policy for implementing the scientific achievements results to ensure the country's competitiveness and cross-sectoral coordination of scientific and (or) scientific and technological and innovation activities.

2. This Law shall be based on the principles of:

1) transparency in the interaction of all the process participants;

2) creation of favorable conditions for implementation of the state science and technology policy in the field of science;

3) guaranteeing the rights and legitimate interests of persons involved in obtaining the results of scientific and (or) scientific and technological activity, generating income;

4) economic stimulation of science, scientific and technological activity in priority sectors of economy;

5) integration of the efforts of education, science, production and development institutions

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3. The goals of this Law shall be achieved by solving the following tasks:

1) formation of the state scientific-technological policy and state regulation of relations in science and technology;

2) effective performance of science and realization of scientific and technological policy;

3) development of fundamental and applied scientific research;

4) improving the status of scientists and scientific organizations;

5) integration of science with production;

6) human resourcing, logistical, scientific-technical and information support of science.

Article 4: Scope of this Law

1. This Law shall extend to individuals and legal entities, engaged in scientific, scientific and technological activity and (or) commercialization of scientific and (or) scientific and technological activity results to the extent that does not contradict the Entrepreneur Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On Industrial Policy ".

2. Legal relations, regulated by this Law, in the part of scientific research, carried out from grant, program-targeted financing, financing of scientific organizations, engaged in fundamental scientific research, grants for commercialization of scientific and (or) scientific and technological activity results, shall not be subject to the legislation of the Republic of Kazakhstan, which establishes requirements for the procedure of procurement, including public procurement.

Chapter 2. JURISDICTION OF STATE BODIES IN THE FIELD OF SCIENCE, SCIENTIFIC AND/OR SCIENTIFIC AND TECHNOLOGICAL ACTIVITY

Article 5. Jurisdiction of the Government of the Republic of Kazakhstan in the field of science, scientific and (or) scientific and technological activity

The Government of the Republic of Kazakhstan in the field of science, scientific and (or) scientific and technological activity shall:

1) develop principal directions of the state policy in science, scientific and technological activity, as well as scientific and technological policy in science and organize its implementation;

2) determine priority directions of science, scientific and technological activity in accordance with the priorities of socio-economic development, as well as priority directions of strategic, fundamental and applied scientific research in the Republic of Kazakhstan;

3) establish the Higher Scientific-Technical Commission of the Republic of Kazakhstan under the Government of the Republic of Kazakhstan (hereinafter - the Higher Scientific and Technical Commission) and approve its status and composition;

4) establish the National Center for State Scientific-Technical Expertise;

5) assign the status of Research University and approve its development program;

6) perform other functions assigned to it by the Constitution of the Republic of Kazakhstan, this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 6. Jurisdiction of the authorized body

The authorized body's jurisdiction shall include:

1) participation in the formation and implementation of state scientific and technological policy in the field of science;

2) cross-sectoral coordination and implementation of state policy in science, scientific and technological activity and commercialization of the scientific and (or) scientific and technological activity results;

3) coordination of scientific, scientific and technological projects and programs of fundamental and applied scientific research, financed from budgetary funds and the state order of the local executive body of the oblast, city of republican status and the capital, except for scientific, scientific and technological projects and programs formed under the state defense order;

4) development and approval of the rules and criteria for the election of academicians of the National Academy of Sciences of the Republic of Kazakhstan;

5) development of directions of science development, fundamental and applied scientific research in the Republic of Kazakhstan in accordance with strategic priority directions of science and technology development, determined by the National Council on Science and Technology under the President of the Republic of Kazakhstan, and submitting them for approval to the Higher Scientific-Technical Commission.

In the selection of scientific researches within the priority directions of fundamental and applied scientific researches affecting biological safety, requirements of the legislation of the Republic of Kazakhstan in the field of biological safety shall be taken into account;

6) development and approval of the norms for base financing of scientific and (or) scientific and technological activity;

7) ensuring the activity of the Higher Scientific-Technical Commission;

8) organization of development of scientific, scientific and technological projects and programs of fundamental and applied scientific research, implemented from budgetary funds, and their implementation at the stage of formation, execution and completion, except for scientific, scientific and technological projects and programs formed under the state defense order;

9) development and approval of the rules of state accounting of scientific, scientific and technological projects and programs, projects of commercialization of results of scientific and (or) scientific and technological activity financed from budgetary funds, as well as from subsoil users' funds under subsoil users' obligations in science, and reporting on their execution;

10) development and approval of the list of scientific organizations carrying out fundamental scientific research;

11) development and approval of the rules for organizing and conducting the state scientific and technological expertise;

12) determining the organization to carry out a set of measures for collection, processing and analysis of scientific and technological information;

13) development and approval of the rules and criteria for assigning the status of " research university" to organizations of higher and (or) postgraduate education;

14) development and approval of the methodology for determining the levels of technology availability and technological readiness of organizations;

15) coordination of the national scientific councils' activity;

16) coordination of the work of sectoral authorized bodies, local executive bodies of oblasts, cities of republican status and the capital, carried out under scientific, scientific and technological projects and programs;

17) development and approval of the expenditure rates and standard contracts for research internship;

18) development and approval of the rules for awarding the annual "Best Researcher" award;

19) development and approval of the rules for base and program-targeted financing of scientific and (or) scientific and technological activity, grant financing of scientific and (or) scientific and technological activity and commercialization of scientific and (or) scientific and technological activity results, financing of scientific organizations carrying out fundamental scientific research (hereinafter - rules of science financing);

20) organization of state accounting of scientific, scientific and technological projects and programs, projects for commercialization of the results of scientific and (or) scientific and technological activity, financed from budgetary funds, also from subsoil users' funds under the subsoil users' obligations in science, and reporting on their execution;

21) approval and publication of reports on completed scientific, scientific and technological projects and programs financed from budgetary funds, except for scientific, scientific and technological projects and programs formed under the state defense order;

22) monitoring of the implementation of programs on promoting commercialization of scientific and (or) scientific and technological activity results;

23) development and approval of the rules for organizing scientific research and development financed from budgetary funds and within the provided tax benefits;

24) holding annual competitions for the authors of the most important and widely used inventions;

25) development and approval of model rules of scientific ethics;

26) determining the organization (administrator) to implement (carry out) a set of measures for the organization of research internships;

27) development and approval of the rules for organizing and conducting scientific research and development work on public-private partnership basis;

28) development and approval of the rules for accreditation of scientific and (or) scientific and technological activity entities;

29) development and approval of model regulation on research laboratories of shared use;

30) development and approval of model regulation on the dissertation council;

31) development and approval of the rules for awarding degrees;

32) development and approval of the rules for selection of applicants and research internships;

33) development and approval of the rules for awarding academic titles (associate professor (docent), professor);

34) development and approval of requirements for leading scientists, remunerated within the base financing;

35) development and approval of the rules for state registration of dissertations defended for the degree of Doctor of Philosophy (PhD), doctor in the profile;

36) development and approval of the classifier of scientific directions;

37) development and approval of the regulations on national scientific councils;

38) development and approval of the regulation on the appeal committee;

39) development and approval of the regulations on the scientific-technical council;

40) methodological support for commercialization of the scientific and (or) scientific and technological activity results;

41) development and approval of the methodology of the cost of services of Kazakhstan experts for conducting the state scientific and technological expertise, expertise of commercialization projects, assessment of the validity of the requested amount of funding;

42) development and approval of the regulation on monitoring of the progress of scientific , scientific and technological projects and programs, projects for commercialization of scientific and (or) scientific and technological activity results at their implementation and completion stages;

43) development and approval of methodology for determining the cost of support services for grant financing of commercialization of the scientific and (or) scientific and technological activity results;

44) development and approval of regulatory legal acts in science and scientific and technological activity in accordance with the goals and objectives of this Law and the legislation of the Republic of Kazakhstan;

45) exercising other powers under this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 7. Jurisdiction of the sectoral authorized body

The sectoral authorized body shall:

1) participate in the development of proposals and implementation of state policy in the scientific and (or) scientific and technological activity, scientific-technological policy in the science and commercialization of the scientific and (or) scientific and technological activity results, coordination of scientific research work in the relevant sector;

2) participate in the formation of priority directions of fundamental and (or) applied scientific research in the relevant sector;

3) establish a scientific-technical council and approve its regulations;

4) organize the development of scientific, scientific and technological projects and programs financed from budgetary funds and implement them in the relevant sector;

5) approve reports on completed scientific, scientific and technological projects and programs in the relevant sector, financed from budgetary funds;

6) submit propositions to the authorized body on candidates for inclusion in the national scientific councils;

7) submit to the authorized body proposals on formation of lists of subjects of base financing and scientific organizations carrying out fundamental scientific research;

8) participate in the development of science funding rules;

9) monitor the implementation of programs on promoting commercialization of the scientific and (or) scientific and technological activity results in the relevant sector;

10) participate in the development of rules for organizing and conducting the state scientific- technological expertise;

11) participate in the development of regulations on national scientific councils;

12) exercise other powers under this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 8. Jurisdiction of local executive bodies of oblasts, cities of republican status and the capital in science, scientific and technological activity

The local executive bodies of oblasts, cities of republican status and the capital in the field of science, scientific and technological activity shall:

1) determine priority directions of science development in the region and organize financing of scientific, scientific and technological projects and programs implemented in the region;

2) participate in the development of proposals and implementation of the state policy in science and scientific and technological activity, coordination of work on conducting applied scientific research in the region;

3) ensure implementation of the state policy in commercialization of scientific and (or) scientific and technological activity results in the relevant territory;

4) assist in attracting grants and investments from private businesses to finance projects on commercialization of the scientific and (or) scientific and technological activity results, participate in their co-financing;

5) implement measures to ensure interaction of private businesses, quasi-public sector entities with scientific and (or) scientific and technological activity entities to create joint ventures that produce products and (or) introduce new technologies;

6) establish science councils in oblasts, cities of republican status and the capital to ensure interaction of private businesses (including foreign ones), quasi-public sector entities with scientific and (or) scientific and technological activity entities;

7) participate in the establishment and (or) in the charter capital of legal entities, whose activity consists in commercialization (practical application) of the scientific and (or) scientific and technological activity results, including startup companies;

8) monitor the implementation of programs on promoting commercialization of scientific and (or) scientific and technological activity results;

9) participate together with the authorized body and sectoral authorized bodies in methodological support of commercialization of scientific and (or) scientific and technological activity results;

10) make proposals on priority science development directions;

11) organize development of applied scientific, scientific and technological projects and programs under the state order of the local executive body of the oblast, the city of republican status and the capital and their implementation;

12) approve reports on completed applied scientific, scientific and technological projects and programs under the state order of the local executive body of the oblast, the city of republican status and the capital;

13) exercise in the interests of local public administration other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

The procedure of financing and approval of reports on applied scientific, scientific and technological projects and programs under the state order of the local executive body of the oblast, the city of republican status and the capital shall be established in accordance with the science financing rules.

