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Act on the Danish Council for Research and Innovation Policy and Independent Research Fund Denmark

We Margrethe the Second, by the Grace of God Queen of Denmark hereby witness: Folketinget (the Danish Parliament) has adopted and We with Our consent hereby enact the following Act:

Part 1

Purpose of the Act

- 1.-(1)** The purpose of this Act is to promote Danish research, technological development and innovation through advisory services and grants for high-quality research.
- (2)** The Act establishes the framework for the Danish Council for Research and Innovation Policy and Independent Research Fund Denmark.

Part 2

Definitions

2. For the purposes of this Act:

- 1) Recognised researchers shall mean: People who have been actively engaged in research at scientific level for a number of years, and who hold a position at associate professor or senior researcher level, or higher.
- 2) People with research knowledge shall mean: People at PhD level who have acquired knowledge of, or experience in, performing research activities at national or international level over a number of years, or who have been closely engaged in research administration, research management, research dissemination or research policy at management level in an institution, organisation or enterprise.

Part 3

The Danish Council for Research and Innovation Policy

3. The Danish Council for Research and Innovation Policy is an independent body within the government administration.

4.-(1) The purpose of the Danish Council for Research and Innovation Policy is to promote the development of Danish research, technological development and innovation for the benefit of society.

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(2) The Council shall provide independent, expert advisory services to the Minister for Higher Education and Science, the Danish Parliament and other ministers concerning research, technological development and innovation at a general level, including advice on future needs within this area.

(3) The advisory services shall be provided upon request or at the Council's own initiative.

(4) The Council's advisory services shall be widely disseminated in accordance with subsections (2) and (3).

5. The Danish Council for Research and Innovation Policy shall include relevant national and international experience and trends in its advisory services. Advice shall be based on documentation, surveys, analyses and evaluations within research, technological development and innovation.

6. Following a public debate, the Danish Council for Research and Innovation Policy shall present an annual report with the Council's assessment of the general developments, the quality in an international context, and the societal relevance of Danish research, technological development and innovation, as well as the Council's recommendations based on this background.

7.-(1) The Danish Council for Research and Innovation Policy shall consist of one chairperson and eight other members.

(2) The Council members, including the chairperson, shall be appointed in their personal capacities by the Minister for Higher Education and Science following open announcement.

(3) While serving on the Danish Council for Research and Innovation Policy, the Council members, including the chairperson, may not at the same time serve on the board of directors of Independent Research Fund Denmark, the board of trustees of the Danish National Research Foundation, the board of directors of Innovation Fund Denmark, committees under Independent Research Fund Denmark or committees under Innovation Fund Denmark.

8.-(1) A majority of members of the Danish Council for Research and Innovation Policy, including the chairperson, shall be recognised researchers or people with research knowledge.

(2) The Council shall be composed such that it represents experience from

1) research, technological development and innovation in the public sector, including public-private research and innovation partnerships;

2) research, technological development and innovation in the private sector, including small and medium-sized enterprises;

3) research, technological development and innovation at international level; and

4) application and commercialisation of research results.

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9.-(1) Members of the Danish Council for Research and Innovation Policy, including the chairperson, shall be appointed for a period of up to three years. Re-appointment shall be possible until a member has been appointed for a total of six years, cf. however, subsection (2).

(2) In exceptional circumstances, the Minister for Higher Education and Science may extend the periods of appointment for Council members, including the chairperson, for a limited period in addition to the periods stated under subsection (1).

10. The Danish Council for Research and Innovation Policy shall prepare rules of procedure to be published on the Council's website after the Minister for Higher Education and Science has been informed.

11. Secretariat services for the Danish Council for Research and Innovation Policy shall be carried out by a special unit under the Ministry of Higher Education and Science or by a special unit in a government authority under the Ministry.

Part 4

Independent Research Fund Denmark

12.-(1) Independent Research Fund Denmark is an independent body within the government administration.

(2) The Fund's activities shall be financed by ordinary grants issued under the annual appropriation acts. Furthermore, the Fund may be awarded special grants under the annual appropriation acts.

