

OPERATING RULES OF LITHUANIAN RESEARCH CENTRE FOR AGRICULTURE AND FORESTRY'S OPEN ACCESS CENTRE OF AGROBIOLOGICAL RESEARCH

I. GENERAL PROVISIONS

1. The operating rules (hereinafter – Rules) define the management of Lithuanian Research Centre of Agriculture and Forestry's (hereinafter LAMMC) Open Access Centre (hereinafter – OAC), the procedures of resource usage and technical conditions, provisions for OAC service pricing formation, savings and investments of funds derived for the OAC services, provisions for OAC management and care, confidentiality obligations and dispute settlement procedures.
2. The rules have been prepared in accordance with the Open Access Centre Management Regulation (hereinafter – Regulation), approved by the order of Minister of Ministry of Education and Science of the Republic of Lithuania of November 10 2011, No. V-2117 and other legal documents of LAMMC governing internal procedures.
3. Concepts used in the Rules correspond to the ones laid out in the Regulation approved by the order of Minister of Ministry of Education and Science of the Republic of Lithuania of November 10 2011, No. V-2117.

II. THE OAC MANAGEMENT AND MAINTENECE

4. The OAC is a functional division of LAMMC, composed of Studies and Development Centres for Plant Genetics and Biotechnology, Agroecology and Plant Potential Science and Studies, Forestry Sector Research (further referred to as Centres) and their laboratories.
5. Laboratories, composing OAC, remain subordinate to the structural divisions of LAMMC to which they are attributed or whose staff maintain and service a complex of OAC facilities if the order of LAMMC director does not state otherwise.
6. The OAC manager together with managers of the Centres and laboratories are responsible for OAC activities and performance results, OAC representation on the national and international level, sales and marketing administration.
7. OAC administrative functions are performed by the specialists of LAMMC structural divisions.
8. OAC manager together with the specialists of LAMMC structural divisions are in charge of technology transfer and commercialization.
9. Managers of OAC Centres are responsible for OAC representation on the national and international level, liaison with the existing and potential customers.
10. Managers of OAC laboratories are in charge of all OAC-performed scientific activities, including conduct of research and provision of services to external users and of ensuring laboratory staff's (head researcher, senior researcher, research worker, junior researcher, engineer/technician) fulfilment of their responsibilities.
11. Head researcher and senior researcher of OAC laboratory are responsible for the activities of the division and results achieved: quality assurance of research done, daily operation of the laboratory, and management of individual projects and their funds.
12. Research worker of OAC laboratory is responsible for timely and high-quality performance of research and contracted work and preparation of documentation; preparation of research results for analysis.
13. Junior researcher of OAC laboratory is in charge of adequate and high-quality performance of work and monitoring of the state of laboratory facilities.
14. Engineer/technician of OAC laboratory is responsible for maintenance of facilities and performance of tasks set. The need for a technician is estimated by Centre's manager or laboratory's head researcher or senior researcher.

15. Manager of OAC manages OAC activity accounts and by each year's July 10 (for the period from accounting year's January 1 to June 30) and January 10 (for the period from accounting year's January 1 to December 31) submits a report to Agency for Science, Innovation and technology (hereinafter - MITA) in accordance with the form provided in the appendix of the Regulation.

