

Research Fellowship Holder Statute

The Research Fellowship Holder Statute was approved by Law no. 40/2004, of 18 August, subsequently amended and republished by Decree-law no. 202/2012 of 27 August. The current text, below, is in accordance with the annex republished with [Decree-Law no. 202/2012](#), of 27 August, and has been updated in accordance with the following diploma:

- [Decree-Law no. 89/2013](#), of 9 July, that implements the third amendment to the Research Fellowship Holder Statute;
- [Decree-law no. 233/2012](#), of 29 October, that came into force on 27 August;
- [Law no. 12/2013](#), of 29 January

Please note:

For ease of use, the term ‘Fellowship’ is used throughout the Statute and refers to studentships and fellowships.

The Portuguese version of this text prevails over the English version.

The text below does not exempt consultation of the Official Gazette

CHAPTER I General Provisions

ARTICLE 1 SCOPE OF APPLICATION

1. This Statute establishes the scheme applicable to the beneficiaries of subsidies granted by private and public bodies intended to allow the exercise of scientific, technological and training activities by the afore-mentioned beneficiaries, according to the provisions of the following article, notwithstanding the provisions of European Union and international laws.
2. The subsidies mentioned in the previous number are called fellowships, and are awarded within the scope of a contract between the fellowship holder and a host institution.
3. This Statute does not cover fellowships or grants awarded under school social action.
4. (Revoked.)
5. It is forbidden to turn to research fellowship holders to meet permanent needs of the departments.

ARTICLE 2 OBJECT

1. This Statute cover the fellowships intended to fund:

- a. Research leading to a Masters degree, not integrated in previously established strategic areas, and a doctoral degree, as well as post-doctoral research and advanced training;
 - b. Scientific research, technological development, experimentation, or technology and knowledge transfer, whether of initiation or updating nature, irrespective of the fellowship holder's training level;
 - c. Initiation or updating training activities in any field, developed by the fellowship holder, within the scope of non-curricular internships, according to the terms and stipulations foreseen in the fellowship regulation, except for the provisions of a special law.
2. Regardless of the type of fellowship, the definition of the object of research and an activity plan, subject to follow-up and supervision, is always required, according to the terms of Chapter 3.

ARTICLE 3 DURATION

1. The duration of the fellowships is set in the respective regulation.
2. The fellowships mentioned in subparagraph a) of no. 1 of the previous article may not exceed two years, in the case of non integrated Masters degree, four years in the case of a PhD, and six years for post-doctoral fellowships.
3. The fellowships may be renewed for additional periods, if allowed by the regulation, notwithstanding the maximum limits provided for in the previous number.

ARTICLE 4 NATURE OF THE BOND

The fellowship contracts do not generate legal or labour relationships, nor relationships of service provisions; as such the fellowship holder does not acquire the quality of a person taking up a public position.

ARTICLE 5 PERFORMING DUTIES

1. The fellowship holder performs his/her duties in strict compliance with the agreed activity plan, and is subject to the supervision of a scientific supervisor, as well as support and supervision provided for in Chapter 3 of this Statute.
2. The performance of duties as a fellowship holder is carried out on an exclusive dedication basis. The practice of any other paid activity or duty, whether public or private, is not allowed, including the practice of a liberal professional, except for the provisions of the following numbers.
3. However, receiving payment from the following activities is considered compatible with the exclusive dedication scheme:
 - a. Copyright and industrial property;

- b.** Delivering conferences and lectures, short-term vocational training courses and other similar activities;
 - c.** Subsistence allowances and travel expenses;
 - d.** Working with bodies of the host institution;
 - e.** Sitting in advisory bodies of an institution other than the host institution that he/she belongs to and with prior authorisation of the latter;
 - f.** Sitting in competition, exams or assessment juries external to the host institution;
 - g.** Sitting in juries and selection boards and issuing opinions requested by national or foreign bodies;
 - h.** Teaching services provided by fellowship holders in institutions of higher education, when agreed upon by the fellowship holder and with previous authorisation of the host institution, when these services are carried out with no detriment to the feasibility of the work programme underlying the fellowship and do not exceed four hours per week and an average of three hours per week per semester, and do not entail sole responsibility of the fellowship holder for courses or curricular units.
- 4.** Furthermore, the exercise of activities that are external to the host institution, even if paid, is considered to be compatible with the exclusive dedication scheme provided they are directly related to the activity plan underlying the fellowship and are not carried out on a permanent basis.