Chapter 3. SCIENTIFIC AND (OR) SCIENTIFIC AND TECHNOLOGICAL ACTIVITY ENTITIES

Article 9. Scientific and (or) scientific and technological activity entities

1. Scientific and (or) scientific and technological activity entities shall be individuals and legal entities, carrying out scientific and (or) scientific and technological activity.

2. Scientific and (or) scientific and technological activity entities shall be guaranteed and provided with freedom of creativity, protection from unfair competition, equal right to participate in scientific and (or) scientific and technological activity, including participation in competitions of scientific, scientific and technological projects and programs, financed from budgetary funds and other sources, not prohibited by the laws of the Republic of Kazakhstan.

3. Scientific and (or) scientific and technological activity entities shall have the right to use intellectual property objects, including the right to sell or offer for sale, in the order and on the terms, established by the laws of the Republic of Kazakhstan.

4. Work of scientific and (or) scientific and technological activity entities on exclusion of threat to national security shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the national security.

5. Activity of scientific and (or) scientific and technological activity entities in the formation, conducting and maintenance of national and working collections of pathogenic and industrial microorganisms used in scientific and industrial activity shall be carried out in accordance with the legislation of the Republic of Kazakhstan in biological safety.

6. Legal entities that are scientific and (or) scientific and technological activity entities, implementing scientific, scientific and technological projects and programs of fundamental and applied scientific research under international agreements, shall have the right to create scientific-educational consortiums in the order, established by the laws of the Republic of Kazakhstan.

Article 10. Individuals engaged in scientific and (or) scientific and technological activity

1. Individuals engaged in scientific and (or) scientific and technological activity shall be scientific, engineering and technical and other employees who are in labor relations with scientific organizations, higher and (or) postgraduate education organizations, engaged in scientific and (or) scientific and technological activity, as well as scientists independently carrying out scientific and (or) scientific and technological activity.

2. Individuals shall have the right to participate in competitions of scientific, scientific and technological projects and programs, financed from budgetary funds, in accordance with the rules of science financing and the competition terms.

Article 11. Scientific organizations

1. A scientific organization shall be a legal entity, chiefly engaged in scientific and (or) scientific and technological activity, including realization of the intellectual property right, and also conducting scientific research.

Consultative and advisory bodies may be established under a scientific organization.

2. State scientific organizations shall be scientific organizations based on the state ownership right.

Equated to state scientific organizations are scientific organizations, whose fifty and more percent of voting shares (participatory interests in the authorized capital) are held by the state, as well as scientific organizations, whose fifty and more percent of voting shares (participatory interests in the authorized capital) directly or indirectly belong to legal entities, whose fifty and more percent of voting shares (participatory interests in the authorized capital) are held by the state. Indirect ownership means ownership by each subsequent person of fifty or more percent of voting shares (participatory interest in the authorized capital) of another legal entity.

3. The National Academy of Sciences of the Republic of Kazakhstan shall be the sole supreme scientific organization.

The activity of the National Academy of Sciences of the Republic of Kazakhstan shall be aimed at ensuring continuity of fundamental and (or) applied scientific research conducted in the most important science directions.

4. Academies acting in the field of scientific and (or) scientific-technical activity, creative unions of scientists, which are public associations, shall take part in the implementation of scientific and (or) scientific-technical policy, development of priority directions of science development, scientific and technological expertise of scientific research and works nominated for scientific awards, make proposals for the development of draft regulatory legal acts in the scientific and (or) scientific and technological activity and professional consolidation of scientists to ensure the socio-economic development of the Republic of Kazakhstan.

Article 12. Scientific activity of higher and (or) postgraduate education organizations

1. The main activity types of higher and (or) postgraduate education organization, along with academic activity shall be scientific and (or) scientific and technological, innovation activities, including realization of the intellectual property right, as well as research and development work.

2. Organizations of higher and (or) postgraduate education, as well as their researchers shall have an equal right to using the services of research laboratories of shared use, participation in competitions of scientific and (or) scientific and technological projects and programs, financed from budgetary funds and other sources, not prohibited by the laws of the Republic of Kazakhstan.

3. Organizations of higher and (or) postgraduate education along with the introduction of advanced achievements of science in the educational process shall have the right to involve scientists of scientific, research organizations, including foreign ones, in the educative process .

4. State higher and (or) postgraduate education organizations shall have the right to establish research laboratories, research institutes, pilot productions, design and engineering organizations, as well as academic consortiums in the order prescribed by the laws of the Republic of Kazakhstan.

5. Organizations of higher and (or) postgraduate education may be assigned the status of a research university by the Government of the Republic of Kazakhstan upon the authorized body’s recommendation.

Article 13. Research University

1. A research university shall be an organization of higher and (or) postgraduate education , implementing the university development program approved by the Government of the Republic of Kazakhstan and participating in the organization and conduct of fundamental and applied scientific research and other scientific and (or) scientific and technological, experimental design works, as well as commercialization of the scientific and (or) scientific and technological activity results and incorporation of scientific developments and technologies into production.

2. The main objectives of a research university shall be:

1) integration of scientific and (or) scientific and technological activity and educational process at all levels of higher and (or) postgraduate education;

2) activity on commercialization of the scientific and (or) scientific and technological activity results and incorporation of scientific developments and technologies into production.

3. A research university shall independently develop and implement the standards of higher and (or) postgraduate education curricula. Requirements to the implementation conditions and to the curricula mastering results may not be lower than the corresponding curricula of higher and (or) postgraduate education, established by state standards.

4. A research university has the right to establish additional requirements of profile focus at admission to training programs of higher and (or) postgraduate education.

Article 14. Other organizations in the field of science

Organizations, whose scientific and (or) scientific and technological activity is not the main activity type, in order to address the tasks set out in their constituent documents, shall have the right to establish scientific units in their structure.

Chapter 4. NATIONAL ACADEMY OF SCIENCES OF THE REPUBLIC OF KAZAKHSTAN, TECHNOLOGY READINESS LEVEL AND SCIENCE AND TECHNOLOGY COUNCILS

Article 15. National Academy of Sciences of Kazakhstan

1. The National Academy of Sciences of the Republic of Kazakhstan (hereinafter - the National Academy of Sciences) shall be established by the Government of the Republic of Kazakhstan in the form of supreme scientific organization.

2. The National Academy of Sciences shall unite in its ranks individuals- members of the National Academy of Sciences, elected as determined by the authorized body.

3. The National Academy of Sciences shall:

1) develop recommendations on determination of priority directions of scientific and (or) scientific and technological activity in accordance with the priorities of socio-economic development, as well as priority directions of strategic, fundamental and applied scientific research in the Republic of Kazakhstan;

2) conduct analysis of strategic priority directions of science and technology development, submitted by the authorized body to the National Council for Science and Technology under the President of the Republic of Kazakhstan;

3) conduct examination of scientific-technical assignments submitted to the Higher Scientific-Technical Commission for program-targeted financing;

4) prepare and conduct foresight (forecast) studies on the development of science;

5) hold competitions for nominal prizes and scholarships in the field of science;

6) conduct scientific research in various fields of science and technology;

7) publish scientific journals;

8) participate in the development of international scientific and scientific-technical cooperation;

9) participate in popularization of science;

10) exercise other powers established by the legislation of the Republic of Kazakhstan.

4. The governing bodies of the National Academy of Sciences shall be:

1) the supreme body – the board of trustees (hereinafter - the board);

2) the representative body – the general assembly of academicians of the National Academy of Sciences (hereinafter -the assembly);

3) the consultative and advisory body – the presidium (hereinafter -the presidium);

4) the executive body – the board (hereinafter -the board).

The governing bodies of the National Academy of Sciences, their structure, competence, formation procedure, tenure of members of the governing bodies, and their decision-making procedure shall be established by the legislation of the Republic of Kazakhstan and the charter of the National Academy of Sciences (hereinafter -the charter), approved by the authorized body in coordination with the authorized body for state property.

