

REGULATION
GOVERNING THE AWARD OF THE
***COLLABORATIVE LABORATORY* TITLE**
(CoLAB)

14/11/2017 - Changes were made to article 5 - Application, n. 7.

REGULATION 486-A/2017

STATEMENT OF REASONS

Within the scope of the [National Reform Programme \(NRP\)](#), of the [Interface Programme](#) and of the "Commitment to Science and Knowledge" Agenda, approved by the [Council of Minister's Resolution 32/2016 of June 3](#), the Fundação para a Ciência e a Tecnologia, IP (FCT) is co-responsible with ANI – Agência Nacional de Inovação, SA, (ANI, SA) for the process of setting up Collaborative Laboratories and putting them into operation.

The process of setting up and putting into operation the Collaborative Laboratories is implemented in two phases. The first phase will involve the identification and recognition of Collaborative Laboratories. The procedure includes the opening of a call that will evaluate and select the proposals for the constitution of Collaborative Laboratories, and consequently to the recognition of the label of "Collaborative Laboratory" (CoLAB). The second phase involves calls for funding, particularly through structural funds (in particular through Portugal 2020 Programme), for the activities to be carried out by the Collaborative Laboratories.

A Collaborative Laboratory is understood to be a private non-profit association or company, already created or to be created, consisting of companies, research units, associated laboratories, higher-education institutions, technological interface centres and other intermediate institutions, technology centres, business associations and other relevant partners of the productive, social or cultural fabric, both national and international, such as scientific institutions, state or local authority laboratories and institutions associated with local organisations, hospitals and healthcare facilities, museums, archives or social institutions (hereinafter participating entities).

The Collaborative Laboratory has as its main objective the direct and indirect creation of highly-qualified and scientific employment (i.e., of holders of PhDs in R&D activity) in Portugal, through the definition and implementation of research and innovation agendas aimed at creating economic and social value, including processes of internationalisation of national scientific and technological capabilities in areas of relevant intervention and R&D activities that enhance the reinforcement of synergies with scientific and higher education institutions, in particular within the framework of specialised, professional or advanced training programmes in close cooperation with social, economic and cultural partners.

The main challenge that the Collaborative Laboratories must face is the effective densification of the national territory in terms of knowledge-based activities, through a growing institutionalisation of forms of collaboration between science, technology and higher-education institutions and the economic and social fabric, in particular companies, the hospital and health system, cultural institutions and social organisations. Collaborative Laboratories should therefore consolidate and promote the capacity and potential of the scientific, academic and business communities to tackle the opportunity to relate knowledge with wellbeing and social and economic development in Portugal. It is the opportunity for scientific and academic institutions, in close collaboration with economic, social and cultural players, to contribute to the construction, in Portugal, of projects of international relevance, with real impact on society, stimulating the creation of highly-qualified employment in Portugal.

The intention is that the Collaborative Laboratories reinforce the current structure of interface technology centres and other intermediary institutions in Portugal, diversifying and complementing the existing structure and the activities of the R&D units and Associate Laboratories, the aim being to stimulate the active participation of the scientific and academic system in understanding and solving major complex problems that cannot usually be solved within the context of a single disciplinary, scientific, technological or institutional area. They involve co-ordination of multiscale and corporate, social and cultural interventions with a view to implement effective solutions having socio-economic impact. Collaborative Laboratories therefore play a role that complements and supplements that of the R&D units, including Associated Laboratories.

In this context, the development and promotion of Collaborative Laboratories should be encouraged within the framework of mobilising research and innovation programmes of international relevance and national impact, properly co-ordinated between universities, polytechnics, R&D units and the Associate Laboratories, State Laboratories and the social, cultural and economic fabric, involving, in particular, companies, intermediate and knowledge-transfer institutions, including technological and engineering centres, in order to establish an effective "Commitment to Knowledge and Science" that will stimulate highly-qualified employment and the creation of economic and social value, as defined in accordance with the "[Interface Programme](#)".

The agendas should be the result of a joint collaborative effort between researchers and technicians of the public and private sectors, in close participative collaboration with citizens and social organisations, adopting a matrix that crosses specialisation priorities with technologies and scientific knowledge of a transverse nature and establishing a reference for the allocation of public and private funding for science and innovation. The intention is to mobilise the productive, social and cultural sectors so as to facilitate and reinforce the qualifications of the population at territorial level, stimulating highly-qualified employment, attracting foreign direct investment for higher added-value activities and converging to the European average in terms of the public and private investment effort in R&D.

