

# STATUTES OF THE ANDALUSIAN AGENCY OF KNOWLEDGE

## TITLE I

### GENERAL PROVISIONS

#### Article 1. Nature and ascription.

1. The Andalusian Agency of Knowledge (hereinafter, the Agency), is a Public Corporate Agency established in Article 68.1.b of Act 9/2007, of October 22, 2007, of the Administration of the Junta de Andalusia (Andalusian Government Administration); provided with a differentiated legal personality, a full legal and operative capacity to accomplish its objectives, with its own equity and assets, as well as with administrative and management autonomy.

2. The Andalusian Agency of Knowledge, with competences in matters of innovation and science, is assigned to the competent Regional Ministry, under which it will act as its own entity and technical service, in accordance with the provisions of Article 24.6 of Act 30/2007, of October 30, 2007, concerning the Public Sector Contracts.

3. The Agency, in the course of its duties, will report to the competent Regional Ministry, with competences in issues of innovation and science in agreement with the Andalusian System of Knowledge policy, which will review its activity and will exert financial control, notwithstanding other competences assigned by other regulations, and by the competent Regional Ministry or Ministries for Economy and Finance.

4. The Agency will encourage gender equality as well as the egalitarian participation of men and women within the Society of Knowledge, contributing to eliminate unequal conditions.

#### Article 2. Legal Regulations and administrative faculties.

1. The Agency is ruled by the Administrative Law on issues related to the formation of its governance structure and the exercise of the administrative faculties assigned to it, as well as in the aspects specifically regulated by Act 9/2007, of October 22, 2007; by the Andalusian Act of Science and Knowledge (Act 16/2007), of November 21, 2007; by the Revised General Act of Public Treasury of the Andalusian Regional Government, passed by Legislative Decree 1/2010, of March 2, 2010; by Act 4/1986, of May 5, 1986, of the Assets of the Autonomous Andalusian Community, as well as by the regulations passed in development of these Acts, by its own Statutes, and by the general regulations applied for the Corporate Public Agencies of the Andalusian Government Administration. The remaining aspects will be regulated either by the Administrative or the Private Law according to its particular business management requirements.

2. The Agency abides by the principles of public interest, publicity, transparency, effective administration, social profitability and responsibility. Additionally, it will adopt quality management systems in the development of the assigned activities, including those of environmental nature. The Agency will draft its own Service Letter, paying special attention to commitments to quality, planning assessment systems as well and, if applicable, programmes for quality improvement.

3. In the field of the competences assigned to the Agency, the following administrative jurisdictions provided by these Statutes will be exerted by the governing and management structures:

a) Assessment and accreditation of university institutions and teaching staff, research and education activities, development and innovation, and the Andalusian System of Knowledge agents.

b) In matters of grants, inspection and verification that the activity has been done, the fulfilment of the aims for which they were granted, as well as the pertinent payments, and where applicable, the sanctioning jurisdiction of the grants awarded.

c) Attestation and certification regarding the data and the documents contained in the proceedings processed by the Agency.

4. The Agency will enjoy the prerogatives either attributed by the legislation or assigned by the legal system.

5. Concerning the staff involved in preliminary proceedings, documents processing, and administrative resolutions of the procedures within the Agency competences, and particularly, regarding the personnel who partake in its collegiate and board bodies, they will be required to keep secret about the aforementioned issues, with the exception of those ones legally provided by the applicable regulations.

6. The Direction of Evaluation and Accreditation will enjoy independence with respect to the Agency board bodies, in the performance of its duties of assessment and accreditation of the university institutions, the teaching staff and their activities.

#### Article 3. Head Office.

The Agency will have its legal address either at the headquarters of the competent Regional Ministry to which is assigned or at the venue established by the Governing Board, notwithstanding governing structures may be located at different public buildings.

#### Article 4. Objectives.

1. In general, the Agency has competences on the assessment and accreditation of university institutions, as well as the promotion, management, assessment and accreditation of research, development and innovation activities among the Andalusian System of Knowledge agents, notwithstanding those ones assigned either to other Andalusian Regional Ministries or to the university autonomy. It will also correspond to the Agency to render services concerning documents processing and the execution of programmes and procedures set up for Higher Education students in other regions and countries.

2. In addition, it corresponds to the Agency the promotion of technological innovation in Andalusia, by the transfer of knowledge through its Knowledge Agents, and the participation of companies and the aforementioned agents in the European Union RDI programmes.

3. It will be assured, in any case, that the assessment and accreditation competences concerning university institutions enjoy total autonomy within the framework of Article 1.3.

#### Article 5. Functions.

It will correspond to the Agency, in matters of the Andalusian System of Knowledge, the following functions:

##### 1. Research promotion and management.

- a) Promotion and management of the research procedures.
- b) The public governance of the Andalusian System of Knowledge agents' procedures.
- c) The realisation of prospective studies on Research, Development and Innovation (RDI).
- d) The execution of procedures with special public relevance, within its competences.
- e) Any other RDI procedures that may be entrusted either by the Regional Ministry with competences in such matters or by other Regional Ministries, within the framework of the legislation passed by the Regional Governing Council.