ARTICLE 5-A

DUTIES OF THE SCIENTIFIC SUPERVISOR

- 1.** The fellowship holder develops his/her activity under the supervision of a scientific supervisor appointed by the host institution.
- 2.** It is incumbent on the scientific supervisor:
 - a.** To supervise the activity developed by the fellowship holder within the scope of the work programme;
 - b.** To guarantee the fellowship holder is exclusively dedicated to the fulfilment of the work programme;
 - c.** To issue certificates regarding the activities developed by the fellowship holder at the host institution;
 - d.** To prepare, within the scope of his/her supervision duties, a final evaluation report of the fellowship holder's activities, to be submitted to the Fundação para a Ciência e a Tecnologia, I. P.
- 3.** False declarations by the scientific supervisor impede continuation of supervision and are punishable by law.

(As stated in Law no. 12/2013, of 29 January)

ARTICLE 6

REGULATION

- 1.** The regulation for fellowships includes:

- a. The description of the type, purposes, object and duration of the fellowship, including the goals to be achieved by the applicant;
 - b. The financial components, duration and payment method of the fellowship;
 - c. The categories of the intended recipients;
 - d. The model of the fellowship contract and the final reports to be prepared by the fellowship holder and his/her scientific supervisor and respective evaluation criteria;
 - e. The terms and conditions of renewal of the fellowship, if that is the case;
 - f. The applicable scheme regarding reporting and publicising the awarded funding.
2. The elements mentioned in the previous number should be included in the notice of the call.

ARTICLE 7 APPROVAL

1. The funding body should submit the fellowship regulation to Fundação para a Ciência e a Tecnologia, I. P., for approval but may apply, instead, a regulation that is in force.
2. Fundação para a Ciência e a Tecnologia, I. P. has 20 working days to decide on the approval of the regulation mentioned in the previous number, which is considered as implicitly approved in the absence of a decision within that time.
3. In its assessment, Fundação para a Ciência e a Tecnologia, I. P. should ponder on the adequacy of the fellowship programme with the provisions of article 2 of this Statute.
4. The approval always depends on a declaration by the funding body on budget approval for the fellowships to be awarded.
5. For the funding body, approval of the regulation involves the obligation to issue all documentary evidence of the fellowship holder's status.
6. The host institution is also responsible for issuing the documents mentioned in the previous number.
7. It is incumbent on Fundação para a Ciência e a Tecnologia, I. P., when deemed convenient or by decision of the member of government with responsibility for Science, to assess the fellowship regulation taking into consideration the results achieved by the programme.
8. When there is an obvious discrepancy between the provisions of the regulation and its implementation, namely regarding the achieved results, Fundação para a Ciência e a Tecnologia, I. P. may revoke its approval.
9. Refusal of approval of the regulation or its revoking may be appealed to the member of government responsible for Science.

ARTICLE 8 FELLOWSHIP CONTRACTS

1. The fellowship contract should always include:
 - a. Identification of the fellowship holder and of his/her scientific supervisor;
 - b. Identification of the host institution and the funding body;
 - c. Identification of the applicable regulation, when there is one;

- d. The activity plan to be developed by the fellowship holder;
 - e. The duration and starting date of the fellowship.
2. The fellowship contracts are in writing and copies of all contracts entered should be sent to Fundação para a Ciência e a Tecnologia, I. P. based on which a national record of fellowship holders shall be drawn up.
 3. The Research Fellowship Holders Statute is automatically awarded when the contract is entered, and always applies to the start date of the fellowship.