The role of these Collaborative Laboratories will be especially important in stimulating new forms of interaction and a non-linear relationship between research, innovation and social and economic development activities, stimulating the shared responsibility of the participating institutions through processes of transfer and diffusion of knowledge and improvement of the value of the products and services provided by the companies, as well as facilitating the societal relevance of academic research and its endogenisation by society.

The establishment of Collaborative Laboratories in Portugal thus represents a new phase of evolution and development of the research and innovation system to enhance the institutionalisation of co-operation between different institutions, along with the interinstitutional co-accountability of knowledge-based strategies, as well as strengthening the collaboration of scientific and higher-education institutions with intermediate and knowledge-transfer institutions undertaken in recent years. The intention is to encourage co-operation between R&D units, higher-education institutions and the productive, social or cultural sector, ensuring new collaborative and risk-sharing forms between the public and private sectors that are able to create value and highly-qualified employment.

This regulation constitutes the initial phase of the procedure for the creation of a network of Collaborative Laboratories and for putting it into operation. After evaluation of the applications and the consequent award of the title of "Collaborative" Laboratory (CoLAB), a financing phase will start by opening specific calls to support the activities and projects of the "Collaborative Laboratories" within the scope of the Portugal 2020 programme or other programmes able to support the proposed activities.

In compliance with article 99 of the Code of Administrative Procedure, enacted by Decree-Law 4/2015 of January 7, which, besides imposing the inclusion of a "statement of reasons" in the regulations, determines that it must include a weighting of the costs and benefits of the measures planned and/or adopted, the direct benefits that the recognition of the Collaborative Laboratory title bestows on the participating entities are emphasised.

From the outset, the possibility of financing the activities proposed, including hiring highly-qualified human resources.

Another benefit arising from the adoption of this regulation is the introduction of rules on the recognition and/or grant of the title to the entities concerned, which proves the level of transparency and rigour in carrying out the duties of FCT, IP, as well as with regard to the fair treatment of the parties concerned. On the other hand, the importance, quality and relevance of the applications approved are rewarded.

Bearing the foregoing in mind, the benefits and costs arising from the application of the rules set out in this project were pondered, and it was concluded that the benefits clearly outweigh the costs involved.

This regulation is drafted pursuant to subparagraphs a), b), f), g) and h) of article 3(2) of Decree-Law 55/2013 of April 17, which enacted the organic law of the Fundação para a Ciência e Tecnologia, IP, and to articles 21(b) and 41(b) of Law 3/2004, of January 15, republished by Decree-Law 5/2012 of January 17, and amended by Decree-Law 123/2012 of June 20.

Article 1

Purpose and scope

1. The object of this regulation is to establish the rules of procedure for the award of the title and designation of *Collaborative Laboratory*, hereinafter "CoLAB".
2. The CoLAB title and designation are awarded to private non-profit associations or companies, already created or to be created, having their registered office in Portugal, with a view to achieve the objectives set out in article 3.
3. This regulation covers all the NUTS II regions, and *Collaborative Laboratories* may involve entities in various regions and enshrine multi-regional activities also of international scope and context.

Article 2

Definitions

For the purpose of this regulation, the following definitions shall be understood:

- a) "Private non-profit association", a corporate person under private law, endowed with legal personality and characterised as a group of corporate persons that come together to implement and achieve common objectives and ideals, with no lucrative purpose;
- b) "Business associations", private non-profit entities whose mission is centred on supporting activities of a corporate nature;
- c) "R&D activities", research and experimental development activities as defined and laid down internationally through the OECD's Frascati Manual;
- d) "Innovation activities", as defined and laid down internationally through the OECD's Oslo Manual;
- e) "Technological Interface Centres", entities oriented to technological development and/or to the dissemination of knowledge in connection and in intermediation with companies, society and markets, promoting and enhancing new products and services and the transfer of technology and/or knowledge;
- f) "Principal Researcher (PR)", person responsible, at the Proponent Institution, for the application;
- g) "Scientific employment", employment of PhD holders to perform R&D activities;
- h) "Highly-qualified employment", employment of graduates, masters and PhD holders, directed at high value-added activities that drive economic and social value;
- i) "Company", any entity, regardless of its legal form, engaged in an economic activity, by offering competing goods or services in the marketplace;
- j) "Non-corporate entity of the R&D system", an entity (such as a research institute, a technology-transfer agency, innovation intermediaries, collaborating entities, either physical or virtual,

focusing on research), that, regardless of their legal status (under private or public law) or financing means, carry on independently or within the scope of effective collaboration, fundamental research, industrial research, experimental development or broad disclosure of the results of such activities through teaching, publications and knowledge transfer;