##### 2. Assessment and Accreditation:

- a) Exercise the Assessment and Accreditation functions of university institutions and teaching staff, as well as other related activities established by the applicable legal system currently in effect.
- b) Assessment and Evaluation of the Research activities and of the persons within the Andalusian System of Knowledge.
- c) Establish the criteria, standards, indicators, assessment methodologies and the quality improvement of the Andalusian System of Knowledge.
- d) Promote the introduction, in an objective and independent way, of monitoring, quality and excellence control systems of research.
- e) Assessment and accreditation of the RDI programmes, establishing, where applicable, mechanisms of mutual recognition with other quality assurance agencies registered in the international reference registries.
- f) Any other assessment and accreditation related activities, which may be entrusted either by the Regional Ministry with competences in matters of RDI or by other Regional Ministries, within the framework of the legislation passed by the Regional Governing Council.

##### 3. Provide services related to Higher Education, geared either to the promotion of Innovation or of the university learning programmes.

- a) Process and execution of programmes and procedures related to Higher Education.
  - b) Process and execution of programmes and procedures related to promoting Innovation.
  - c) Process and execution of programmes and procedures related to university students learning in other regions and countries.
  - d) Other activities and procedures related to Higher Education; to the promotion of innovation and of university students learning programmes which, according to the Management Entrustment Regulations granted by the Andalusian Community, may be entrusted by the competent Regional Ministry or by other Regional Ministries within the Andalusian Regional Government Administration.
4. Promote Technological Innovation in Andalusia, as well as the participation of companies and of the Andalusian System of Knowledge agents.

- a) Promote knowledge transfer through the Andalusian System of Knowledge agents.
- b) Promote the participation of companies and the Andalusian System of Knowledge agents in the European Union RDI programmes.
- c) Other activities and procedures related to the Technological Innovation in Andalusia, through the Andalusian System of Knowledge agents and the participation of companies which, according to the Management Entrustment Regulations established by the Andalusian Autonomous Community, may be entrusted either by the competent Regional Ministry or Ministries within the Andalusian Regional Government Administration.

5. The equal opportunities principle will be taken into account in all the Agency functions in a transversal way. Concerning such functions, information classified by gender will be gathered and examined for statistical purposes.

#### Article 6. Faculties.

1. The Agency, in developing its own functions, will have the competences to:

- a) Receive subsidies and guarantees from the Andalusian Regional Government Administration and from other public entities and institutions, as well as to provide subsidies with all the faculties related to granting, repayment and the powers of sanction, in accordance with the applicable legal system currently in effect.
- b) Undertake actions concerning the administration and disposition of its patrimony, in accordance with the applicable legal system currently in effect.
- c) Undertake all types of financial operations and, particularly, to contract credits either with public or private financial entities and issue obligations or similar titles, within the annual limits established by the Budget Act of the Andalusian Autonomous Community.

d) Set up mercantile associations, consortiums and foundations, as well as participating in them, in the event that it were sufficiently justified that it is indispensable for meeting the assigned objectives. The establishment of operations of the mercantile associations, consortiums and foundations, as well as the acquisition of the majority shareholding from such private entities, will have to be authorized by the Regional Governing Council. Whether the acquired participation is of a minority nature, the need of that participation will have to be also justified, however, it will be only necessary the authorization by the competent Regional Ministry of Economy, in accordance with the provisions of Article 82 of Act 4/1986, of May 5, 1986.

e) Sign contracts with other Public Administrations, as well as with private and public companies and entities.

f) Participate in organizations, associations and national and international public entities in accordance to its objective, either under its own name or under the delegations that are part of the Andalusian Government Administration, where applicable, with the Regional Governing Council prior authorization, in accordance with Article 52.4 of Act 9/2007, of October 22, 2007.

g) Exert all sort of actions in defence of its rights by the court and tribunal, with no more limitations than the established by the current legislation, particularly in Article 20.c) of Act 29/1998, of July 13, 1998, regulating the contentious-administrative jurisdiction, therefore they will not be able to file a contentious-administrative appeal against the activity of the Andalusian Government Administration.

h) Hold the condition of beneficiary of compulsory purchases under the terms established by law.

2. In order to exert its own functions, the Agency will act either directly or through its participated associations, given that the action does not imply the exercise of administrative jurisdiction.

## TITLE II

The Andalusian Agency of Knowledge Boards and Structure.

### CHAPTER I

Structure

Article 7. The Agency Boards and Structure.

1. The Presidency, the Vice-Presidency and the Governing Board are the Agency managing and governing bodies.

2. The Managing Direction, the Direction of Evaluation and Accreditation and the General Secretary are the Agency managing bodies.

3. The Advisory Board is the Agency consulting body with institutional participation.

4. The Evaluation and Accreditation Technical Committee is the technical body for the Assessment and Accreditation of the university institutions.

5. For the execution of its duties, the Agency structure will have a Projects Direction dependent on the Managing Direction; a Direction of Evaluation and Accreditation, organically dependent on the Governing Board, notwithstanding its independence in the duties of assessment and accreditation of the university institutions, the teaching staff and their activities, as established in Article 2.6.

## CHAPTER II

Governing and Managing Bodies.

Section 1. The Presidency and the Vice-Presidency.

Article 8. The Presidency.

1. The Presidency of the Andalusian Agency of Knowledge will be held by the head of the competent Regional Ministry to which the Agency is assigned.