(3) The Fund may receive additional grants and gifts from other sources than the appropriation acts.

13.-(1) The primary aim of Independent Research Fund Denmark is to enhance the quality of Danish research by awarding grants within the Fund's ordinary appropriation limit to specific research activities based on researchers' own initiatives.

(2) Grants from the Fund pursuant to subsection (1) shall be awarded to individual scientific research areas, interdisciplinary research activities or international research activities by Danish research.

(3) The Council shall develop the level of scientific research in Denmark and prioritise opportunities for new discoveries in research.

(4) The Fund shall contribute to enhancing the dissemination of research results.

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14. Independent Research Fund Denmark shall award grants for specific research activities within politically determined themes or instruments when funds have been allocated specifically for such activities under the annual appropriation acts.

15.-(1) Independent Research Fund Denmark may participate in international research collaboration if such collaboration is deemed to benefit Danish research.

(2) As part of the activities carried out in accordance with subsection (1), the Fund may decide to allocate up to 20% of the Fund's annual ordinary appropriation to international fora.

16.-(1) Independent Research Fund Denmark provides advisory services to the Minister for Higher Education and Science, the Danish Parliament and other ministers concerning all scientific research areas.

(2) The advisory services shall be provided upon request or at the Fund's own initiative.

(3) Upon request, the Fund shall assist the Danish Council for Research and Innovation Policy, the Danish Accreditation Institution and the Danish Accreditation Council with advice on research.

(4) Upon request, the Fund may assist other public-sector and private-sector institutions with advice on research. If the Fund is requested to assist in assessing applications received by a public-sector or private-sector institution, the Fund may refer to recognised researchers outside the Fund.

Board of directors

17. Independent Research Fund Denmark shall be managed by a board of directors.

18.-(1) The board of directors shall consist of one chairperson and eight other members, all of whom shall be recognised researchers.

(2) The members of the board of directors, including the chairperson, shall be appointed in their personal capacities by the Minister for Higher Education and Science following open announcement.

(3) While serving on the board of directors of Independent Research Fund Denmark, the members of the board of directors, including the chairperson, may not at the same time serve on the Danish Council for Research and Innovation Policy, the board of trustees of the Danish National Research Foundation, the board of directors of Innovation Fund Denmark, committees under Independent Research Fund Denmark or committees under Innovation Fund Denmark.

19.-(1) The members of the board of directors, including the chairperson, shall be appointed for a period of up to four years. Re-appointment shall be possible until a member has been appointed for a total of six years, cf. however, subsection (2).

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(2) In exceptional circumstances, the Minister for Higher Education and Science may extend the periods of appointment for the members of the board of directors, including the chairperson, for a limited period in addition to the periods stated under subsection (1).

20.-(1) The board of directors shall prepare rules of procedure, shall set the Fund's strategy every three years, and shall issue an annual review of its activities.

(2) The rules of procedure, the strategy and the review, cf. subsection (1), shall be made public on the Fund's website after the Minister for Higher Education and Science has been informed.

Committees

21.-(1) Based on its own assessment, the board of directors shall set up and name up to six standing committees to allocate grants for specific research activities pursuant to section 13(1), and to provide advisory services pursuant to section 16.

(2) The board of directors shall establish the dividing lines between the standing committees so that, collectively, the committees cover the full range of scientific research areas. The division of responsibilities between the committees shall be adapted regularly according to research developments.

(3) As one of the standing committees pursuant to subsection (1), the board of directors may establish an interdisciplinary committee, which may consist of members of the other standing committees, to deal with interdisciplinary tasks.

(4) The board of directors may establish special ad hoc committees to allocate grants to specific research activities pursuant to section 14.

22.-(1) The board of directors is not itself authorised to allocate grants.

(2) The board of directors shall distribute funds from the Fund's ordinary appropriation to the standing committees, cf. section 21(1), which shall allocate grants within their respective research areas.