5. The chairman of the council is a person appointed by the Government of the Republic of Kazakhstan.

The exclusive competence of the Council shall include:

1) approval of the strategy and development plan of the National Academy of Sciences, examination of progress reports of the National Academy of Sciences;

2) assistance in the implementation of state policy in the field of science and science and technology policy;

3) development of proposals to improve the efficacy of the National Academy of Sciences ;

4) review of information on activities performed by the National Academy of Sciences, execution of decisions made by the governing bodies of the National Academy of Sciences, as well as development of recommendations for other governing bodies of the National Academy of Sciences based on the issues examination outcome at the sessions (meetings) of the Board of Trustees of the National Academy of Sciences;

5) review of information on performance results of the National Academy of Sciences, elaboration of recommendations based on the outcome of such consideration.

The Board may exercise other powers established by the legislation of the Republic of Kazakhstan, the Charter and the Statute of the Board.

6. The council shall be comprised of at least five members. Members of the executive body may not be elected to the council.

7. The meeting of the board shall be held at least once a year. An extraordinary meeting shall be held at the decision of the board or at the request of at least twenty percent of the board members.

8. Board members shall be given at least three days' notice of an upcoming meeting.

9. At the request of at least twenty percent of the board members present at the meeting, the decision shall be made by secret ballot.

10. The meeting of the council shall be conducted by the chairman, and in his absence - by one of the council members.

11. The decision of the council shall be taken by a majority of the council members' votes . Each council member shall have one vote.

12. The assembly shall exercise general management of the National Academy of Sciences.

13. The chairman of the assembly is the head of the National Academy of Sciences.

The assembly shall be composed of the academicians of the National Academy of Sciences, elected in accordance with the rules and criteria for the election of academicians of the National Academy of Sciences, established by the authorized body.

The quantitative composition and terms of powers of the assembly shall be established by the charter.

14. The exclusive competence of the assembly shall include:

1) election of academicians of the National Academy of Sciences, members of the Presidium of the National Academy of Sciences, with the exception of members of the transitional Presidium;

2) assignment of honorary titles and awards;

3) development of recommendations on the strategy and development plan of the National Academy of Sciences;

4) development of proposals on participation of the National Academy of Sciences in scientific and (or) scientific- technical projects;

5) hearing and discussing the results of scientific and (or) scientific- technical activity of academicians of the National Academy of Sciences, reports of the heads of structural units of the National Academy of Sciences and individual scientists;

6) development of recommendations on improving the efficacy of the National Academy of Sciences.

The assembly may exercise other powers established by the legislation of the Republic of Kazakhstan and the charter.

15. The assembly shall be convened by the chairman within the timeframe established by the charter.

16. A meeting of the assembly shall be deemed constituted if the majority of the assembly members participate in it.

17. The rights and obligations of the chairman of the assembly shall be established by the charter.

18. The actions of the members of the assembly or its chairman may be appealed at an assembly meeting.

The recommendations of the assembly shall be mandatory for their consideration by the presidium and the board.

19. The presidium shall ensure the activities of the assembly.

The chairman of the presidium shall be the head of the National Academy of Sciences.

The presidium shall be elected at a meeting of the assembly for a term of at least three years and carry out activities on behalf of the assembly.

The presidium shall be formed by a decision of the assembly, with the exception of the transitional presidium.

20. The exclusive competence of the presidium shall include:

1) organizing the procedures for electing academicians of the National Academy of Sciences;

2) ensuring the implementation of decisions taken by the council, assembly;

3) monitoring the implementation of the program of an academician of the National Academy of Sciences;

4) reviewing and approving the plan of publications (journals, monographs) of the National Academy of Sciences;

5) developing recommendations for the establishment of badges of academicians of the National Academy of Sciences, science prizes, honorary titles, awards (medals) and certificates;

6) coordinating the implementation of the annual national report on science.

The presidium may exercise other powers established by the legislation of the Republic of Kazakhstan and the charter.

21. Persons elected to the presidium may be re-elected no more than twice in a row.

Sessions of the presidium shall be convened at least once per quarter.

A session may be convened on the initiative or at the request of the council, assembly no later than three days from the date of receipt of the request for convening.

The board shall be in charge of the presidium sessions organization and implementation of its decisions.

22. The current activities of the National Academy of Sciences shall be managed by the board. The Chairman of the board shall be the head of the National Academy of Sciences.

The board shall act on the basis of and in execution of the decisions of the council, assembly and presidium and shall be accountable to them.

23. The number of members and the term of office of the board shall be established by the charter and the legislation of the Republic of Kazakhstan.

A meeting of the board shall be convened by the chairman within the timeframes established by the charter.

24. A meeting of the board shall be deemed competent if it is attended by the majority of the board members.

25. The rights and obligations of the chairman of the board shall be established by the charter.

26. The exclusive competence of the board shall include:

1) development and submission to the Council for approval of the organizational structure and staffing levels of the National Academy of Sciences;

2) development and submission to the Council for approval of the development plan of the National Academy of Sciences and reports on its execution;

3) organization of the implementation of resolutions of the Council, assembly, presidium;

4) approval of the board's report on scientific achievements and other results of the activities of the National Academy of Sciences;

5) adoption of decisions on the establishment and closure of branches and representative offices of the National Academy of Sciences and approval of regulations on their activity.

The board may exercise other powers established by the legislation of the Republic of Kazakhstan and the charter.

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

28. Financing of scientific and (or) scientific- technical activity of the National Academy of Sciences shall be implemented in the manner determined by the Government of the Republic of Kazakhstan, also from other sources not prohibited by the laws of the Republic of Kazakhstan.

Article 16. Technology readiness level

1. The technology readiness level is assessment of the degree of development and completion of a stage of scientific research submitted to a competition for grant, program-targeted financing, commercialization of the scientific and (or) scientific and technological activity results by scientific and (or) scientific and technological activity entities .

2. The degree of development and completion of a stage of scientific research shall be assessed in accordance with the methodology for determining the level of technology readiness during the state scientific and technological expertise of scientific and scientific and technological projects and programs.

3. The assessment of the state of the available material, technical and human resources of the scientific and (or) scientific and technological activity entities shall be made in accordance with the methodology for determining the level of technological readiness of organizations during their accreditation.

Article 17. Science and technology councils

1. Science and technology councils shall be formed under sectoral authorized bodies in regulated areas, scientific organizations and higher and (or) postgraduate education organizations for the purpose of developing proposals and recommendations on priority areas of research and development, as well as assessing scientific-technical projects and programs.

2. Science and technology projects and programs financed from subsoil users' funds under subsoil users' obligations in science shall be examined by science and technology councils under sectoral authorized bodies.

Chapter 5. GOVERNANCE OF SCIENTIFIC AND (OR) SCIENTIFIC AND TECHNOLOGICAL ACTIVITIES

Article 18. Governance of scientific and (or) scientific and technological activities

In order to develop and operate the national scientific system in the Republic of Kazakhstan, in compliance with the distribution of strategic, expert and administrative functions, governance of scientific and (or) scientific-and technological activities shall be exercised by:

1) the President of the Republic of Kazakhstan;

2) the Government of the Republic of Kazakhstan;

3) the Higher Scientific-Technical Commission;

4) the Council for Technological Policy under the Government of the Republic of Kazakhstan;

5) the appeal committee;

6) national scientific councils;

7) the authorized body;

8) sectoral authorized bodies;

9) local executive bodies of oblasts, cities of republican status and the capital.

Article 19. Governance policies in scientific and (or) scientific and technological activity

Governance of scientific and (or) scientific and technological activity shall be based on the following principles:

1) priority of scientific and (or) scientific and technological activity;

2) transparency, objectivity and equality of scientific and (or) scientific and technological activity entities;

3) objectivity and independence of examination of scientific, scientific and technological projects and programs;

4) economic viability and efficacy of scientific research;

5) integration of science, education and production;

6) stimulation of commercialization of the scientific and (or) scientific and technological activity results;

7) technology transfer.

Article 20. Higher Scientific and Technical Commission

1. The Higher Scientific and Technical Commission is a consultative and advisory body under the Government of the Republic of Kazakhstan.

2. The Higher Scientific and Technical Commission shall be formed from among members of the Government of the Republic of Kazakhstan, deputies of the Parliament of the

Republic of Kazakhstan, heads of state bodies, the National Academy of Sciences, leading scientists, experts in various fields of knowledge, representatives of national management holdings, national development institutes, national holdings, national companies, private business entities and republican scientific public associations and shall be approved by the resolution of the Government of the Republic of Kazakhstan.

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

1) formation of strategic objectives and priorities aimed at the development of scientific and (or) scientific and technological activities;

2) determination of priority directions of science development;

3) determination of priority fundamental and applied scientific research by science directions;

4) examination of national scientific councils' proposals;

5) determination and distribution of financing volumes from budgetary funds for scientific and (or) scientific and technological activities among priority areas of scientific development, also determination of financing volumes for commercialization of the scientific and (or) scientific and technological activity results, with the exception of scientific, scientific and technological projects and programs formed under the state defense order;

6) determination of scientific-technical assignments for program-targeted financing;

7) determination of the list of organizations carrying out fundamental scientific research.

Article 21. The Appeal Committee

1. The Appeal Committee is a collegial consultative and advisory body.

2. The Appeal Committee shall be formed from among representatives of the authorized body, sectoral authorized bodies, scientific public associations, experts, and members of the Higher Scientific and Technical Commission who are scientists.

The chairman of the Appeal Committee shall be elected from among the Appeal Committee members.

3. The procedure for examining appeals from competition participants and recommendations from the authorized body, including issues of compliance with the rules of scientific ethics shall be established by the Appeal Committee regulations.

4. The decisions of the Appeal Committee shall be subject to mandatory execution by national scientific councils, the authorized body and (or) sectoral authorized bodies or legal entities determined by the authorized body, that finance scientific and (or) scientific and technological activities, as well as the commercialization of the scientific and (or) scientific and technological activity results.