2. The President will have the following duties:

a) Officially represent the Agency and its Governing Board.

b) Direct the Governing Board tasks, approve summons for the Governing Board, the executive and consulting committees sessions, establishing the agenda and indicating the place, date and time; direct the meetings and deliberations; solve possible draws with a quality vote and close the sessions.

c) Raise the authorization proposal either for the establishment of associations, consortiums and foundations, or for directly participating in them, notwithstanding its legal nature.

d) Resolve complaints prior to the exercise of civil and labour actions against the Agency.

e) Safeguard and guarantee the compliance with the gender equality objective on all the actions performed by the Governing Board.

f) All the responsibilities devolved by the Governing Board.

g) The remaining duties assigned either by these Statutes or that may be attributed, in accordance with the applicable legal system currently in effect.

3. The President of the Andalusian Agency of Knowledge may temporarily or permanently delegate responsibilities, as provided in the previous section paragraphs a) and e), to the person holder of the Managing Direction of the Agency.

Article 9. The Vice-Presidency

The Vice-Presidency of the Agency will correspond to the person holding the position of the competent governing body with responsibilities for Universities, Research and Technology of the competent Regional Ministry to which it is assigned, with the functions of representing the Presidency, in cases of absence, illness or any other legal cause.

## Section 2. The Governing Board.

### Article 10. Composition and nature.

1. The Governing Board is the highest body within the entity and is the executive managing body. It governs the Agency and establishes the guidelines for its work, in accordance with those established by the Andalusian Regional Government Administration, under the competent Regional Ministry for RDI.

2. The Governing Board will comprise:

- The President, who will be the President of the Agency.

- The Vice-President, who will be the Vice-President of the Agency.

- The Governing Board members will be at least ten and at the most fifteen members. They will be elected and dismissed by the Regional Governing Council at the proposal of the Regional Ministry to which the Agency is assigned, ensuring the participation of members of recognised competence and professional prestige in the scientific and technical fields.

3. The Governing Board will be assisted by the Secretary, with voice but without vote, who will be the General Secretary of the Agency, as provided in Article 17.

4. The composition of the Governing Board will be ruled by the principle of balanced representation, in accordance with the provisions of Articles 18 and 19 of Act 9/2007, of October 22, 2007, and of Article 11 of Act 12/2007, of November 26, 2007, concerning the promotion of gender equality in Andalusia.

5. The Governing Board members' term of office will be for five years, renewable just once, with the exception of those members appointed by virtue of their office in the Regional Government Administration. The term of office of the members external to the Administration succeeding the members who could not end their office, will be just for the time remaining, unless that would be for less than a year, in which case, the possibility of renewal is extended to two terms of office.

### Article 11. Competences.

The Governing Board will have the following duties:

a) Ensuring compliance with the legal system provisions and procedures, as required by law.

- b) Draw up the proposals regarding the multiannual investment programme; approve the draft Programme of Action, Investments and Finance and the budget for the Agency.
- c) Approve the Agency annual accounts, in accordance with the provisions of the reviewed General Act of Public Finance passed by the Andalusian Autonomous Community.
- d) Approve both the contract programme and the strategic plan with the competent Regional Ministry to which the Agency is assigned.
- e) Monitor and make recommendations to the Agency management bodies.
- f) Provide the general instructions and being reported about those ones issued by the President of the Agency and the Managing Director, as well as about compliance and management.
- g) Authorize expenditures to be committed in future financial years, for amounts under €12,000.000.
- h) Authorize, at the proposal of the Managing Director, the Agency procedures and investments with a commitment of cost and risk higher than €450.000 and lower than €1,200.000.
- i) Authorize, at the proposal of the Managing Director, the Agency procedures and investments with a commitment of cost and risk equal to or higher than €1,200.000, which will have to be ratified by the Regional Governing Council.

In case of debt, authorization of the competent Regional Minister of Finance and Public Administration, as provided by the Reviewed General Act of Public Finance approved by the Andalusian Regional Government, will be required prior to the final ratification by the Regional Governing Council, as provided in the previous paragraph.

- j) Authorize, at the proposal of the Managing Director, payments higher than €450,000.
- k) Grant, at the proposal of the Managing Director, subsidies higher than €450,000.
- l) Agree to the repayment and exert the sanctioning jurisdiction regarding the subsidies granted.
- m) Approve, at the proposal of the Managing Director, the Agency structure and its modifications.
- n) Approve the Internal Rules of Procedures of the Governing Board, as well as any other reforms and amendments that may be considered convenient for improving the work of the Agency.
- o) Authorize the signature of agreements or of collective labour agreements affecting the Agency staff, and inform about the guidelines concerning the Agency personnel policy.



p) Accept or reject the provisions free of charge made in favour of the Andalusian Agency of Knowledge, previously accepted by Decree of the Andalusian Regional Governing Council.

q) Determine and, where applicable, modify the Agency Head office or offices.

r) Establish the general system for the labour performance assessment corresponding to the civil service staff functionally assigned to the Agency.

s) Other duties provided by these Statutes as well as those ones assigned by the Andalusian Governing Council.

#### Article 12. Sessions system.

1. The Governing Board will hold ordinary meetings at least once every three months, and extraordinary meetings, when approved by the President and, in any case, when requested by a third of the members of the Governing Board.

2. The Governing Board will be summoned by the General Secretary at least seven days in advance, unless urgency reasons apply, in which case the deadline will not be lower than forty-eight hours, setting the agenda in advance. The content of the summons will be notified in writing, and it could be sent through telematic means provided that the Governing Board members confirm its receipt; sending enclosed the documents concerning the issues included in the agenda for debate and, where applicable, for vote.