- k) “Participating entity”, any legal entity that takes part in the legal constitution of the Collaborative Laboratory;
- l) “Higher education institution (HEI)”, which includes a) higher education institutions, including universities, university institutes and other university education institutions and b) polytechnic teaching institutions, which include polytechnic institute and other polytechnic education institutions in accordance with the higher education institutions legislation (Law 62/2007 of September 10);
- m) “Proponent institution (PI)”, participating entity representing the *Collaborative Laboratory* for the purposes set out in this regulation, which is responsible for communications with FCT, IP, and/or other agencies to be designated by FCT, IP, on behalf of all participating institutions, as applicable;
- n) “Collaborative Laboratory”, private non-profit association or company incorporated by a company or companies, non-corporate entities of the R&D system and higher education institutions, which may also include or result from technology interface centres and other intermediate institutions, technology centres, state laboratories, as well as business associations and other relevant partners of the scientific, productive, social or cultural fabric, at national or international level, such as municipalities and institutions associated with local organisations, hospitals and the provision of health care units, museums, archives, or social institutions, national or international, with the aim of creating highly-qualified employment in Portugal through the definition and implementation of research and innovation agendas geared to the creation of economic and social value, including processes of internationalisation of the national scientific and technological capacity in areas of relevant intervention, stimulation of scientific employment (i.e., PhD holders in R&D activity) and the performance of R&D activities that foster the strengthening of synergies with scientific and higher education institutions, particularly within the scope of specialised, professional or advanced training programmes in close collaboration with social and economic partners;
- o) “Member/ collaborator of the Collaborative Laboratory”, worker or employee having a direct contractual relationship with the Collaborative Laboratory after its creation;
- p) “Member of the participating institution’s team”, employee or collaborator having a contractual relationship with a participating entity, whose activity at the Collaborative Laboratory falls within the scope of a protocol between his/her employer and the Collaborative Laboratory;
- q) “Declaration of Acceptance”, the commitment signed by the Collaborative Laboratory for the achievement of the proposed objectives, under the terms and conditions set out in the decision to award the CoLAB title, in particular regarding the obligations arising therefrom and the consequences of non-fulfilment thereof.

Article 3 Objectives

The creation of *Collaborative Laboratories* and the award of the CoLAB title is directed at the stimulation of creation of highly-qualified employment generating economic and social value in Portugal, and its other objectives include:

- a) Diversifying, stimulating and co-ordinating activities based on scientific knowledge, promoting processes of technological change and the creation of short- and medium-term research and innovation agendas by identifying economic, social or cultural needs and challenges, contributing to the qualification of human resources and institutions at territorial level, as foreseen in the Interface Programme;
- b) Addressing challenges and problems of significant complexity and size, having a social and economic impact, from a standpoint of innovation based on scientific knowledge, expanding the scale and intensity of funding for R&D in close collaboration with the productive, social and cultural fabric. The intention is to promote the creation of critical mass to stimulate new centres for R&D activities throughout the country, including sparsely populated areas;
- c) Accelerating the development of new products and services directed at global markets, supporting the transformation of the pattern of specialisation of the Portuguese economy and the technological intensity of its exports;
- d) Strengthening highly-qualified and scientific employment in Portugal, including innovation oriented employment in order to contribute to the greater competitiveness of the productive and social fabric, and of companies in particular, as provided for in the Scientific Employment Stimulation Programme and in the Interface Programme, both promoted within the context of the National Reforms Programme;
- e) Ensuring the strengthening of institutional collaboration of technology interface centres and of other know-how transfer centres to complement other activities to be supported by the Interface Programme, promoting collaboration between technology and engineering centres with scientific and higher-education institutions and with the productive fabric and cultural and social institutions;
- f) Building collective entities, involving the scientific and technological activity of increasingly diversified institutions that facilitate co-creation of new knowledge, stimulating creativity and the production of new knowledge, along with its dissemination throughout the territory, in partnership and in network with relevant players of these territories.

Article 4 Participating entities

1. Participating entities are:

- a) Companies;

- b) Non-corporate entities of the R&D System, namely:
 - i. Private non-profit institutions whose primary objective is R&D activities, including associated laboratories;
 - ii. State or international laboratories having their registered office in Portugal;
 - iii. Other public and private non-profit institutions that carry on or take part in scientific research activities;
 - c) Higher education institutions, through their institutes and/or R&D units;
 - d) Technology interface centres and other intermediary and interface institutions, including engineering or transfer and dissemination of knowledge centres;
 - e) Business associations;
 - f) Other relevant partners of the productive, social and cultural fabric, such as healthcare facilities, museums, archives or institutions of a cultural and/or social nature, national or international;
 - g) Other public-administration organisations.
2. The *Collaborative Laboratory* must comprise at least one company and an R&D unit of a higher education institution funded by FCT, IP, and may result from a technological interface centre that already has such a corporate or associates structure.
 3. In the case of R&D units without legal personality, the participating entity is the institution having legal personality of which they form part.
 4. In a *Collaborative Laboratory* no associate, partner or shareholder may hold less than 5% or more than 49% of the assets or share capital.