5. The working body of the Appeal Committee shall be determined by the authorized body.

Article 22. National scientific councils

1. National scientific councils are collegial bodies created in scientific areas under the authorized body.

2. The main tasks of national scientific councils shall be:

1) formation of specialized scientific directions in accordance with the priorities determined by the Higher Scientific and Technical Commission;

2) determination of the forms and volumes of funding allocated for scientific research;

3) assessment of scientific novelty and practical significance, scientific and technological level, perspective, development degree, technology readiness level, compliance of proposed scientific, scientific and technological projects and programs with specialized areas or technical specifications, economic feasibility of the requested amount of funding taking into account the conclusions of the state scientific and technological expertise;

4) assessment of the needs of the Republic of Kazakhstan in new scientific areas;

5) competitive selection of scientific, scientific and technological projects and programs on fundamental and applied scientific research, also projects for commercialization of the scientific and (or) scientific and technological activity results, proposed for financing from budgetary funds;

6) examination of interim and final reports on scientific and (or) scientific and technological activities, commercialization of the scientific and (or) scientific and technological activity results, as well as the results of monitoring the implementation of scientific, scientific and technological projects and programs, projects for commercialization of the scientific and (or) scientific and technological activity results submitted by the National Center for State Scientific and Technological Expertise, adoption of a decision on the examination results of such reports and monitoring results.

3. The national scientific councils shall be formed by the authorized body from among representatives of state bodies, competent Kazakh and foreign scientists, with at least one third of the composition of each national scientific council from representatives of state bodies, national management holdings, national development institutes, national holdings, national companies, also private business entities, based on proposals and recommendations of sectoral authorized bodies, research organizations, higher and (or) postgraduate education organizations and scientific public associations.

4. National scientific councils shall take decisions by open vote on grant and program-targeted financing (termination of financing), financing (termination of financing) of scientific organizations engaged in fundamental scientific research at the expense of legal entities determined by the authorized body, financing scientific and (or) scientific and technological activity, commercialization of the scientific and (or) scientific and technological activity results, or from budgetary funds within the approved budget for the relevant financial year:

scientific, scientific and technological projects and programs of scientific research, experimental design and technological work;

other programs in terms of scientific research, experimental design and technological work;

projects of interstate scientific and technological programs implemented with participation of scientific institutions, organizations and enterprises of the Republic of Kazakhstan;

projects for commercialization of the scientific and (or) scientific and technological activity results.

5. National scientific councils shall make a decision by open voting on the technical assignment (contract) and the report on the implementation (acquisition) of research, scientific and technological and (or) experimental design work, on the technical assignment (contract) and the report with the act of commissioning of the acquired equipment for scientific centers at the expense of business entities.

6. Decisions of national scientific councils shall be subject to mandatory execution by the authorized body and sectoral authorized bodies.

7. Members of national scientific councils are obliged to inform the council of any conflict of interest known to them when considering specific issues and are responsible for the objectivity and relevance of the decisions taken by the council.

8. National scientific councils adopt interim and final reports on scientific and (or) scientific and technological activity, commercialization of the scientific and (or) scientific and technological activity results.

9. Organization of the activities of national scientific councils, including travel expenses of Kazakhstan and foreign scientists who are members of national scientific councils, shall be provided by the National Center for State Scientific and Technological Expertise from budgetary funds.

10. The structure of the regulation on national scientific councils shall include the rules of scientific ethics of the national scientific councils' members.

Breaching by a national scientific council member of the requirements and provisions of the rules of scientific ethics of members of the national scientific councils shall be the ground for his exclusion from the national scientific council.

Article 23. National Center for State Scientific and Technological Expertise

1. To ensure the unity of administration, independence, transparency and publicity of the expertise of scientific, scientific and technological projects and programs, as well as projects for commercialization of the scientific and (or) scientific and technological activity results, the National Center for State Scientific and Technological Expertise shall be established by the Government of the Republic of Kazakhstan.

2. The National Center for State Scientific and Technological Expertise shall:

1) organize work on conducting state scientific-technical expertise of scientific, scientific and technological projects and programs, projects for commercialization of the scientific and (or) scientific and technological activity results, implemented by accredited scientific and (or) scientific and technological activity entities, proposed for financing from budgetary funds and (or) funds of business entities, individuals and (or) legal entities;

2) organize the work of national scientific councils and post information on the national scientific council members on its own Internet resource;

3) direct state scientific and technological expertise conclusions and ranked lists of scientific, scientific and technological projects and programs (reports), as well as projects for commercialization of the scientific and (or) scientific and technological activity results to national scientific councils;

4) evaluate the results of completed scientific, scientific and technological projects and programs (reports), also projects for commercialization of the scientific and (or) scientific and technological activity results;

5) monitor the progress of scientific, scientific and technological projects and programs, projects for commercialization of the scientific and (or) scientific and technological activity results at their implementation and completion stages and direct its outcome to the national scientific councils;

6) ensure a high-quality selection of Kazakhstan and foreign experts;

7) select experts to conduct examinations of scientific and scientific and technological projects and programs containing information constituting state secrets, from among Kazakhstan scientists in compliance with the requirements of the legislation of the Republic of Kazakhstan on state secrets;

8) provide methodological and organizational-technical support for state scientific and technological examination;

9) form databases of scientific, scientific and technological projects and programs, projects for commercialization of scientific and (or) scientific and technological activity results, and also carry out a set of measures for collection, processing and analysis of scientific-technical information;

10) conduct research and development work to improve its activities;

11) carry out state registration of scientific, scientific and technological projects and programs, projects for commercialization of the results of scientific and (or) scientific and technological activity, financed from budgetary funds, also from the funds of subsoil users under the subsoil users' obligations in science, and report on their execution.

3. The National Center for State Scientific and Technological Expertise shall have the right to:

1) request and receive information from state bodies, scientific and (or) scientific and technological activity entities, as prescribed by the legislation of the Republic of Kazakhstan, necessary for the fulfillment of functions and of the tasks assigned to it;

2) provide clarifications on issues within its jurisdiction;

3) involve, as prescribed by the established procedure, other organizations, Kazakhstan and (or) foreign scientists for conducting expertise and monitoring of scientific research;

4) interact in accordance with the established procedure with foreign scientific organizations;

5) create consultative and advisory bodies in scientific and technological activities;

6) carry out events on development of scientific and (or) scientific and technological activities;

7) carry out publishing activity.

4. The activities of the National Center for State Scientific and Technological Expertise shall be financed from budgetary funds.

Article 24. Collection, processing and analysis of scientific and technological information

1. Collection, processing and analysis of scientific and technological information shall be carried out to monitor scientific achievements, the innovations and new technologies market, assess their potential for adaptation and correlation with advanced technologies within industry sectors, industry entities and the scientific organizations' technological readiness level.

2. Collection, processing and analysis of scientific and technological information shall be pursuant to:

1) ensuring systemic and long-term planning of measures for state stimulation of scientific research and developments;

2) the focus of state science stimulating measures on the development of technologies for the production of goods and services with high added value;

3) the search for scientific and practical solutions to improve the technological efficiency of industrial production;

4) sustainable development of the scientific, technological and testing base of economic sectors;

5) identification of a potential customer for scientific research and development to create and incorporate domestic technologies in production and bringing them to market;

6) support of scientific infrastructure for the development of experimental design, scientific, technological and testing base;

7) development of recommendations for improving conditions for development of the export potential of domestic goods and services with high added value.

3. Collection, processing and analysis of scientific and technological information shall include:

1) organization of work on the collection, processing and analysis of scientific and technological information on scientific achievements, know-how, innovations and intellectual property;

2) organization of works on information support among scientific and (or) scientific and technological activity entities;

3) comprehensive analysis of the implementation and results of scientific, scientific and technological projects and programs (reports), also projects for commercialization of the scientific and (or) scientific and technological activity results;

4) formation of databanks of the implementation results of the scientific, scientific and technological projects and programs by scientific and (or) scientific and technological activity entities;

5) methodological, organizational and technical support for the analysis of scientific and technological information.

4. Scientific and (or) scientific and technological activity entities shall have the right to receive scientific and technological information in the manner determined by the authorized body, through the unified information system "Kazakhstan Science" or the "Single Window" of the national innovation system.

5. The plans of scientific research and development of scientific and (or) scientific and technological activity entities shall be implemented with regard to up-to-date information on scientific achievements and innovations.

Article 25. State scientific and technological expertise

1. State scientific and technological expertise shall be performed for the purpose of preparing an analytical assessment of scientific, scientific and technological projects and programs, also projects for commercialization of scientific and (or) scientific and technological activity results on the principles of independence, objectivity, competence, comprehensiveness, accuracy, completeness and validity of expert conclusions.

2. State scientific and technological expertise of scientific, scientific and technological projects and programs, as well as projects for commercialization of the scientific and (or) scientific and technological activity results, subject to financing from budgetary funds and (or) funds of businesses, individuals and (or) legal entities, shall be carried out by competent Kazakhstan and foreign experts, whose main task is expert assessment of objects with regard to scientific novelty and practical significance, the proposed scientific and technological level, relevance, prospects, degree of development, readiness level of technologies of scientific, scientific and technological projects and programs, also projects for commercialization of scientific and (or) scientific and technological activity results and economic viability of the requested financing amount.

Selection of Kazakhstan and foreign scientists and experts for three years shall be based on scientometric indicators in accordance with their specialization and specifics of scientific, scientific and technological projects and programs, as well as projects for commercialization of the scientific and (or) scientific and technological activity results in the absence of affiliation with the request under consideration.

3. To attract experts to conduct state scientific and technological expertise, a database of foreign experts shall be created, whose candidacies shall be presented by leading foreign universities, research institutions, academies of sciences and scientific communities.