3. The Governing Board will be established and legally valid when the President, the General Secretary, or, where applicable, their representatives, meet at least a half of the members.

4. The Managing Director of the Agency will attend the Governing Board meetings, with voice but without vote. The Agency staff will attend the meetings when summoned. The staff invited to attend the Governing Board meetings will not be entitled to vote.

5. The Governing Board procedural functioning will be established by its Internal Rules of Procedures, in observance of the principles of simplification, agility, efficiency, and the fundamental procedures concerning the general proceedings, in accordance with the provisions of Chapter II, Title II of Act 30/1992, of November 26, 1992, of Legal Regulations of Public Administrations and Common Administrative Procedures, and of Act 9/2007, of October 22, 2007.

6. In accordance with the provisions of Article 91.3 of Act 9/2007, of October 22, 2007, the Governing Board sessions may be held using long-distance communication networks, in which case, adequate measures will be established for granting both the members' identity and the authenticity of the information.

### CHAPTER III

#### The Management Bodies.

## Section 1. The Managing Direction.

Article 13. Appointment, substitution and dismissal from service of the person holder of the Managing Direction position.

1. The Managing Direction of the Agency is the executive body which will be responsible for the entity ordinary management, as well as exercising the faculties, competences and the administrative jurisdictions provided by these Statutes.
2. The Managing Director of the Agency is both the Personnel Manager and the General Manager, in accordance with the provisions of Article 69.2 of Act 9/2007, of October 22, 2007, and it will be appointed and dismissed by Decree of the Andalusian Governing Council, at the proposal of the competent Regional Ministry to which the Agency is assigned, after hearing the Governing Board.
3. In the case of vacancy, absence, illness or legal impediment, the holder of the Managing Direction of the Agency will be substituted by the General Secretary of the Agency.

Article 14. Attributions of the Managing Direction.

1. The Governing Board will assign the Managing Director the permanent and effective exercise of the faculties concerning official representation, administration, managing and execution of the Andalusian Agency of Knowledge, when necessary. These faculties will be exerted within the guidelines determined by the Governing Board.
2. The Managing Direction will have the following duties:
  - a) Propose the approval by the Governing Board of the following issues: the Agency Strategic Plan, the proposals regarding the long-term investment programmes, action programmes, investments, funding, operating budgets and capital, which will have to be approved by the Andalusian Governing Council; the data and documentation necessary for the Governing Board submission of the annual accounts, the accounting balance, the income statement as well as the explanatory management report of the Agency.
  - b) Propose the approval by the Governing Board of the Agency's organic structure and its modifications.
  - c) Develop the organizational structure and determine the staff within the criteria and guidelines approved by the Governing Board.
  - d) Ensure compliance with the Statutes and with the agreements approved by the Governing Board and Committees, adopting, where necessary, resolutions.
  - e) Report to the Governing Board and the President on the issues related to the Agency management.
  - f) Act as the Agency procurement body, in accordance with the legal system currently in effect and exert the prerogatives established by Act 30/2007, of October 30, 2007,

particularly those ones concerning the Public Administrations 'competence in matters of contracts interpretation, modification and termination.

- g) Authorise payment provisions on the amount equal to or lower than €450,000.
- h) Grant subsidies on the amount equal to or lower than €450,000.
- i) With respect to the subsidies granted by the Agency, the inspection and verification of the activity realized and the fulfilment of the aims for which they were granted.
- j) Agree on repayment and exert, where applicable, the sanctioning jurisdiction with respect to the grants awarded.
- k) Order the Agency and its expenses and payments, in accordance with the provisions in these Statutes.
- l) Provide actions and investments of the Agency for expenses, payments or risk obligations with a limit up to €450,000, except for the staff and maintenance expenses, for which the cost of staff salaries and billing expenses will be monthly arranged.
- m) Propose to the Governing Board the authorization of actions and investments of the Agency, when the expenses or risk obligations are higher than €450,000. The expenses equal to or higher than €1,200,000 will be ratified by the Andalusian Governing Council.
- n) Propose to the Governing Board grant subsidies on an amount higher than €450,000.
- o) Propose the Governing Board payment provisions on an amount higher than €450,000.
- p) Undertake all types of financial operations for the development of the Agency's normal activity, within the limits established by the Budget Act for the Andalusian Community and the Revised General Act of Public Finance of the Andalusian Community.
- q) Direct the Agency's services and staff, including the civil service personnel functionally attached to the Agency, as well assess their performance assessment and establish salary.
- r) Appoint, taking into account the male and female balanced representation, and dismiss the executive staff representing the Agency in foundations, consortiums and other entities in which the Agency participates, as well as their senior staff Board members.
- s) Recruit the Agency staff, including the executive personnel, and determine their salaries, as required by the Agency regulations.
- t) Grant full powers for representation, according to the authorizations approved by the Presidency.

u) Exercise legal and administrative actions in any jurisdictional court to defend the Agency's interests; appointment, where applicable, of lawyers and attorneys for the representation and defence of the Agency before Courts and Tribunals.

v) Request and attain the exemption of guarantees, deposits and bonds, with respect to the Agency.

w) Exert the functions delegated by the Governing Board and the Presidency, and those which are not specifically conferred by these Statutes to other bodies of the Agency.

#### Article 15. Projects Direction.

1. The Projects Direction, dependent on the Managing Direction, is the body which, notwithstanding the competences and functions provided by these Statutes to other bodies of the Agency, coordinates and directs the following areas:

a) Incentives Management Area.

b) Knowledge Transfer Area.

c) International Programmes Coordination and Participation Area.