Article 5

Application

1. The proponent institution is the participating entity responsible for the submission of the application.
2. Submission of the application for the award of the CoLAB title is made through electronic form provided for this purpose by FCT, IP, which includes:
 - a) The research and innovation agenda, the strategic vision that frames it and the proposed action plan that implements it, including a brief description of the activities to be carried out (over 5 and also over 10 years);
 - b) Identification and characterisation of the participating entities of the *Collaborative Laboratory*;

- c) Declaration of commitment to the establishment of a private non-profit association or of a company, if awarded the CoLAB title and designation, signed by all the participating institutions (if applicable);
 - d) Proposal for the institutional organisation of the CoLAB, including governance model, conditions for the encouragement of the highly-qualified employment and of the scientific employment to be created directly through the CoLAB and indirectly at other institutions and in the marketplace (within 5 years) and proposal for forms of articulation with higher education institutions and collaboration with social players and companies in particular;
 - e) Guarantees of mobilisation and of gathering critical mass of human resources relevant to address the proposed action plan at national and international level, as well as of the innovative scope of the proposal;
 - f) Proposal for the financial plan and business plan, with clear identification of their suitability for the action plan for the development and/or implementation of a research and innovation agenda, and with a strategy to attract and diversify the 5-year funding sources;
 - g) Careful selection of the curricular elements of the activity of the participating entities, identifying only the main activities and results achieved during the past ten years, relevant to the proposed research and innovation agenda;
 - h) Critical justification of the CoLAB's ability to meet the proposed objectives, identifying the key opportunities and challenges of the proposed CoLAB, as well as its strengths and weaknesses (i.e., a "SWOT" type analysis);
 - i) Identification and brief quantification of the expected results and impacts of the implementation of the action plan, particularly in the areas of research, innovation, advanced training and creation of highly-qualified employment and scientific work;
 - j) Preliminary and provisional list of names of the members that will constitute the proposed initial team of the *Collaborative Laboratory* and brief description of their qualifications;
 - k) Nominal list of the members of the participating institutions who are to collaborate in the proposed *Collaborative Laboratory*, identifying the respective dedication and summary description of their qualifications.
3. The Principal researcher (PR) of a CoLAB proposal can only be a candidate with a single proposal, indicating the level of dedication to the proposal with which he/she is associated, which cannot be less than 40% of his/her total dedication to other activities.
 4. Each member of the *Collaborative Laboratory* team or of the participating institutions that collaborate in the *Collaborative Laboratory* can only be associated with a single *Collaborative Laboratory* proposal.
 5. The participating entity representing the *Collaborative Laboratory* is considered the proponent institution (PI) and is the interlocutor of FCT, IP, for the purposes of this regulation.

6. The applications are submitted in English, so they can be evaluated by an international panel of foreign experts.
7. Other requirements of the application may be defined in the Notice of Call.

Article 6

Evaluation parameters

1. The following criteria will be considered for the purposes of evaluation of the applications:
 - a) Scientific and technological merit and innovation potential of the proposed action plan, including assessment of the objectives and the feasibility, quality and reasonableness of the proposal, including the contribution to the internationalisation of the Portuguese economy, for example through inclusion in international projects, initiatives or knowledge networks within the scope of the innovation agenda to be developed;
 - b) Conditions for the stimulation of highly-qualified employment, scientific employment and possible forms of specialised training, either directly through the CoLAB or indirectly at other institutions and in the marketplace;
 - c) Relevance, diversity and impact of the proposed research and innovation agenda, with emphasis on addressing specific problems of the economy, society and culture, and, above all, in its potential to create value in these fields;
 - d) Institutional organisation demonstrating the sustainability of the proposed *Collaborative Laboratory*, as well as the dedication of its members, effective mobilisation and collaboration with entities of the productive, social and cultural fabric, and proper articulation with higher-education institutions and diversification of funding sources;
 - e) Creation of new focus for R&D centres throughout the country, above all in sparsely populated areas;
2. The form, weighting and appraisal of the parameters referred to in the preceding paragraphs follow the stipulations of the Evaluation Guide.