4. Scientists, experts, including foreign ones, attracted for the assessment of scientific, scientific and technological projects and programs, as well as projects for commercialization of the scientific and (or) scientific and technological activity results, are obliged to observe

confidentiality and ensure protection of commercial secrets of the materials submitted for expertise.

Article 26. State registration of scientific, scientific and technological projects and programs, projects for commercialization of scientific and (or) scientific and technological activity results and reports on scientific and (or) scientific and technological activity, commercialization of scientific and (or) scientific and technological activity results

1. State registration of implemented scientific, scientific and technological projects and programs, projects for commercialization of scientific and (or) scientific and technological activity results, reports on scientific and (or) scientific and technological activity, commercialization of scientific and (or) scientific and technological activity results shall be carried out for the purpose of forming a national resource of scientific and technological information and monitoring the dynamics of the scientific and technological potential of the Republic of Kazakhstan.

2. Scientific and (or) scientific and technological activity entities shall submit for state registration scientific, scientific and technological projects and programs, projects for commercialization of results of the scientific and (or) scientific and technological activity, financed from budgetary funds and (or) from the funds of subsoil users under the subsoil users' obligations in science, and reports on their execution.

In this case, scientific, scientific and technological projects and programs, projects for commercialization of the results of scientific and (or) scientific and technological activity, financed from the funds of subsoil users under the subsoil users' obligations in science, and reports on their execution shall be submitted in the form that does not disclose confidential information and commercial secrets.

3. The National Center for State Scientific and Technological Expertise shall ensure state registration of scientific, scientific and technological projects and programs, projects for commercialization of the scientific and (or) scientific and technological activity results, reports on scientific and (or) scientific and technological activity, commercialization of scientific and (or) scientific and technological activity results and inform the authorized body and the sectoral authorized body.

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

Article 27. Accreditation of scientific and (or) scientific and technological activity entities

1. Scientific and (or) scientific and technological activity entities shall be subject to voluntary accreditation procedure. The scientific and (or) scientific and technological activity entities participating in state financing shall be subject to mandatory accreditation procedure.

2. The authorized body shall carry out accreditation of scientific and (or) scientific and technological activity entities taking into account their technological readiness level at their own expense.

Article 28. Remuneration of scientists

1. Remuneration of scientists of state scientific organizations and state higher and (or) postgraduate education organizations, fulfilling state orders, shall be made in the manner determined by the authorized body.

2. Additional monthly payment shall be established for scientists engaged in scientific research works within the framework of base financing and financing of scientific organizations carrying out fundamental scientific research, or within the approved amounts on projects for grant and program-targeted funding at the main place of work, if they hold an appropriate diploma or certificate of recognition of an academic degree:

for the degree of Doctor of Philosophy (PhD), doctor of science in the profile in the amount of 17 times the monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year;

for the degree of Doctor of Philosophy (PhD) and the academic title of associate professor (docent), doctor in the profile and the academic title of associate professor (docent) in the amount of 25 times the monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year;

for the academic degree of candidate of science in the amount of 17 times the monthly calculation index, doctor of science in the amount of 34 times the monthly calculation index, established by the law on the republican budget and effective as of January 1 of the corresponding financial year;

for the academic degree of candidate of science and the academic title of associate professor (docent) in the amount of 25 times the monthly calculation index, doctor of science and the academic title of associate professor (docent) in the amount of 42 times the monthly calculation index, established by the law on the republican budget and effective as of January 1 of the corresponding financial year;

for the degree of Doctor of Philosophy (PhD) and the academic title of professor, doctor in the profile and the academic title of professor in the amount of 50 times the monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year;

for the academic degree of candidate of science and the academic title of professor, doctor of science and the academic title of professor in the amount of 50 times the monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year.

3. Remuneration of foreign scientists, as well as Kazakhstan scientists working abroad, conducting scientific research jointly with accredited scientific organizations or higher and (or

) postgraduate education organizations in the territory of the Republic of Kazakhstan, shall be based on the contract with regard to their qualification.

Article 29. Leave for scientists

1. Scientists of state scientific organizations and scientific organizations equivalent to state ones shall be granted payable annual leave of fifty-six calendar days for doctors of science, forty-two calendar days for candidates of science, doctors of philosophy (PhD), doctors in the profile, thirty-five calendar days for other science specialists with payment of health benefits within their available payroll in the amount of one official salary.

2. In cases established by the collective agreement, scientists of scientific organizations equivalent to state ones, within their available payroll, may be granted payable annual leave of thirty calendar days with payment of health benefits in the amount of two official salaries.

3. Science specialists of state scientific organizations for the purpose of advanced training, internship in leading higher and (or) postgraduate education organizations, scientific centers and laboratories, including abroad, shall be granted a leave for up to one year. In this case, this person shall retain his/her job and position, unpaid for the duration of the leave.

4. The procedure and conditions for granting a leave shall be established by the labor legislation of the Republic of Kazakhstan and internal documents of state scientific organizations.

5. Leading scientists working for higher and (or) postgraduate education organizations, scientific organizations, with continuous scientific and pedagogical work experience in this organization of at least five years, in order to complete scientific and scientific-pedagogical work, including the preparation and publication of scientific papers in international peer-reviewed publishers (journals) determined by the authorized body, shall have the right to a sabbatical for up to one year with average salary paid at the expense of the organization's own funds. Sabbatical shall be granted no more than once every ten years. Upon completion of sabbatical, the leading scientist is obliged to work off in this organization for three years.

If the leading scientist carries out scientific, pedagogical and scientific research work during the sabbatical in other higher and (or) postgraduate education organizations, scientific organizations, the sabbatical shall be annulled.

6. The procedure and conditions for granting a sabbatical, as well as working off time or reimbursement of expenses shall be established by internal documents of higher and (or) postgraduate education organizations, scientific organizations.

Article 30. Social security measures for scientists

1. Scientists of state scientific organizations, scientific organizations equivalent to state ones, state higher and (or) postgraduate education organizations, organizations of higher and (or) postgraduate education, whose fifty or more percent of voting shares (stakes in the authorized capital) are held by the state, as well as organizations of higher and (or) postgraduate education, whose fifty or more percent of voting shares (stakes in the authorized capital) directly or indirectly belong to legal entities, fifty or more percent of voting shares (

stakes in the authorized capital) of which are held by the state, that have at least five years' experience of scientific-pedagogical and (or) scientific research work, may acquire accommodation or improve housing conditions in the manner and on the terms established by the legislation of the Republic of Kazakhstan.

2. Young scientists under and including the age of forty, whose main employment place is accredited scientific and (or) scientific and technological activity entities, who have at least three years of experience in scientific-pedagogical and scientific research work, may acquire accommodation or improve their housing conditions in the manner and on the terms established by the legislation of the Republic of Kazakhstan.

3. Scientists of state scientific organizations and members of their families living with them shall avail of medical care in healthcare organizations in accordance with the established procedure.

4. Pensions for scientists shall be paid in accordance with the Social Code of the Republic of Kazakhstan.

Article 31. Incentives to scientists, researchers of scientific organizations and higher postgraduate education organizations

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

1) nominated for the State prize of the Republic of Kazakhstan in science and technology established by the President of the Republic of Kazakhstan;

2) nominated for the state award of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan on state awards;

3) nominated for annual awards for best scientific research and works, outstanding achievements in science;

4) nominated for state scientific scholarships;

5) nominated for the annual award "Best Researcher" in the amount of 2,000 times the monthly calculation index established by the law on the republican budget and in effect as of January 1 of the corresponding financial year.

State scientific scholarships may also be awarded to:

scientists and researchers actively involved in fundamental and/or applied scientific research in state priority areas, training of academic personnel;

young scientists under and including the age of forty, actively involved in research to address scientific problems and who have received recognition from the scientific community

.

2. Awarding of prizes and state scientific scholarships shall be carried out by the authorized body and sectoral authorized bodies within their jurisdiction in accordance with the legislation of the Republic of Kazakhstan.

3. As a measure of incentive for students, scientists, researchers, young scientists under and including the age of forty, a scholarship may be paid from the investment income of the endowment fund of an organization of higher and (or) postgraduate education, scientific and (or) scientific and technological activity entities.

Article 32. Training, retraining and internship of scientific, scientific and technological personnel

1. Scientific organizations, higher and (or) postgraduate education organizations that avail of highly qualified personnel and material and technical resources shall have the right to engage in training, retraining and internship of scientific, scientific and technological personnel in priority areas for them.

2. Training, retraining and internship of scientific, scientific and technological personnel may be implemented at the expense of budgetary funds both in domestic and foreign scientific organizations, higher and (or) postgraduate education organizations in the manner established by the legislation of the Republic of Kazakhstan.

Article 33. Rights to scientific and (or) scientific and technological activity results

1. Exclusive rights to the results of scientific and (or) scientific and technological activity created within the performance of scientific research and experimental design work by scientific and (or) scientific and technological activity entities jointly with private enterprise, quasi-public sector entities, shall be held by them jointly, unless otherwise specified in the agreement between them.

2. If the agreement provides that exclusive rights to the scientific and (or) scientific and technological activity results are held by a scientific and (or) scientific and technological activity entity, then the private enterprise, quasi-public sector entity shall retain the right to a free non-exclusive license to use these results in its own production.

3. The right to intellectual property objects obtained by scientific and (or) scientific and technological activity entities as a result of scientific and (or) scientific and technological activity carried out from budgetary funds shall belong to scientific organizations, unless otherwise provided by an agreement between them and the author (authors) of the intellectual property object.