2. The Projects Director will be appointed by the President of the Agency, at the proposal of the Managing Director, after having consulted the Governing Board.

#### Section 2. Direction of Evaluation and Accreditation.

##### Article 16. Direction of Evaluation and Accreditation.

1. The Direction of Evaluation and Accreditation, dependent on the Governing Board, is the body that will enjoy independence in the exercise of the functions of direction, coordination and management of the following areas:

a) University Evaluation and Accreditation Area.

b) Research, Development and Innovation Evaluation Area (RDI)

2. The Director of Evaluation and Accreditation will be appointed by the President of the Agency, at the proposal of the Governing Board, among the most academically and scientifically recognised civil service staff.

3. The Director of Evaluation and Accreditation will issue resolutions concerning the results of the assessment and accreditation processes of the University institutions and their teaching staff, education, research, development and innovation activities, as well as of the Andalusian System of Knowledge agents.

4. The acts issued by the Director of Evaluation and Accreditation, exercising the assigned administrative faculties, will be subject to the Administrative Law in accordance with Article 69.1 of Act 9/2007, of October 22, 2007.

### Section 3. The General Secretary.

#### Article 17. Appointment and separation from service of the General Secretary.

1. The Agency will have a General Secretary Office, whose office holder will be appointed and selected among the civil service staff, having consulted the Managing Direction and the Governing Board, and taking into account the professional criteria of merit, capability and competence in relation to the attributed functions. The General Secretary will be functionally assigned to the Agency and appointed in accordance with the provisions established by the public function regulations regarding the discretionary positions recruitment.

2. In case of vacancy, absence or illness, the General Secretary will be temporarily substituted by a professional selected from the civil service staff, with equivalent professional competencies and qualifications requirements

#### Article 18. The General Secretary Attributions.

##### 1. The General Secretary Duties:

a) Exercise the administrative and technical management of the Agency services, ensuring that the Agency's bodies act according to the principles of economy, efficacy and efficiency, notwithstanding the functions attributed to the holder of the Managing Direction.

b) Assume the management of the Agency's staff, notwithstanding the functions attributed to the head of the Managing Direction.

c) Attest and issue certification of the data and documents on the filing procedures in the Agency.

d) Act as the Secretary of the Governing and the Advisory Boards of the Andalusian Agency of Knowledge.

2. As Secretary of the Governing Board, the General Secretary will have the following duties:

a) Ensure the legality of the agreements of the Governing Board.

b) Attend, with voice but without vote, sessions of the Governing Board of the Andalusian Agency of Knowledge.

c) Issue records of the sessions; provide the authorizing signature and the President's approval as well as giving effect to the agreements adopted.

- d) Safeguard the Governing Board documents.
- e) Issue Certifications of the acts, resolutions, records, agreements, opinions and individual voting with the President's approval.
- f) Exercise any other functions inherent to the Secretary, in accordance with the regulations provided in Chapter II, Title II of Act 30/1992, of November 26, 1992, and of Act 9/2007, of October 22, 2007.

## CHAPTER IV

### The Advisory Board.

#### Article 19. Nature and composition.

1. The Advisory Board is established as a consultative body with institutional participation of the Andalusian System Knowledge and other economic and social agents in the Andalusian Agency of Knowledge, and it will have the following members:

- a) The President.
- b) The Agency Managing Director.
- c) Two representatives designated by the President, representing the Andalusian Public Universities, at the proposal of the Andalusian Universities Council.
- d) Two representatives designated by the President, representing Research Institutes and Centres.
- e) A representative designated by the President, representing and at the proposal of the Andalusian Technological Network.
- f) A representative designated by the President, representing and at the proposal of the Andalusian Technological Corporation Foundation.
- g) Two representatives designated by the President, representing the Andalusian business organizations.
- h) Two representatives designated by the President, representing the Andalusian trade unions organizations.
- i) Two representatives designated by the President, representing the Andalusian Government Administration.
- j) A representative designated by the President at the proposal of the Andalusian University Students Advisory Board.

k) The Secretary, whose functions will be performed by the General Secretary of the Andalusian Agency of Knowledge, who will attend the Advisory Board sessions with voice but without vote.

2. Convened by the Advisory Board President, the Agency's bodies, managers, and the Agency staff may attend the Advisory Board meetings, with voice but without vote.

3. The Advisory Board membership will not require exclusive dedication and it will not entitle financial remuneration.

4. The Advisory Board composition will be guided by the balanced representation principle, in accordance with Articles 18 and 19 of Act 9/2007, of October 22, 2007, as well as with the provisions established in Article 11 of Act 12/2007, of November 26, 2007.

Article 20. The Advisory Board operating rules.

1. The Advisory Board will meet at least once a year, notwithstanding compliance with its operating rules.

2. The Advisory Board will draw up its own operating rules, with the limitations indicated in the preceding paragraph, and, in any case, its functioning rules will be adjusted to the provisions in matters of collegiate bodies, in accordance with the regulations provided in chapter II of Title II of Act 30/1992, of November 26, 1992, which have a basic character, as well as the rules established in Section 1 of Chapter II of Title IV of Act 9/2007, of October 22, 2007, applying to the collegiate bodies with social participation.

Article 21. The Advisory Board Functions.