III. THE OAC SERVICES PROVISION ORDER AND TECHNICAL CONDITIONS

16. The OAC services are provided in accordance with the sequence of submission time in the principles of equality, transparency, openness and efficiency.
17. The open access to the OAC is provided to all interested internal and external users (natural or legal person) according to submitted application to the OAC laboratory manager. The application form is presented in the Annex 1 of these Rules. The application can be submitted by e-mail, fax, mail, post or through courier or directly.
18. The application may be included in the general sequence of the OAC consumers or the priority sequence according to the order determined in the Rules. The priority can be granted after the representative of the OAC division identifies the load of the OAC division, the urgency of the order, scope, resources required and the status of the applicant.
19. The managers of OAC laboratories within 5 working days of receipt of the application:
 - 19.1. evaluates the opportunity to achieve the tasks of scientific research and (or) experiment using the OAC resources;
 - 19.2. evaluates the sufficiency of scientific competences and technical preparation to use the OAC resources of the natural person or employees (or persons acting on its mandate) of legal entity which submitted the application and will be provided with the OAC services;
 - 19.3. evaluates the compliance of the individual or legal entity which submitted the application with the other requirements identified to the OAC consumers in the Rules;
 - 19.4. takes one of four decisions on providing the OAC services, regarding to the type of application and level of qualification to use the OAC resources of natural person or legal entity employees (or persons acting on its mandate) which submitted the application and will be provided with the OAC services:
 - 19.4.1. the application is acceptable – it is allowed to the consumer to use the OAC resources by himself (the OAC manager has the right to observe ongoing research, without violation of the provisions of Chapter VII);
 - 19.4.2. the application is satisfied with the condition – the OAC manager provides the scientific research and (or) experiment service to the consumer on the basis of data desired to carry out scientific research and (or) experiment provided by the consumer (the consumer has the right to observe the scientific research and (or) experiments or take part in them according to their qualification levels);
 - 19.4.3. the application is not acceptable – the OAC services are not provided;
20. the application is postponed – the natural or legal person which submitted the application has to provide supplementary or other information determined in the Rules supporting the scientific research and (or) experiment.
21. The OAC manager within 3 working days after the evaluation of the application must give the answer about the decision to the applicants in writing and/or e-mail. The arguments for a decision are indicated if one of the existing paragraphs 9.4.1 – 9.4.4. of Rules is taken as a solution.
22. The scientific research and (or) experiments whose execution process and (or) the results can pose a threat to the state, society, individuals and (or) the environment may be restricted or prohibited from performing using the OAC resources.

IV. THE OAC RESOURCE USE TIME RELATIONSHIP BETWEEN DIFFERENT SUBJECTS

23. The OAC manager ensures to provide not less than 30 percent of the total working time of the OAC to the external users, if necessary.
24. For all OAC consumers the necessary open access time to the OAC resources and services to carry out their requested research, experiment or measurement are provided in order determined in the Rules. The open access for external users is granted based on the received application and/or according to the fixed form contract signed by the OAC manager and external user.
25. The OAC services are provided in order of priority in the case when the demand exceeds the quota provided in these Rules of OAC resources and related services allocated to the external users, without prejudice to the European Union structural funding rules. The priority is applied for small and medium-sized enterprises signed a long-term cooperation agreements and for the newly established (in the last 12 months prior to the application date) small and medium-sized enterprises engaged in R&D activities.
26. In order to encourage the newly established (in the last 12 months prior to the date of application) small and medium-sized enterprises performing R&D activities, to use the services provided by the OAC, the OAC manager in the list of OAC services sets the reduced fees for the device usage applying the favourable conditions.

V. THE FORMATION OF THE OAC SERVICE PRICING

27. The OAC manager can cover part or all of the AOC expenditure determining the appropriate cost for OAC services.
28. The OAC service pricing is determined based on the OAC expenditure reimbursement principle.
29. While forming the OAC pricing the OAC manager into the costs for the OAC services can include these expenditures:
 - 29.1. the salaries and related expenditures (contributions to SODRA, guarantee fund) for personnel performing research services;
 - 29.2. the costs for the materials, reagents, software, licenses and other measures used in particular scientific research and (or) experiment;
 - 29.3 the price for other separately purchased services that are needed to perform the study;
 - 29.3. the costs for the secrecy and confidentiality of the research;
 - 29.4. the costs for administration (finance and accounting, management, marketing);
 - 29.5. the insurance costs of OAC resources;
 - 29.6. publicity (if necessary) costs of performed research and (or) experiment;
 - 29.7. public utilities costs;
 - 29.8. staff training costs;
 - 29.9. R&D and other infrastructure depreciation and metrological control costs;
 - 29.10. other costs attributed to a specific project, and (or) other costs associated with the functioning of the OAC, which cannot be directly attributed to the project.
30. The OAC prices are calculated for each application separately, estimating the costs required for a specific research. The OAC prices are public. The prices for OAC services are reviewed considering the changing economic circumstances.

VI. ACCUMULATION AND INVESTMENT OF FUNDS OBTAINED SUPPLYING THE SERVICES OF THE OAC

31. Funds received providing the OAC services can be used to support the activity of the OAC (to upgrade and develop the openly accessible R&D and other infrastructure, to acquire the

materials and tools necessary for the OAC operation, for salaries and raising of the qualification of personnel carrying out the maintenance, use and development of the openly available R&D infrastructure and other resources and other expenses directly related to guarantee the activity of the OAC).