4. The intellectual property objects of strategic importance for the state or containing information classified as state secrets shall be used in accordance with the laws of the Republic of Kazakhstan.

Restriction of exclusive rights to intellectual property objects shall be permitted in cases, within the limits and in the order established by the laws of the Republic of Kazakhstan.

Chapter 6. FINANCING AND SUPPORT OF SCIENTIFIC AND (OR) SCIENTIFIC AND TECHNOLOGICAL ACTIVITY

Article 34. Financing of scientific and (or) scientific and technological activity

1. Scientific, scientific and technological projects and programs shall be financed from the budgetary funds, also from other sources not prohibited by the laws of the Republic of Kazakhstan.

2. Financing of scientific, scientific and technological projects and programs from the budgetary funds shall be carried out in the following forms:

1) base financing;

2) grant financing;

3) program-targeted financing;

4) financing of scientific organizations carrying out fundamental scientific research.

3. Financing of scientific and (or) scientific and technological activity entities may be carried out simultaneously under various forms of financing in the manner and on the terms established by the science financing rules.

4. An agreement for the implementation of scientific, scientific and technological projects and programs shall be concluded between an accredited scientific and (or) scientific and technological activity entity or an autonomous educational organization and an authorized body and (or) a sectoral authorized body or legal entities determined by the authorized body that finance scientific and (or) scientific and technological activity, throughout their entire implementation term, but no more than five years.

Article 35. Base financing

1. Base financing shall be assigned to state scientific organizations and scientific organizations equated to state ones, state higher and (or) postgraduate education organizations , organizations of higher and (or) postgraduate education whose fifty or more percent of the voting shares (stakes in the authorized capital) are held by the state, also higher and (or) postgraduate education organizations whose fifty or more percent of the voting shares (stakes in the authorized capital) directly or indirectly belong to legal entities in which fifty or more percent of the voting shares (stakes in the authorized capital) are held by the state, accredited by the authorized body and fulfilling a state assignment and (or) a state order for scientific research in their priority areas, determined by the sectoral authorized body.

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

Base financing subjects shall be funded by the authorized body, sectoral authorized bodies within the budget approved for the corresponding financial year under the distributed budget program.

A report on the use of allocated budget funds for base financing shall be presented by the base financing subjects to the authorized body or sectoral authorized body.

The base financing subject shall ensure reliability and legality of the information reflected in the report on the use of allocated budget funds for base financing of scientific and (or) scientific and technological activity entities.

Sectoral authorized bodies shall submit to the authorized body a consolidated report on the use of budget funds for base financing of scientific and (or) scientific and technological activity entities.

3. Base financing shall include expenses according to the base financing standards for the current maintenance of scientific infrastructure and property, including buildings, equipment and materials, remuneration of leading scientists, administrative and service personnel, as well as information support for the scientific- technical activities of state scientific organizations, scientific organizations equivalent to state ones, 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) are held by the state, and also higher and (or) postgraduate education organizations, whose fifty or more percent of the voting shares (stakes in the authorized capital) directly or indirectly belong to legal entities, fifty or more percent of the voting shares (stakes in the authorized capital) of which are held by the state.

4. 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.

The base financing subjects that have not received a state assignment and (or) a state order for scientific research over the past two years shall be excluded from the list of base financing subjects.

The scientific and (or) scientific and technological activity entities that have continuously received base financing over the past five years with the performance of work as a third party (co-executors) under program-targeted financing shall not be excluded from the list of base financing subjects.

Article 36. Grant financing

1. Grant financing shall be allocated for conducting scientific research in order to improve the level of scientific research work, scientific-technical potential and competitiveness of scientific organizations and their teams, scientists, as well as for commercialization of scientific and (or) scientific and technological activity results.

Local executive bodies of oblasts, cities of republican status and the capital shall implement grant financing of scientific and (or) scientific and technological activity entities within the state order of the local executive body of the oblast, the city of republican significance and the capital.

2. Grant financing shall include expenses of scientific and (or) scientific and technological activity entities on carrying out scientific researches, including financial and logistical support , necessary for scientific researches.

3. Main directions and volumes of grant financing by the authorized body or sectoral authorized body shall be approved by the Higher Scientific-Technical Commission with regard to recommendations of national scientific councils in accordance with priority directions of development of science of the Republic of Kazakhstan. Grant financing volumes

shall be subject to consideration by the Republican Budget Commission in the order established by the budget legislation of the Republic of Kazakhstan.

4. Accredited scientific and (or) scientific and technological activity entities, as well as autonomous educational organizations shall participate in the competition for grant financing on equal terms. The competition for grant financing shall be carried out in accordance with the science financing rules.

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

6. Applications for participation in grant financing shall be submitted by accredited scientific and (or) scientific and technological activity entities, as well as autonomous educational organizations to the authorized body or sectoral authorized body that announced the competition.

7. The submitted applications shall be directed by the authorized body or sectoral authorized body that announced the competition to the National Center of state scientific-technical expertise for consideration by the relevant national scientific council.

The list of applications considered by the National Scientific Councils, except for applications in the field of national security and defense, shall be subject to posting on the Internet resource of the National Center of state scientific-technical expertise.

8. Decisions on grant financing shall be adopted by the National Scientific Council and approved by the authorized body or sectoral authorized body that announced the competition.

9. Grant financing shall be provided by the authorized body or sectoral authorized body that announced the competition, or by legal entities, determined by the authorized body, financing scientific and (or) scientific-technical activity, as well as commercialization of scientific and (or) scientific and technological activity results.

10. Results of the competition for grant financing shall be posted on the Internet resources of the authorized body or sectoral authorized body that announced the competition, except for the results in the field of national security and defense.

11. To ensure efficient implementation and achievement of final results without the right to change the objectives of the scientific project, the scientific director of the project shall have the right to reallocate funds between cost items within the total amount approved for the calendar year, in accordance with the science funding rules.

Article 37. Program-targeted financing

1. Program-targeted financing shall be allocated for conducting strategic scientific research and shall be carried out on a competitive basis.

Program-targeted financing for conducting applied scientific research in the field of national security and defense may be approved outside competitive procedures by the decision of the Higher Scientific-Technical Commission.

2. Program-targeted financing shall include expenditures of scientific and (or) scientific and technological activity entities for conducting scientific research, including financial and logistical support required for conducting scientific research.

3. Accredited scientific and (or) scientific and technological activity entities, as well as autonomous educational organizations, including co-executors, shall participate in the competition for program-target financing.

Legal entities, which are accredited subjects of scientific and (or) scientific-technical activity, in order to participate in the competition for program-targeted financing shall have the right to create industrial-scientific technological consortia.

4. The competition for program-targeted financing on scientific, scientific-technical program shall be announced by the authorized body or the sectoral authorized body, and the announcement shall be posted on the Internet resource of the authorized body or sectoral authorized body that announced the competition.

5. Applications for participation in program-target financing shall be submitted by accredited scientific and (or) scientific and technological activity entities, as well as autonomous educational organizations to the authorized body or sectoral authorized body that announced the competition.

The submitted applications shall be sent by the authorized body or sectoral authorized body that announced the competition to the National Center of the state scientific and technological expertise for consideration by the corresponding national scientific council.

The list of applications considered by the National Scientific Councils, except for applications in the field of national security and defense, shall be posted on the Internet resource of the National Center of State Scientific-Technical Expertise.

6. The authorized body or sectoral authorized body that announced the competition for program-targeted financing shall send applications for implementation of scientific, scientific and technological programs to the Higher Scientific-Technical Commission.

7. Winners of the competition for implementation of target scientific, scientific and technological program shall be determined on the basis of the decision of national scientific councils and approved by the authorized body or sectoral authorized body that announced the competition.

8. Program-target financing shall be implemented by the authorized body or sectoral authorized body that announced the competition, or by legal entities, determined by the authorized body financing scientific and (or) scientific and technological activity.

9. If the participants of consortium have not reached an agreement on the competition results, the lead organization on scientific, scientific-technical program shall be determined by the authorized body or sectoral authorized body.

10. The results of the competition of program-targeted financing shall be posted on the Internet resources of the authorized body or sectoral authorized body that announced the competition, except for the results in the field of national security and defense.

11. The procedure for financing applied scientific research when attracting co-financing from a private partner, except for applied scientific research in the field of social sciences, humanities, use of atomic energy, ensuring national security and defense science, shall be established by the science financing rules.

12. To ensure efficient implementation and achievement of final results without the right to change the objectives of the scientific project, the scientific director of the project shall have the right to reallocate funds between cost items within the total amount approved for the calendar year, in accordance with the science funding rules.

Article 38. Financing of scientific organizations conducting fundamental scientific research

1. Financing of state scientific organizations and scientific organizations with 100% state participation, included in the list of scientific organizations conducting fundamental research approved by the authorized body, shall be allocated for conducting fundamental scientific 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 and other fields, determined by the authorized body.

2. Financing of scientific organizations, included in the list of scientific organizations, approved by the authorized body, carrying out fundamental scientific research according to paragraph 1 of this Article, shall include expenditures for current, as well as financial and logistical support for carrying out fundamental scientific research for a term not exceeding five years.

3. Applications for inclusion in the list of scientific organizations, carrying out fundamental scientific research according to paragraph 1 of this Article, as well as for financing of fundamental scientific research shall be submitted by state scientific organizations and scientific organizations with 100% state participation to the authorized body.

The submitted applications for financing of fundamental scientific research shall be sent by the authorized body to the National Center for State **Scientific-Technical Expertise** and further for consideration of the relevant national scientific councils.

The authorized body shall send applications for funding of fundamental scientific research together with decisions of the national scientific councils to the Higher **Scientific-Technical Commission**.