The Advisory Board will have the following duties:

a) Propose to the Governing Board the adoption of the lines of action that may be required for the Andalusian Agency of Knowledge aims and functions.

b) Have knowledge of the Annual Report of the Andalusian Agency of Knowledge.

c) Report on the matters submitted by the Advisory Board Presidency.

## CHAPTER V

Technical Committee for Evaluation and Accreditation.

Article 22. The Technical Committee for Evaluation and Accreditation.

1. The Technical Committee for Evaluation and Accreditation is the Agency's technical collegiate body for assessment, which will comprise the following members:

a) The head of the Direction of Evaluation and Accreditation of the Agency, who will be its President.

b) The heads of the areas of University Evaluation and Accreditation, and Research, Development and Innovation Evaluation (RDI).

c) Fifteen (at the most) eminent personalities who have proved their performance abilities in the Agency's different areas of action, designated by the Agency Director of Evaluation and Accreditation, after hearing the Governing Board, for a four-year term, renewable for terms of equal length.

d) The Agency General Secretary who will attend with voice but without vote.

2. In the interest of ensuring the principles of independence, transparency and equity in all of its actions, the head of the Agency Managing Direction will not become a member of the Technical Committee for Evaluation and Accreditation.

3. The composition of the Technical Committee for Evaluation and Accreditation will be guided by the balanced representation principle, in accordance with Articles 18 and 19 of Act 9/2007, of October 22, 2007, as well as with the provisions established in Article 11 of Act 12/2007, of November 26, 2007.

4. The Committee is responsible for, among other attributed duties, the following competences:

a) Approval of the accreditation and assessment plans and programmes.

b) The establishment and approval of the assessment and accreditation criteria.

c) Monitoring compliance with the accreditation plans and programmes by the organisational structure.

d) Approval, where appropriate, of the necessary measures for the correct functioning of the organizational structure committees.

e) Drafting reports and studies on matters within its competences.

f) Make proposals to the Direction of Evaluation and Accreditation concerning the outcomes of the assessment and accreditation procedures, in accordance with the aforementioned functions in Article 5.2 in these Statutes.

g) In general, all those attributions regarding the performance of the strictly technical functions of the aforementioned organisational structure, as well as other functions delegated by other bodies of the Agency.

## CHAPTER VI

Legal system of the acts of the Andalusian Agency of Knowledge.

Article 23. End to the Administrative judicial proceedings.

1. As regards the exercise of the administrative faculties conferred to the Agency, the acts and resolutions issued by the Presidency, the Governing Board, the Managing



Direction and the Direction of Evaluation and Accreditation will finalize the administrative proceedings. An optional appeal for reversal may be lodged against the aforementioned acts and resolutions, in accordance with Article 116 of Act 30/1992, of November 26, 1992, and Article 115.2 of Act 9/2007, of October 22, 2007.

2. The acts of the Agency subject to the Administrative Law are considered to be valid and legally effective from their date of issue, unless otherwise provided. Effectiveness of the acts will be delayed when required by their content, notification, publication or approval by a higher authority.

3. The legal counselling of the Agency, concerning the proceedings which involve the exercise of the attributed administrative faculties, is reserved to the civil service staff.

Article 24. Publicity of the Agency acts.

1. The Agency will publish its acts and administrative resolutions as provided by Act 30/1992, of November 26, 1992, and by other applicable provisions. Additionally, the Agency will maintain a website, permanently updated, in which, among other things, detailed information will be given on publication of calls, tenders for procurement, civil service staff competitions and job vacancies, as well as the regulations and the Organisational Structure Chart.

2. The composition of the Governing and the Advisory Boards, the Technical Committee for Evaluation and Accreditation, as well as the criteria for assessment and accreditation and projects allocation will be published in the Official Bulletin of the Andalusian Regional Government and on the Agency's website.

3. It will be guaranteed, in the acts and resolutions published by the Agency, the use of a non-sexist language and a non-stereotyped public image.

### TITLE III

Functioning and operating resources

#### CHAPTER I

Economic resources and patrimony.

Article 25. Economic resources.

The economic resources of the Agency will comprise:

a) The financial allocations provided by the Budget Act of the Autonomous Community.

b) The products and assets from its patrimony, management and those deriving from its participation in other entities, as well as the revenue either deriving or generated in the course of its activities or by the provision of its services.

c) The financial allocations, subsidies and current or capital transfers which may be received from the Regional Government Administration or from its public entities.

d) The subsidies, financial contributions and donations which may be granted in its favour, of specific funds coming from the European Union, from other Public Administrations and from instrumental entities of the Andalusian Regional Government.

e) The provisions free of charge that may be made in favour of the Agency.

f) The resources coming from credits, loans, and other financial operations which, where appropriate, are agreed within the limits established by the Budget Act of the Andalusian Autonomous Community, with the prior authorisation of the head of the competent Regional Ministry of Finance.

g) Any other resource that may be attributed or integrated into its patrimony.

#### Article 26. Patrimony.

1. The legal system of the Agency patrimony will be established by Act 4/1986, of May 5, 1986, in the Reviewed General Act of Public Finance of the Andalusian Regional Government, and other regulations applicable to the patrimony of the agencies of the Andalusian Regional Government Administration.

2. The Agency will have its own patrimony for compliance with and enforcement of its ends, composed of an array of its own assets and rights and those ones that the Agency may obtain and increase in the course of its management; and those ones which may be assigned in the future by virtue of any title.