(3) Of the funds distributed among the standing committees, the board of directors may allocate up to 20% of the funds specified in subsection (2) to special initiatives, including interdisciplinary and cross-disciplinary initiatives.

(4) The board of directors allocates special grants to special ad hoc committees, cf. section 21(4), or to the standing committees.

23.-(1) The board of directors shall appoint up to 75 members, including chairpersons, to the standing committees, cf. section 21(1), and shall aim to achieve a balanced gender composition.

(2) The members of the committees, including the chairpersons, shall be recognised researchers.

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(3) The members of the committees, including the chairpersons, shall be appointed in their personal capacities following open announcement. The composition of each individual standing committee shall ensure the broadest possible professional and academic representation within the committee's spheres of concern, as well as broad experience within both Danish and international research.

(4) While serving on the committees, the members of the committees, including the chairpersons, may not at the same time serve on the Danish Council for Research and Innovation Policy, the board of trustees of the Danish National Research Foundation, the board of directors of Innovation Fund Denmark, or the board of directors of Independent Research Fund Denmark.

24.-(1) The members of the standing committees, including the chairpersons, cf. section 21(1), shall be appointed for a period of up to four years. Re-appointment shall be possible until a member has been appointed for a total of six years, cf. however, subsection (2).

(2) In exceptional circumstances, the board of directors may extend the periods of appointment for the members of the committees, including the chairpersons, for a limited period in addition to the periods stated under subsection (1).

25.-(1) The board of directors shall appoint a limited number of members, including chairpersons, to the special ad hoc committees, cf. section 21(4), and shall aim to achieve a balanced gender composition.

(2) The members of the committees, including the chairpersons, shall be recognised researchers.

(3) The members of the committees, including the chairpersons, shall be appointed in their personal capacities for a limited period of time.

26. The committees shall prepare rules of procedure to be approved by the board of directors and published on the Fund's website.

Secretariat

27. Secretariat services for Independent Research Fund Denmark shall be carried out by the Ministry of Higher Education and Science, or by one or more government authorities under the Ministry.

Grant-making function etc.

28.-(1) Independent Research Fund Denmark shall allocate grants for specific research activities pursuant to section 13(1) and section 14, following an application process in open competition based on published

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criteria. The applications shall be subject to an evaluation of research quality, using external evaluators where relevant.

(2) The Fund's grant-making function shall be managed according to consistent guidelines and calls determined by the board of directors and published on the Fund's website.

(3) A grant shall be awarded to a natural or legal person according to the Fund's assessment and proportional to the specific instrument.

29. Independent Research Fund Denmark may allocate funds for grants in international fora pursuant to section 15(2) provided that the grants are allotted based on open competition and following an academic evaluation of research quality.

30. Independent Research Fund Denmark's grant-making function shall be in coordination with Innovation Fund Denmark, the Danish National Research Foundation and other relevant players.

31.-(1) Based on a specific assessment, Independent Research Fund Denmark may stipulate a quarantine period of up to two years for an applicant under the following circumstances:

- 1) The applicant has submitted an application which is very unlikely to be considered for the grant due to the poor quality of the application.
- 2) The applicant is known for scientific misconduct.

(2) The criteria for stipulating a quarantine period pursuant to subsection (1) shall be made public in advance.

32.-(1) The Minister for Higher Education and Science may lay down more detailed regulations on the grant-making function of Independent Research Fund Denmark, including regulations on:

- 1) Calls for applications and application requirements;
- 2) Formal requirements, including requirements on digital communication and time limits;
- 3) The possibility to reject applications which fail to comply with formal requirements;
- 4) Financial and administrative terms required as a condition for the award and use of a grant;
- 5) The possibility to stipulate a quarantine period, cf. section 31;
- 6) Terms and conditions for the presentation of financial statements by grant recipients, reporting on the project and auditing, including requirements that grant recipients take part in evaluations, including after cessation of the grant;
- 7) Lapse of grants and repayment of grants in situations in which the grant recipient has violated the conditions of the grant;

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8) The framework for the assessment of legal competence.