4. Scientific organizations, included in the list of scientific organizations, approved by the authorized body, carrying out fundamental scientific research according to paragraph 1 of this Article, shall submit annual reports to the national scientific councils.

Article 39. State measures to stimulate science development

1. State measures to stimulate scientific and (or) scientific and technological activities shall include:

1) financing of scientific, scientific and technological projects and programs;

2) provision of tax benefits and tax deductions for expenses on research and development, scientific- technological and experimental design work performed by accredited scientific and (or) scientific and technological activity entities, acquisition of exclusive rights to intellectual property objects in accordance with the Code of the Republic of Kazakhstan "On Taxes and Other Obligatory Payments to the Budget" (Tax Code);

3) state support for industrial activity entities in the implementation of full-cycle scientific projects and projects for commercialization of the scientific and (or) scientific and technological activity results in accordance with the legislation of the Republic of Kazakhstan .

2. When providing tax benefits and tax deductions on expenses for research and development, scientific- technological and experimental design work, the authorized body, basing on the decision of the National Scientific Council on the technical assignment (contract), shall issue to persons:

notification on research and development work on their expenses for the implementation (acquisition) of research and development works based on the report on the implementation of research and development work;

notification about establishment of a scientific center on their expenses for the establishment of scientific centers based on the report with the act of commissioning;

notification on scientific and technological and experimental design work on their expenses for the implementation (acquisition) of scientific and technological and experimental design works based on the report on the implementation of the results of scientific and technological and experimental design works with the act of implementation.

The procedure, form and terms for issuing notifications shall be determined by the authorized body.

Chapter 7. COMMERCIALIZATION OF SCIENTIFIC AND (OR) SCIENTIFIC AND TECHNOLOGICAL ACTIVITY RESULTS

Article 40. Commercialization of scientific and (or) scientific and technological activity results

1. The state shall guarantee economic stimulation of development of scientific and (or) scientific and technological activity, development of public-private partnership in scientific and (or) scientific and technological activity, financing of commercialization of technologies in priority sectors of economy in the order established by the legislation of the Republic of Kazakhstan.

2. The state scientific organizations, state higher and (or) postgraduate education organizations shall be allowed to create, including jointly with other persons, the organizations, whose activity consists in practical application (commercialization) of scientific and (or) scientific and technological activity results.

3. The intellectual property title of state scientific organizations, state higher and (or) postgraduate education organizations shall be administered by the owner of their property in the order established by the legislation of the Republic of Kazakhstan.

It shall be allowed to allocate part of the income from commercialization of the results of scientific and (or) scientific and technological activity carried out by the organization to the endowment fund of the higher and (or) postgraduate education organization, scientific and (or) scientific and technological activity entities, that finances scientific research or its commercialization.

4. The founders of the organization, commercializing scientific and (or) scientific and technological activity results, shall inform the relevant sectoral authorized body of its establishment no later than seven calendar days from the state registration date.

5. The scientific and (or) scientific and technological activity entities may contribute intellectual property rights to the authorized capital of an organization commercializing the results of scientific and (or) scientific and technological activity.

6. Evaluation of the intellectual property right, contributed to the authorized capital of the organization, commercializing the results of scientific and (or) scientific and technological activity, shall be made in accordance with the legislation of the Republic of Kazakhstan on evaluation activity.

7. Management of shares (participatory interests) in authorized capitals of organizations, commercializing the results of scientific and (or) scientific and technological activity, shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 41. Participants of commercialization of scientific and (or) scientific and technological activity results

Participants of commercialization of scientific and (or) scientific and technological activity results shall be:

1) scientific and (or) scientific and technological activity entities;

2) private entrepreneurship, quasi-public sector entities;

3) foreign higher and (or) postgraduate education organizations and scientific organizations accredited in the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

4) startup companies;

5) centers (offices) of commercialization of scientific and (or) scientific and technological activity results;

6) service companies;

7) technology parks;

8) individuals or legal entities investing in commercialization of scientific and (or) scientific and technological activity results.

Article 42. Mechanisms of commercialization of scientific and (or) scientific and technological activity results

The rights of individuals and legal entities to the results of their scientific and (or) scientific and technological activity shall be exercised through mechanisms of commercialization of the scientific and (or) scientific and technological activity results, which shall include:

1) conclusion of a license agreement and (or) an agreement on assignment of exclusive rights to the results of scientific and (or) scientific and technological activity;

2) creation of startup companies;

3) introduction (use) of the results of scientific and (or) scientific and technological activity in own production;

4) other ways stipulated by the laws of the Republic of Kazakhstan.

Chapter 8. STATE MEASURES TO STIMULATE AND SUPPORT COMMERCIALIZATION OF SCIENTIFIC AND (OR) SCIENTIFIC AND TECHNOLOGICAL ACTIVITY RESULTS

Article 43. State measures to stimulate commercialization of scientific and (or) scientific and technological activity results

State incentive measures to participants of commercialization of scientific and (or) scientific and technological activity results shall include:

1) remuneration to authors for creation and implementation (use) of the results of scientific and (or) scientific and technological activity;

2) grants for commercialization of results of scientific and (or) scientific and technological activity;

3) assistance in the creation of production facilities manufacturing high-tech products and (or) introducing new technologies on the basis of public-private partnership;

4) programs of professional development and retraining of participants of commercialization of scientific and (or) scientific and technological activity results;

5) other incentives determined by the authorized body and sectoral authorized bodies, local executive bodies of oblasts, cities of republican status and the capital.

Article 44. Forms of state support

1. The form of state support shall be implementation of programs to promote commercialization of the scientific and (or) scientific and technological activity results (hereinafter - commercialization promotion programs).

2. Commercialization promotion programs shall be developed and implemented by the authorized body, sectoral authorized bodies, and may also be developed and implemented by local executive bodies of oblasts, cities of republican status and the capital, higher and (or) postgraduate education organizations, scientific organizations and (or) scientific-educational consortia.

3. Employees of higher and (or) postgraduate education organizations, scientific organizations, startup companies, individuals and legal entities may participate in commercialization promotion programs in accordance with the requirements established by the developer of the commercialization promotion program.

4. Commercialization promotion programs shall pursue the aim of development of scientific-production relations, regional socio-economic development, creation and development of start-up companies, advanced training of employees of higher and (or) postgraduate education organizations, scientific organizations, start-up companies, other individuals and legal entities in commercialization of the scientific and (or) scientific and technological activity results.

5. Commercialization promotion programs shall not apply to the relations associated with the provision and use of facilities and material and technical resources in the elements of industrial- innovation infrastructure, except for centers (offices) of commercialization of the scientific and (or) scientific and technological activity results.

Article 45. Science Foundation

1. The Science Foundation is a legal entity in the form of a joint stock company with one hundred percent participation of the state.

2. The Science Foundation shall:

1) provide grants for commercialization of scientific and (or) scientific and technological activity results to accredited scientific and (or) scientific and technological activity entities and other commercialization participants;

2) provide organizational and legal assistance to participants in commercialization of scientific and (or) scientific and technological activity results, including business acceleration, technological business incubation, technological brokerage, search for potential investors, marketing and other activities;

3) cooperate with international organizations in order to attract information, educational and financial resources to stimulate commercialization of scientific and (or) scientific and technological activity results;

4) analyze targeted use of grant funds and evaluation of activities in the implementation of projects on commercialization of scientific and (or) scientific and technological activity results;

5) monitor the market of innovations and new technologies;

6) provide information-analytical and consulting services;

7) participate in the authorized capital of legal entities, including startup companies, on projects of commercialization (practical application) of scientific and (or) scientific and technological activity results of companies by means of gratuitous receipt of their share in the order, as stipulated by the legislation of the Republic of Kazakhstan, based on the outcome of financial-economic analysis of the performance of projects on commercialization of scientific and (or) scientific and technological activity results;

8) participate in the formation of mechanisms and infrastructure of venture financing.

Article 46. Provision of grants for commercialization of scientific and (or) scientific and technological activity results

1. The grant for commercialization of results of scientific and (or) scientific and technological activity, financed from budgetary funds, shall be provided to accredited scientific and (or) scientific and technological activity entities and other participants, declared in the project for commercialization of scientific and (or) scientific and technological activity results, in the manner approved by the science financing rules.

2. The contract for implementation of the project of commercialization of results of scientific and (or) scientific and technological activity, financed from budgetary funds, shall be concluded between the accredited scientific and (or) scientific and technological activity entity and other participant (participants), declared in the project of commercialization of scientific and (or) scientific and technological activity results, and the Foundation, for its entire implementation term, but no more than five years.

3. The grant for commercialization of the results of scientific and (or) scientific and technological activity, financed from extra-budgetary funds, shall be provided to the participants in commercialization of the scientific and (or) scientific and technological activity results.

4. Commercialization of scientific and (or) scientific and technological activity results shall be financed from budgetary funds and (or) other sources, not prohibited by the laws of the Republic of Kazakhstan.

Article 47. Rights of participants in commercialization of scientific and (or) scientific and technological activity results

1. The copyright, obtained by participants in commercialization of scientific and (or) scientific and technological activity results shall be established by the laws of the Republic of Kazakhstan.

2. The author shall have the right to receive remuneration for the creation and implementation (use) of the results of scientific and (or) scientific and technological activity that were financed from budgetary funds.

3. Organizations of higher and (or) postgraduate education, scientific organizations shall independently avail of intellectual property title, as well as the income received from the activities of established startup companies, including jointly with private businesses, quasi-governmental sector entities.

4. Private businesses, quasi-public sector entities shall have the right to register the intellectual property title on the basis of the agreement concluded with another participant of commercialization of scientific and (or) scientific and technological activity results.