3. Other patrimonial assets may be assigned to the Agency by the Andalusian Regional Government Administration, for the specific accomplishment of its ends, in compliance with provisions of Article 110 of the aforementioned Act 4/1986, of May 5, 1986.

4. In compliance with provisions of Article 57 of the aforementioned Act 4/1986, of May 5, 1986, the Andalusian Governing Council may agree upon the assignment of both movable and immovable assets, either onerous or free, to the Agency for its own use or for public service within its competences. The patrimonial asset assigned will be subject to a public service use and external to the assignor, it will become public property without involving a change of ownership.

The aforementioned assets will be subject to the general rules established by Act 4/1986, of May 5, 1986 concerning the public nature of assets, the assignment agreement and those ones imposed, where appropriate, by the applicable rule.

When the asset is no longer in use for the intended purposes, it will be incorporated to the Autonomous Community assets.

5. In the event of the Agency's extinction, the remaining assets will be incorporated to the Autonomous Community assets, after the remaining financial obligations payment or assumption.

## Article 27. Powers of disposition.

The Agency, within the limits established by the applicable patrimonial regulations, will have free disposition of its own assets and rights. The Governing Bodies may agree their acquisition, leasing, exchange and disposal.

## CHAPTER II

### Procurement.

#### Article 28. Procurement.

1. The contracts procured by the Agency are ruled by the regulations applicable to the Public Administrations in matters of procurement.
2. The Managing Direction will be the body responsible for procurement, notwithstanding the authorisations which, in compliance with the general patrimonial and procurement regulations of the Andalusian Regional Government Administration, where applicable, concerning the amounts and limits provided by these Statutes.

## CHAPTER III

### Financial-Economic System

#### Article 29. Action, investment and finance Programme.

1. The Agency will draw up an action, investment and finance Programme annually, as well as for the following financial period, an Explanatory Memorandum on its content and the main innovations concerning the action, investment and finance Programme of the previous financial period, in compliance with the Reviewed General Act of Public Finance of the Andalusian Regional Government.
2. The programme will be adjusted to the multiannual estimates developed by the Andalusian Agency of Knowledge in compliance with the economic plans of the Andalusian Regional Government

#### Article 30. Financial Regulation.

The Agency's financial regulation will be established in accordance with the provisions of the Reviewed General Act of Public Finance of the Andalusian Regional Government regarding the public corporate agencies, by the annual Andalusian Regional Government Budget Act and by any other effective legal provisions. The gender perspective will be incorporated for the assessment of the impact of gender on developing actions.

#### Article 31. Capital and Expenditure Budget.

1. The Agency will draft an expenditure and capital Budget in which the correspondent annual resources and assignments will be detailed, in accordance with the Reviewed General Act of Public Finance of the Andalusian Regional Government, which will be

sent to the competent Regional Ministry of Finance directly from the competent Regional Ministry to which the Agency is ascribed, in compliance with provisions of Article 60 of the aforementioned Reviewed General Act.

2. The Agency's system for budgetary amendments will be the general regulations established by the budgetary laws applicable for the Agencies of the Andalusian Regional Government.

#### Article 32. Financial Operations.

The Agency will carry out all types of financial operations and, particularly, it will arrange assets and liability transactions, loans and guarantees, in accordance with the provisions by the Reviewed General Act of Public Finance of the Andalusian Regional Government, and in compliance with the limits provided by the annual Budget Act for the Andalusian Regional Government, the Annual Debt Programme agreed between the Andalusian Regional Government Administration and the State General Administration.

#### Article 33. Accounting System.

1. The Agency will apply the established accounting principles in accordance with the provisions of the Reviewed General Act of Public Finance of the Andalusian Regional Government, in order to ensure the accurate reflection regarding the operations, costs, and the outcomes of its activity, as well as to provide data and information with economic significance.

2. The Agency will have an economic information system as well as a management accounting system.

3. The Agency Annual Accounts will be presented by the Managing Direction and submitted to the Governing Council for approval.

4. The Agency will be subject to the public accounting system, with the obligation to report the use of public funds, in accordance with provisions of the Reviewed General Act of Public Finance of the Andalusian Regional Government.

### TITLE IV

#### Controls

#### Article 34. Efficiency Control.

The Agency efficiency control will be provided in compliance with provisions of the Reviewed General Act of Public Finance of the Andalusian Regional Government, by Act 9/2007, of October 22, 2007, and by other applicable legal regulations currently in effect.

#### Article 35. Financial Control.

1. The Agency will be subject to permanent financial control in accordance with the provisions of the Reviewed General Act of Public Finance of the Andalusian Regional Government.

2. The contract of audits will be subject to provisions of the Reviewed General Act of Public Finance of the Andalusian Regional Government.

## TITLE V

Social Responsibility.

Article 36. Ethical Code of Conduct.

The Governing Board will approve an Ethical Code of Conduct of the Agency associated with a repertoire of the best social and economic practices, which define its socially responsible attitude.

Article 37. Social Balance.

Annually, the Agency will draft a social balance, which will be published with the Annual Account Statement, and that will collect and assess analytically and systematically the issues concerning the entity social responsibility.

## TITLE VI

The Andalusian Agency of Knowledge Staff.

Article 38. The Agency Staff.

1. The Agency Staff will be subject to the Labour Law. The Agency labour relations will be subject to the Reviewed Statute of Workers' Rights Act, approved by Royal Legislative Decree 1/1995, of March 24, 1995; to Act 7/2007, of April 12, 1995, of the Basic Statute for Public Employment, as well as to other applicable legal regulations currently in effect.