(2) The Minister for Higher Education and Science may lay down more detailed regulations on delegating powers to award grants and provide advisory services within Independent Research Fund Denmark, including the secretariat, excluding, however, matters of a principle nature.

Right of appeal

33.-(1) With regard to legal matters, decisions made by Independent Research Fund Denmark concerning grants, cf. section 13(1) and section 14, and concerning quarantine periods, cf. section 31, may be appealed to the Minister for Higher Education and Science by no later than four weeks after the decision has been notified to the person in question.

(2) The appeal shall be submitted to Independent Research Fund Denmark. If the Fund wishes to maintain its decision, the Fund shall, as soon as possible, forward the appeal, the documents of the case and the Fund's statement regarding the case to the Minister for Higher Education and Science.

(3) The Minister for Higher Education and Science may lay down more detailed regulations on the appeals procedure, including time limits and the type of documents to be submitted.

Part 5

Supervision and authority

34. The Minister for Higher Education and Science shall supervise the Danish Council for Research and Innovation Policy and Independent Research Fund Denmark.

35.-(1) After consultation with the relevant minister, the Minister for Higher Education and Science may authorise a government authority, set up under the auspices of the Ministry or other government authorities, to exercise the powers vested in the Minister for Higher Education and Science pursuant to this Act.

(2) The Minister for Higher Education and Science may lay down regulations on access to appeal decisions made in accordance with authorisation pursuant to subsection (1), including that it shall not be possible to appeal the decisions.

(3) The Minister for Higher Education and Science may lay down more detailed regulations on the exercise of authority which another government authority, after consultation with the relevant minister, becomes authorised to exercise under subsection (1).

Part 6

Entry into force and transitional provisions

36.-(1) This Act shall enter into force on 1 July 2017.

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(2) Research Advisory System etc. Act, cf. Consolidating Act no. 365 of 10 April 2014, shall be repealed.

(3) Executive Order no. 322 of 30 March 2014 on the grant-making function etc. under the auspices of the Danish Council for Independent Research shall remain in force until it is amended or repealed.

(4) Authority granted to scientific research councils under the auspices of the Danish Council for Independent Research or to the secretariat of the Danish Council for Independent Research pursuant to the Research Advisory System etc. Act shall remain in force until it is amended or repealed.

(5) Members of the Danish Council for Research and Innovation Policy shall continue as members until the expiry of their current period of appointment and may be re-appointed, provided that re-appointment is possible under the new regulations.

(6) Members of the board of directors of the Danish Council for Independent Research shall continue as members of Independent Research Fund Denmark until the expiry of their current period of appointment and may be re-appointed, provided that re-appointment is possible under the new regulations.

(7) The scientific research councils under the auspices of the Danish Council for Independent Research shall continue as standing committees pursuant to this Act until the board of directors of Independent Research Fund Denmark determines otherwise.

(8) Members of the scientific research councils under the auspices of the Danish Council for Independent Research shall continue as members of the standing committees under Independent Research Fund Denmark and may be re-appointed, provided that re-appointment is possible under the new regulations.

(9) Appeals against any decision of the scientific research councils under the auspices of the Danish Council for Independent Research submitted prior to the entry into force of this Act shall be decided in accordance with the regulations hitherto in force.

Part 7

Amendments to other legislation

Ministry of Higher Education and Science

37. The Danish National Research Foundation Act, cf. Consolidating Act no. 367 of 10 April 2014, shall be amended as follows:

1. In *section 2(1), no. 2*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

2. In *section 5, 1st clause*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«, and »Research Advisory System etc. Act« shall be amended to: »Act on the Danish Council for Research and Innovation Policy and Independent Research Fund Denmark«.

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38. Act no. 306 of 29 March 2014 on Innovation Fund Denmark shall be amended as follows:

1. In *Section 8(1), 2nd clause*, and *section 18(2), 2nd clause* »Research Advisory System etc. Act« shall be amended to: »Act on the Danish Council for Research and Innovation Policy and Independent Research Fund Denmark«.