Article 7

Composition and competence of the evaluation panel

1. The evaluation of the applications and the drafting of the decision on the award of the CoLAB label are entrusted to an independent evaluation panel consisting of internationally-recognised experts, appointed by the Board of Directors of FCT, IP, .
2. The composition of the evaluation panel is made public prior to the start of the evaluation of the admitted applications.

3. The evaluation panel may request additional information required to confirm the elements submitted in the applications.
4. The evaluation panel may call on external experts, whose identity is not disclosed, to express opinions on the applications allocated to them, to inform the Panel's work and decisions.
5. The impartiality-guarantee mechanism provided in articles 69 to 76 of the Code of Administrative Procedure is applicable to the evaluation procedure, as also the principle of confidentiality, transparency and non-existence of conflicts of interest.

Article 8

Resolutions and meeting minutes

1. The evaluation panel resolves by means of reasoned voting in accordance with the evaluation criteria adopted and published, no abstentions being allowed.
2. Meetings, including those for the final decision, may take place by videoconference.
3. Minutes are written for each meeting, in which a summary is made concerning the the proceedings, stating in particular, the date and place, the members present and the votes cast by each one, the items on the agenda and dealt with, the applications analysed and the respective resolutions and their grounds.
4. Following the conclusion of the application of the evaluation parameters, the panel members draw up an ordered list of the applications with their classification.
5. The minutes of the meeting with the application of the evaluation parameters and the ordered list referred to in the preceding paragraph are subject to approval by the Board of Directors of FCT, IP, , which awards the title of CoLAB.
6. The approval and award of the title, as laid down in the preceding paragraph may be delegated on a member of the Board of Directors of FCT, IP.

Article 9

Rejection

1. Applications are subject to preliminary rejection if:
 - a) Do not meet the requirements of articles 4(2) and 4(4);
 - b) Are not accompanied by the documentation referred to in article 5(2);
 - c) Do not meet the requirements of article 5, paragraphs 3 to 7;
 - d) Contain misrepresentations.

2. Verification of compliance with the formal requirements for admissibility of the applications is carried out by the FCT, IP services.

Article 10

Award and renovation of the *Collaborative Laboratory* Title

1. The CoLAB title awarded by FCT, IP, to the private non-profit association or to the company is valid for five years and may be renewed for the same period provided that, within 30 days prior to its expiry date, its renovation is requested in the manner provided for in article 5(2) and the association or company continues to meet the requirements of articles 4 and 5 after evaluation by FCT, IP.
2. Formalisation of the title is undertaken by means of signature of a declaration of acceptance that establishes the commitment signed by the Collaborative Laboratory to execute the proposed objectives under the terms and conditions laid down in the decision to award the CoLAB title.
3. The acceptance declaration includes the conditions of monitoring by FCT, IP, and must consider at least the presentation and public discussion of an annual report with the main results achieved and any deviations from the proposed plan.

Article 11

Expiry and revocation of the *Collaborative Laboratory* Title

1. The CoLAB title expires five years after it was awarded, provided it has not been renewed under the terms of the preceding article.
2. The CoLAB title may be revoked at any time when, in respect of one or more participating entities, any of the following situations occur:
 - a) Termination of its activity, except when the composition laid down in article 4(2) is maintained;
 - b) Proof of the existence of misrepresentations or other illegal expedients in obtaining it;
 - c) Serious non-compliance of the application under the terms in which it was approved, in particular of the research and innovation agenda and existence of changes to elements that were determinant for the decision to award the CoLAB title;
 - d) Performance of acts that constitute serious irregularities likely to harm or affect public confidence in its award.
3. If, 90 days having elapsed after the decision to award the *Collaborative Laboratory* title and designation, the non-profit association or company that was to be set up specifically for this purpose, has not been created, the decision to award the CoLAB title expires.

Article 12

Disclosure and use of the *Collaborative Laboratory* Title

1. The award of the CoLAB title entitles each of the participating entities of the association or company to refer to their participation in the *Collaborative Laboratory* in carrying on its business, in particular in contracts, correspondence, publications, advertisements and Internet sites.
2. Abusive use of the CoLAB title by a natural or legal person that has not been awarded it shall entitle FCT, IP, to bring the administrative, judicial or criminal proceedings deemed appropriate.

Article 13

Doubts and omissions

Such omissions, exceptional cases, shortcomings and questions of interpretation arising from the application of this Regulation that cannot be resolved by recourse to the legal criteria for interpretation and integration shall be settled by decision of the Board of Directors of FCT, IP .

Article 14

Entry into force

This Regulation enters into force on the next day following its publication in the *Diário da República*.