2. The civil service staff that, in application of Article 69.3 of Act 9/2007, of October 22, 2007, holds functional dependency positions for the Agency with respect to the job positions list of the Regional Ministry to which the Agency is assigned, will be functionally assigned to the Agency. The aforementioned staff will be subject to the Administrative Law and to the applicable legal regulations for the Andalusian Regional Government Civil Service, and will exercise their functions under the functional dependence of the Managing Director, regulated by the Agreement Governing the Civil Service Staff Labour Conditions of the Andalusian Regional Government Administration, and particularly the regulation of working hours, timetable and remunerations.

3. University teachers and research staff, as well as teachers in Public Research Institutes and research staff, as well as other staff from other Administrations, may be temporarily and voluntarily assigned to the Agency, by means of a specific agreement between both institutions prepared for this purpose, for the performance of the functions

assigned to the Agency, respecting the functions that, in compliance with the Articles 9.2 of Act 7/2007, of April 12, 2007, and 69.3 of Act 9/2007, of October 22, 2007, are reserved to public civil servants.

4. In accordance with the fourth additional provision of Act 1/2011, of February 17, 2011, the civil service staff voluntarily integrated in the Agency as labour staff will administratively remain on voluntary leave due to service provision for the Andalusian Public Sector. The type of contract will be negotiated with the most representative trade unions. Additionally, in compliance with paragraph a) of the fourth additional provision of Act 1/2011, of February 17, 2011, the aforementioned staff work will be considered as merit when participating in public calls for merits assessment for the provision of staff for the Andalusian Regional Government General Administration.

The Agency will recognise the length of service provided by the aforementioned staff for the Administration for remuneration purposes.

Additionally, when they return to active service, the length of effective service in the Agency will be taken into account for the purpose of calculating triennia and, where applicable, it will be considered with regards to the professional careers.

#### Article 39. Recruitment Procedures.

The Agency staff will be recruited through public calls published by the official media and it will subject to the constitutional principles of equality, merit and ability; taking also into account the established reservation for disabled people of the Andalusian Regional Government General Administration.

#### Article 40. Remuneration System.

1. The remuneration conditions of the Agency staff will be determined by the correspondent Collective Agreement and by the respective employment contract.

2. The procedures for determining and amending the conditions for the remuneration of Agency's staff will require a favourable report by the competent Regional Ministry of Finance and Public Administration, in accordance with provisions of Article 70.3 of Act 9/2007, of October 22, 2007.

3. The remunerative concepts for the civil service staff functionally assigned to the Agency are established by the Andalusian Regional Government Administration public service regulations and will be determined in accordance with the provisions of the Budget Act of the Andalusian Autonomous Community and by the Job catalogue.

4. The wage bill earmarked for the productivity allowance or for an equivalent concept will be bound, in any case, to meeting the established goals.

#### Article 41. Managerial Staff.

1. The Managing Director, the General Secretary, the Projects Director and the Director of Evaluation and Accreditation are the Agency Managerial Staff.

2. Appointment to Management positions will take into account the merit, capacity and eligibility criteria principles, and it will be subject to an advertising and competition procedure.

3. Its legal system is provided in Article 13 of Act 7/2007, of April 12, 2007, and in the set of provisions further developing thereof.

4. In compliance with Article 2 of the fifth additional provision of Act 1/2011, of February 17, 2011, job positions assigned for management tasks relating to the exercise of public faculties will be performed by Managerial Staff with civil service officer status; or by staff appointed by the Andalusian Regional Governing Council as Managing Director or Head of Personnel of the Agency.

#### Article 42. Incompatibilities.

The Agency staff will be subject to the corresponding regime of incompatibilities, in compliance with the regulations currently in effect.

#### Article 43. Performance Assessment: the Agency staff career development and professional training.

1. The Agency will establish a professional training and development plan through continuous enhancement of personnel capabilities. The Agency training plan actions may be approved by the Andalusian Public Administration Institute.

2. The Agency, after negotiating with the trade unions representatives, will develop staff training assessment systems to measure and assess the professional conduct and performance, as well as achievement of the outcomes.

3. Additionally, the Agency will encourage the development of professional careers, which will be based on the merit and capability principles, as well as on the systems provided in paragraph 2.

#### Article 44. Job catalogue, occupational risks prevention plan, and corporate social responsibility.

1. The Agency Managing Director, within the framework of an initial action plan, and notwithstanding the negotiation with the staff unions' representatives, will regulate the Jobs catalogue development which will be submitted for consideration by the Governing Board. In compliance with the provisions of Article 74 of Act 7/2007, of April 12, 2007, it will be published and will comprise, at least, standardization of jobs, professional hierarchy, staff salary scales, and where applicable, the provision systems and the supplementary productivity allowances.

2. Within the framework of the Agency's initial action plan, it will also be determined the deadlines set out to develop the occupational risks prevention plans, equality, quality, and, where applicable, the corporate social responsibility plan. The occupational risks prevention plans will be regulated in compliance with the applicable regulations approved by the Andalusian Regional Government General Administration.

Article 45. Trade unions participation and representation rights.

The Agency, within the framework of the labour regulations currently in effect, in accordance with the rights attributed to the staff unions' representatives will negotiate with them the issues concerning the structured organization of work as well as the working conditions of the staff.