39. The Act on Government Research Institutes, cf. Consolidating Act no. 581 of 1 June 2014, shall be amended as follows:

1. In *section 1(3), section 3(2) and section 4(7), 2nd clause*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

2. In *section 4(7), 1st clause*, »Research Advisory System etc. Act« shall be amended to: »Act on the Danish Council for Research and Innovation Policy and Independent Research Fund Denmark«.

Ministry of Energy, Utilities and Climate

40. Act no. 536 of 6 June 2007 on GEUS, as amended by section 4 of Act no. 310 of 29 March 2014 shall be amended as follows:

1. In *section 10(2), 2nd clause*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

Ministry of Economic Affairs and the Interior

41. The Act on the Economic Council and the Environmental Economic Council, cf. Consolidating Act no. 181 of 13 February 2017, shall be amended as follows:

1. In *section 2(3), 4th clause*, and *section 2(4), 4th clause*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

Ministry of Culture

42. Act no. 224 of 27 March 1996 on research at archives, libraries, museums, etc., as amended by section 14 of Act no. 1373 of 28 December 2011 and section 7 of Act no. 310 of 29 March 2014, shall be amended as follows:

1. In *section 4(2), 1st clause*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

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43. The Act on Non-formal Education and Democratic Voluntary Activity, cf. Consolidating Act no. 854 of 11 July 2011, as amended by section 2 of Act no. 444 of 23 May 2012, section 8 of Act no. 310 of 29 March 2014, section 3 of Act no. 552 of 2 June 2014 and section 1 of Act no. 1553 of 13 December 2016, shall be amended as follows:

1. In *section 47(2), 1st clause*, »Danish Council for Independent Research« shall be amended to:
»Independent Research Fund Denmark«.

Ministry of Environment and Food

44. The Fisheries Act, cf. Consolidating Act no. 17 of 4 January 2017, shall be amended as follows:

1. In *section 104(1), 5th clause*, »Danish Council for Independent Research« shall be amended to:
»Independent Research Fund Denmark«.

45. The Agricultural Subsidies Act, cf. Consolidating Act no. 20 of 4 January 2017, shall be amended as follows:

1. In *section 8, subsection (2), 2nd clause, subsection (3), 3rd clause, and subsection (4), 2nd clause*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

Ministry of Health

46. Act no. 593 of 14 June 2011 concerning scientific ethical treatment of health science research projects, as amended by Act no. 604 of 18 June 2012, section 6 of Act no. 310 of 29 March 2014 and section 37 of Act no. 620 of 8 June 2016, shall be amended as follows:

1. In *section 38(1), no. 2*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

Danish Ministry of Taxation

47. The Withholding of Tax Act, cf. Consolidating Act no. 117 of 29 January 2016, as most recently amended by section 4 of Act no. 285 of 29 March 2017, shall be amended as follows:

1. In *section 48E(4)*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«, and »Research Advisory System etc. Act« shall be amended to: »Act on the Danish Council for Research and Innovation Policy and Independent Research Fund Denmark«.

48. »*Ligningsloven*« (act on the assessment of income tax to the state), cf. Consolidating Act no. 1162 of 1 September 2016, as amended by section 5 of Act no. 1554 of 13 December 2016, section 2 of Act no. 1553 of 13 December 2016 and section 2 of Act no. 1665 of 20 December 2016, shall be amended as follows:

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1. In *section 8H(2), 2nd clause*, »Danish Council for Independent Research« shall be amended to:
»Independent Research Fund Denmark«.

Ministry of Foreign Affairs

49. Act no. 554 of 18 June 2012 on the Danish Institute for International Studies, as amended by section 2 of Act no. 656 of 12 June 2013, shall be amended as follows:

1. In *section 3(2), no. 1*, »Danish Council for Independent Research« shall be amended to: »Independent Research Fund Denmark«.

Part 8

Territorial application

50. This Act shall not extend to the Faroe Islands and Greenland.

Christiansborg Slot, 26 April 2017

Under our Royal Hand and Seal

MARGRETHE R.

/ Søren Pind