Article 48. Monitoring of commercialization of scientific and (or) scientific and technological activity results

The authorized body, sectoral authorized bodies, local executive bodies of oblasts, cities of republican status and the capital shall monitor implementation of commercialization promotion programs of scientific and (or) scientific and technological activity results for the purposes of:

1) assessment of cost effectiveness of the programs on promoting commercialization of scientific and (or) scientific and technological activity results;

2) assessment of achievement of target indicators and indicators of implementation of programs on promoting commercialization of the scientific and (or) scientific and technological activity results;

3) assessment of socio-economic effect from the implementation of programs on promoting commercialization of scientific and (or) scientific and technological activity results ;

4) determination of tasks of development and improvement of programs of promoting commercialization of scientific and (or) scientific and technological activity results.

Article 49. Rights of authors of the scientific and (or) scientific and technological activity results

1. Authors of scientific and (or) scientific and technological activity results, the exclusive rights to which belong to the employer, shall be paid remuneration by the employer within one month from the date of receipt of the corresponding patent or certificate of state registration of rights to a copyright object (protection document).

Remuneration for creation of scientific and (or) scientific and technological activity results shall be paid by the employer in the amount of no less than one average monthly salary, unless otherwise established by the agreement between them.

In the event of the introduction (use) in own production of scientific and (or) scientific and technological activity results, the exclusive rights to which belong to the employer, the author of the scientific and (or) scientific and technological activity result shall be paid remuneration in the amount of no less than 100 times the monthly calculation index established by the law on the republican budget and in effect as of January 1 of the corresponding financial year, annually throughout the entire validity term of the patent or certificate of state registration of rights to a copyright object (document of title).

2. In the event of concluded license agreement or an agreement for the assignment of exclusive rights, the author's remuneration shall be no less than thirty percent of the amount of the license agreement (including royalties) without limiting the maximum remuneration amount.

The remuneration shall be paid on the basis of the author's agreement with the employer. Remuneration for the implementation (use) of the results of scientific and (or) scientific and technological activity shall be paid to the author no later than three months after the

expiration of each financial year in which such result was used, and no later than three months after receipt of payments under the license agreement throughout the entire term of the license agreement.

3. For late payment of remuneration stipulated by paragraphs 1 and 2 of this article, the employer shall pay a penalty to the author for each day of delay in accordance with the agreement concluded between them.

4. If the results of scientific and (or) scientific and technological activity are created by the joint creative work of several authors, the exclusive rights to which belong to the employer, then each of them shall be paid remuneration in the amount of no less than one average monthly salary.

The remuneration and penalty stipulated by paragraphs 2 and 3 of this article shall be paid by the employer to the authors equally, unless otherwise provided by the agreement between them.

5. The payment of remuneration and penalties provided in paragraphs 2, 3 and 4 of this article shall remain even in the event of termination of the employment relationship between the employer and the employee who is the author of the scientific and (or) scientific and technological activity result.

6. If the author (authors) of the scientific and (or) scientific and technological activity results, the exclusive rights to which belong to him (them), acts (act) as the founder (founders) of a start-up company, including jointly with other individuals and (or) legal entities, then the share of his (their) participation in the authorized capital of the start-up company must be at least fifteen percent.

7. Disputes related to breaching of the intellectual property rights of the authors and owners, conclusion and execution of contracts in commercialization of the scientific and (or) scientific and technological activity results shall be considered in court.

Article 50. Rights of higher and (or) postgraduate education organizations, scientific organizations

1. Commercialization of scientific and (or) scientific and technological activity results along with the academic and scientific activity shall be a priority activity direction of the higher and (or) postgraduate education organizations, scientific organizations.

2. Organizations of higher and (or) postgraduate education, scientific organizations regardless of their organizational and legal form shall have the right to:

1) independently avail of exclusive rights to the results of scientific and (or) scientific and technological activity;

2) grant the right to use the result of scientific and (or) scientific and technological activity under a license agreement;

3) alienate the exclusive right to the scientific and (or) scientific and technological activity result on the basis of an agreement on the assignment of exclusive rights;

4) transfer the exclusive right to the scientific and (or) scientific and technological activity result as collateral;

5) introduce exclusive rights to the scientific and (or) scientific and technological activity result as a contribution to the authorized capital;

6) otherwise dispose of the exclusive right to the scientific and (or) scientific and technological activity result.

3. For the purpose of commercialization of scientific and (or) scientific and technological activity results the higher and (or) postgraduate education organizations, scientific organizations, shall have the right to attract other individuals and (or) legal entities as founders (participants) of the created start-up companies within the legislation of the Republic of Kazakhstan.

Contribution to the authorized capital of start-up companies by such individuals and (or) legal entities may be paid in cash in the amount of at least fifty percent of their participation share or by way of exclusive right to intellectual property, materials, equipment or other property necessary for commercialization of scientific and (or) scientific and technological activity results.

State property of an organization of higher and (or) postgraduate education may not be seized or used for purposes contrary to its main objectives.

4. Organizations of higher and (or) postgraduate education, scientific organizations regardless of their organizational and legal form shall have the right to independently dispose of the income received from commercialization of scientific and (or) scientific and technological activity results without coordination with the authorized state body - owner of their property.

5. Evaluation of rights to intellectual property objects, contributed to the authorized capital of a startup company, shall be made in accordance with the legislation of the Republic of Kazakhstan on appraisal activities.

6. State higher and (or) postgraduate education organizations, state scientific organizations may dispose of their shares in the authorized capitals of startup companies within the framework of the legislation of the Republic of Kazakhstan.

7. Income received from the disposal of shares in the authorized capitals of startup companies, founders (participants) of which are state higher and (or) postgraduate education organizations, state scientific organizations, as well as part of the income of startup companies, received by these state higher and (or) postgraduate education organizations, state scientific organizations, shall be at their independent disposal.

Income from the startup companies' activities shall be used for legal protection of intellectual property objects, payment of remuneration to the author and persons who assisted in commercialization of scientific and (or) scientific and technological activity results, and other expenses of the startup company provided for by the charter.

8. Unless otherwise provided by internal documents of higher and (or) postgraduate education organizations, scientific organizations, the authors' remuneration share shall be at least thirty percent of the share of profit of the startup company received by higher and (or) postgraduate education organizations, scientific organizations.

9. Upon liquidation of a startup company, exclusive rights to the scientific and (or) scientific and technological activity results, contributed by state higher and (or) postgraduate education organizations, state scientific organizations introduced to the authorized capital, shall be transferred to these organizations.

If the right to use the intellectual activity results was contributed to the charter capital, the relevant license agreement shall terminate from the date of liquidation of the startup company .

Article 51. Centers (offices) of commercialization of scientific and (or) scientific and technological activity results

1. Activities of centers (offices) of commercialization of scientific and (or) scientific and technological activity results shall pursue the aims of rendering a range of services on commercialization of scientific and (or) scientific and technological activity results, including , inter alia, search and assessment of technologies for commercialization, market research, provision of consulting services in the protection of intellectual property rights, development of strategy for commercialization of scientific and (or) scientific and technological activity results, organization of interaction between scientific and (or) scientific and technological activity entities and private businesses for them to conclude contracts.

2. Operation of centers (offices) of commercialization of scientific and (or) scientific and technological activity results shall be provided at the expense of scientific organizations, higher and (or) postgraduate education organizations in the size of no less than two percent of the amount of grant financing allocated for research and development works.

3. For performance assurance of centers (offices) of commercialization of the scientific and (or) scientific and technological activity results, the higher and (or) postgraduate education organizations, scientific organizations shall allocate to them funds no less than ten percent of the amount of the license agreements and agreements of assignment of intellectual property rights, concluded by higher and (or) postgraduate education organizations and scientific organizations.

Chapter 9. INTERNATIONAL COOPERATION

Article 52. International cooperation

1. International cooperation shall be implemented on the basis of relevant international treaties, international scientific and scientific-technical projects and programs, also in the form of assistance to the establishment and expansion of scientific and technological cooperation between Kazakhstan and foreign scientific and other organizations.

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

3. Scientific organizations and scientific centers with participation of foreign nationals, stateless persons and foreign legal entities may be established in the territory of the Republic of Kazakhstan in accordance with the established procedure.

4. Foreign investments in science and technology shall be made in the manner and forms stipulated by the legislation of the Republic of Kazakhstan.

5. State bodies of the Republic of Kazakhstan shall exercise control over transfer of scientific and (or) scientific and technological activity results, as well as scientific and (or) scientific and technological products outside the territory of the Republic of Kazakhstan in the order established by the legislation of the Republic of Kazakhstan.

Chapter 10. FINAL PROVISIONS

Article 53. Liability for breaching the legislation of the Republic of Kazakhstan on science and technology policy

Breaching of the legislation of the Republic of Kazakhstan on science and technology policy shall entail liability established by the laws of the Republic of Kazakhstan.

Article 54. Procedure for enacting this Law

1. This Law shall be enacted sixty calendar days after the date of its first official publication, except for subparagraph 37) of Article 1, subparagraphs 2), 11), 12) and 13) of the first and second parts of Article 8, the second part of paragraph 1, paragraph 11 of Article 36, subparagraph 2) of paragraph 1 and paragraph 2 of Article 39 of this Law, which shall be enacted on January 1, 2025.

2. The following laws shall be invalidated:

1) The Law of the Republic of Kazakhstan dated February 18, 2011 “On Science”;

2) The Law of the Republic of Kazakhstan dated October 31, 2015 “On commercialization of results of scientific and (or) scientific-technical activity”.

President of the Republic of Kazakhstan *K.TOKAYEV*

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