CHAPTER II

Fellowship holders' rights and duties

ARTICLE 9

FELLOWSHIP HOLDERS' RIGHTS

1. All fellowship holders are entitled:
 - a. To receive, in a timely fashion, the funding they benefit from due to the awarding of the fellowship;
 - b. To obtain technical and logistical support required for his/her work plan from the host institution;
 - c. To benefit from a specific scheme of social security, according to the provisions of article 10;
 - d. (Revoked.)
 - e. To benefit from insurance covering personal accidents, including when travelling abroad, taken out by the host institution or the funding body;
 - f. To suspend activities funded by the fellowship due to parenthood, according to the scheme provided for in the Labour Code;
 - g. To suspend activities funded by the fellowship in case of sickness, justified by a medical certificate or sickness notice issued by a hospital;
 - h. To benefit from a period of rest not greater than 22 working days per calendar year;
 - i. To receive from the funding and host institutions all required clarifications regarding his/her statute;
 - j. All other rights deriving from the law, the regulation or the fellowship contract.
2. Notwithstanding the provisions of the following numbers, fellowship holders who hold an employment contract are also entitled to the counting of time during which they benefit from this Statute as actual terms of service, for all due legal purposes.
3. Fellowship holders who have a previous legal relationship of public employment, such as an employment contract in public services of indefinite duration should suspend that contract for the duration of the fellowship, according to the provisions of no. 4 of article 232 of the Legal Scheme of Employment in Public Services approved by Law no. 59/2008, of 11 September.
4. The provisions of the previous number applies to fellowship holders who have a previous legal relationship of public employment, comprising a fixed term employment contract in public services, notwithstanding the provisions of no. 3 of article 231 of Legal Scheme of Employment in Public Services approved by Law no. 59/2008, of 11 September.
5. The fellowship holders who have a previous legal relationship of public employment by appointment shall suspend that legal relationship and are entitled to be granted an unpaid leave.

6. When the activities mentioned in subparagraphs f) and g) of no. 1 are suspended, payment of the fellowship may be maintained for the corresponding period of time; in that case there will be no payment of other applicable subsidies in the cases included in the mentioned provisions, according to general legal terms and conditions, and counting will be restarted on the first working day of the fellowship holder's activity after the interruption.
7. The amounts earned by the fellowship holders due to the fellowship should be considered for the purposes of any application that entails the existence of an income, namely to get credit for the purchase of private housing and incentives for rented accommodation for youngsters, and Fundação para a Ciência e a Tecnologia, I. P. should issue a document attesting their situation as fellowship holders.

ARTICLE 10 SOCIAL SECURITY

1. Those fellowship holders who are under no social protection scheme may exercise their rights to social security by joining the voluntary social insurance, according the Code on the Contributory Schemes of the Protection Systems of Social Security with the specificities resulting from the following numbers.
2. The voluntary social insurance covers disability, old age, death, parenthood and occupational diseases covered by the protection system.
3. The possibility of disease is governed according to the terms of the self-employed workers' scheme.
4. The funding body has to pay for the costs of the contributions of the beneficiaries of the Statute, provided for in this law, that fall in the first bracket mentioned in article 180 of the Code on the Contributory Schemes of the Protection Systems of Social Security; the increase of costs resulting from the decision to chose a greater contribution base is the responsibility of the beneficiaries of the Statute.
5. The provisions of the previous numbers apply to fellowships with a duration of six months or more and are included in the voluntary social insurance scheme counting from the start date of the fellowship, provided the application is submitted within the minimum period of the duration of the latter.
6. It is incumbent on the Fundação para a Ciência e a Tecnologia, I. P. to issue the documentary evidence of the Research Fellow Holder Statute for the purposes of the previous numbers.
7. Foreign or stateless fellowship holders practising their activity in Portugal may also be included in the voluntary social insurance scheme provided for in this legal statute, regardless of their length of residence.

ARTICLE 11 ACCESS TO HEALTHCARE

The fellowship holders have access to healthcare, under the protocols signed between the funding body and the healthcare structures, according to terms and conditions to be regulated.

ARTICLE 12
FELLOWSHIP HOLDERS' DUTIES

All fellowship holders should:

- a.** Comply in a timely fashion with the established activity plan, which cannot be unilaterally changed;
- b.** Comply with the internal operating rules of the host institution and the scientific supervisor's guidelines;
- c.** Submit, in due time, the mandatory reports, according to the provisions of the regulation and the contract;
- d.** Notify Fundação para a Ciência e a Tecnologia, I. P. of the occurrence of any fact that may justify suspension of the fellowship;
- e.** Cooperate with the relevant authorities in any supervision of the fellowship holder, facilitating their activities and responding promptly to all requests made within the scope of that monitoring;
- f.** Prepare a final report on the fellowship programme, which should include a list of the publications and papers prepared within the scope of the contract, as well as a copy of the respective final paper, in case the fellowship was awarded to obtain a degree or diploma;
- g.** To comply with the other duties resulting from the law, the regulation and/or the contract.