32. The OAC manager has to increase the efficiency of the OAC by planning the funds for the OAC resources, their insurance, employment, renewal and development.

VII. COMMITMENTS ON THE PROTECTION OF THE CONFIDENTIALITY AND INTELLECTUAL PROPERTY

33. The OAC manager must ensure the confidentiality of results of every research and (or) experiment, carried out using the OAC resources and (or) the OAC services, in all cases. The exceptions can be foreseen under the agreement or contract between the OAC manager and the OAC external user.
34. The dependence of the rights to the intellectual activity results cannot be required for the OAC services, unless the contract between the OAC manager and external user provides otherwise. Results of intellectual activities created while performing OAC activities are attributed to the institution that created them and become property in the following manner:

- 34.1. When an invention is made, design or other similar result of intellectual activity is produced solely by the OAC researchers, according to paragraph 3 of the laboratory distribution and contribution, one of the Centre's managers or Partner of customers that used OAC services, this Partner has the right to independently seek and / or receive and / or maintain patent protection and / or other intellectual property right.

- 34.2. When an invention is made, design or other similar result of intellectual activity is produced and more than one institution contribute to the creation, and such joint invention or other result of intellectual activity is made in such a way that it would be possible to seek and / or receive and / maintain patent protection and /or intellectual property right separately, Partners agree that each of them proportionally to their contribution to the creation of intellectual property, will separately seek and/ or receive such right and/or maintain respective right.

VIII. DISPUTE RESOLUTION

35. In the case of the dispute regarding the use of the OAC resources or the provided services, the violations of the intellectual property rights or for other reasons directly related to the OAC, the interested parties may submit a written claim to the OAC manager, who transfers it to the OAC resource management group for investigation.
36. In the case the OAC resource management group does not resolve the dispute or there is a disagreement with the decision, the dispute is referred to the MITA to solve:
 - 36.1. the MITA is analyzing the disputes in accordance with its legislations regulating the activity. The disputes which are not within the areas of expertise of the MITA are examined according to the laws of Republic of Lithuania.
 - 36.2. the decision of the MITA does not preclude the interested parties to defend their rights according to the laws of the Republic of Lithuania.

IX. FINAL PROVISIONS

37. The Rules apply to all OAC internal/external users and employees. LAMMC management is in charge of effective enforcement of these rules.
-

APPLICATION
for OAC services
(to be filled by an applicant)

.....day month year

The applicant Name (code) of a legal entity or in the case of a natural person (name, surname, personal id code) o		
Contact data	Contact person: Address: Tel.: Fax.: E-mail:	
Applicant's status	<input type="checkbox"/> Internal user <input type="checkbox"/> Natural person <input type="checkbox"/> Public sector's entity <input type="checkbox"/> Enterprise, meeting the status of a small and medium business <input type="checkbox"/> Enterprise, not meeting the status of a small and medium business	
Applicant's date of establishment (in the case of a legal person)		
Name of the Open Access Centre		
Objective and tasks of the research and (or) experiment planned to be done		
Short technical description of the research and (or) experiment planned to be done		
Required service form of OAC	<input type="checkbox"/> Open access to OAC resources without involvement of OAC staff; <input type="checkbox"/> Open access to OAC resources with involvement of OAC staff; <input type="checkbox"/> APJTC service, provided by OAC staff using OAC resources; <input type="checkbox"/> Service of training to operate OAC equipment; <input type="checkbox"/> Planning of research or experiment and interpretation of results <input type="checkbox"/> OAC decides on the optimal variant, taking into account research objective and task and customer competence.	
OAC equipment and preliminary time of use needed	No.	Equipment (accurate denomination)
		Time required, hours

for research or experiment			
Materials needed for research and (or) experiment to be provided by OAC	No.	Material (exact denomination)	Unit of measurement
			Amount
Other services needed for research and (or) experiment			
Qualifications of customer's staff, working with OAC resources	<p><i>To be filled only in the case when open access to OAC equipment is required and research and (or) experiments using OAC equipment will be done by customer's representatives.</i></p> <p><i>Information about the qualifications of customer's staff working with OAC resources should be provided (first name, surname, scientific degree, work and research experience).</i></p>		
Preferred date to receive OAC services			
Additional, other relevant information			