CHAPTER III
Support and Supervision

ARTICLE 13
HOST INSTITUTION

- 1.** The host institution should:
 - a.** Follow and provide all necessary technical and logistical support for compliance of the activity plan by the fellowship holder, appointing, a scientific supervisor to overview the developed activity, at the start of the fellowship;
 - b.** Assess the fellowship holder's performance;
 - c.** Communicate to the fellowship holder the internal operating rules of the host institution, in due time;
 - d.** At all times provide the necessary information to make sure the fellowship holder is aware of his/her Statute.
- 2.** The activity carried out within the scope of the fellowship may, due to its specific nature and as long as it is provided in the regulation and/or contract, be developed in another private or public body; in this case all duties incumbent on the host institution under the previous number are extended to the latter.
- 3.** The host institution is also responsible for payment of the fellowship stipend, notwithstanding the right of return against the funding body, under the general terms.
- 4.** The amount of the fellowship may be increased by the host institution provided that increase is not directly funded by the Fundação para a Ciência e a Tecnologia, I. P., and does not involve any change to the work programme.

**ARTICLE 14
FUNDING BODY**

The funding body should promptly make all payments it is obliged to under the regulation and the fellowship contract.

**ARTICLE 15
FELLOWSHIP HOLDER'S UNIT**

1. A support unit for fellowship holders should exist in each host institution; this unit is responsible for providing all information regarding his/her Statute.
2. The regulation establishes the composition and operating mode of the unit.

**ARTICLE 16
ADVISORY PANEL**

(Revoked.)

**ARTICLE 16 - A
FELLOWSHIP HOLDER'S OMBUDSMAN**

1. The fellowship holder's ombudsman is appointed by the member of the Government responsible for Science among personalities of recognised scientific merit, for a three year-term.
2. The fellowship holder's ombudsman has the duty to defend and promote, without any decision-making power, the rights and legitimate interests of the fellowship holders within the scope of this Statute.
3. The fellowship holders may, individually or collectively, submit to their ombudsman complaints or participations regarding actions or omissions, both of the host institutions and the funding body, as well as submit suggestions or good practices within the scope of this Statute.
4. The fellowship holder's ombudsman, within the scope of his/her activity, may issue recommendations to the host institutions and the funding institutions.
5. The exercise of the activities of the fellowship holder's ombudsman is not remunerated, notwithstanding the right to be reimbursed for the cost of travel expenses, resulting from the activities carried out, according to the legal system for payment of allowances for travel expenses in public services of general employees in public office.
6. Logistic, administrative and technical-legal support to the fellowship holder ombudsman is provided by the Fundação para a Ciência e a Tecnologia, I. P.

ARTICLE 17
CONTRACT TERMINATION

The fellowship contract may be terminated due to the following reasons, with the subsequent cancelling of the Statute:

- a. Reiterated non-fulfilment by one of the parties;
- b. False declarations by the fellowship holder;
- c. Completion of the activity plan;
- d. Expiry of the timeframe for which the fellowship is awarded;
- e. The revocation by mutual agreement or change of circumstances;
- f. A legal labour relationship with the host institution;
- g. Other reasonable grounds, so long as provided for in the regulation and/or the contract. *(As stated in Law no. 12/2013, of 29 January)*

ARTICLE 18
SANCTIONS

1. Reiterated and serious non-fulfilment by the host institution involves the prohibition to receive new fellowship holders during a period of one to two years.
2. In the case of reiterated and serious non-fulfilment by the fellowship holder, the funding body is entitled to demand the return of the awarded amounts.
3. (Revoked.)
4. The funding body is also entitled to require from the fellowship holder and/or the host institution the return of the allocated amounts in those cases in which the thesis to obtain a degree is not submitted within three years after the fellowship contract is terminated, except under dully justified, serious grounds.
5. The provisions of the previous number applies also in case the fellowship is terminated by the fellowship holder after half of its duration has elapsed and the thesis to obtain the degree is not submitted up to three-years after the termination of the fellowship contract.
6. The decision to apply the sanctions mentioned in numbers 1 and 2 is incumbent on the member of the Government responsible for Science, after hearing the fellowship holder ombudsman and the Fundação para a Ciência e a Tecnologia, I. P.

ARTICLE 19
EXTENSION

With due adjustments, and in all that is not opposed to European Union law and international law, the scheme provided for in this law applies to Portuguese fellowship holders developing their activity abroad and to foreign fellowship holders developing their activities in Portugal, whenever the respective fellowships are awarded by national bodies.