
RESOLUTION OF 27TH FEBRUARY 2018

Modifying point 9 of article 7 of the Resolution of 16th March 2017, by the Council of Education and Culture, making the call for the “Clarín” Programme for Postdoctoral Grants of the Principality of Asturias for years 2017/2019

FACTUAL BACKGROUND

ONE.- The Resolution of 16th March 2017 by the Council for Education and Culture on 16th March 2017 makes a call for the “Clarín” Programme for Postdoctoral Grants of the Principality of Asturias for years 2017/2019. The Extract was published in the BOPA of 24th March 2017.

This was resolved by the Resolution of 28th December 2017, by the Council for Education and Culture, published in the BOPA of 8th January 2018. Its Appendix I lists the grantees of the grants. Appendix II lists the applications dismissed. Appendix III lists in an ordered manner all the applications which, having complied with the administrative and technical conditions to acquire the status of grantee, were not accepted for exceeding the maximum credit amount set in the call.

TWO.- Reference is made in article 7 of the Resolution of 16th March 2017 to the grant award procedure, determining in point 9 that, once the award resolution was issued, “any renunciation or leave of postdoctoral research personnel before 01/09/2017 may be covered by means of awarding these vacancies in the reservation order previously established in the award resolution.”

However, considering the time it took to handle the procedure (resolved on 28th December 2017) and the resulting extension in the validity period of the Marie Curie Cofund Agreement to adapt to the real duration of the grant resolution procedure, date 1st September 2017 has lost its virtue.

LEGAL GROUNDS

ONE.- The Resolution of 11th February 2014 of the Council of Education, Culture and Sports approves the bases regulating the “Clarín” Programme for Postdoctoral Grants of the Principality of Asturias (BOPA of 14th February 2014).

Base thirteen foresees the possibility to, in the case of renunciations by grantees, propose the award of the grant to the following applicant or applicants in score order.

TWO.- The Resolution of 16th March 2017 by the Council for Education and Culture makes a call for the “Clarín” Programme for Postdoctoral Grants of the Principality of Asturias for years 2017/2019. The Extract was published in the BOPA of 24th March 2017.

Reference is made in article 7 to the grant award procedure, determining in point 9 that, once the award resolution was issued, “any renunciation or leave of postdoctoral research personnel before 01/09/2017 may be covered by means of awarding these vacancies in the reservation order previously established in the award resolution.”

However, considering the time it took to handle the procedure (resolved on 28th December 2017) and the resulting extension in the validity period of the Marie Curie Cofund Agreement to adapt to the real duration of the grant resolution procedure, date 1st September 2017 has lost its virtue.

Therefore, the modification of point 9 in article 7 of the Resolution of 16th March 2017 is proposed, foreseeing 15th March 2018 as the limit date for the renunciations to allow for a call for new grantees.

This modification will lead to a greater effectiveness of the general principles binding the procedures for the award of grants based on competitive concurrence, included in article 8.3 of the General Law on Grants 38/2003, of 17th November, that indicates:

“The management of the grants referred to in this law will be performed in accordance with the following principles:

- a) Publicity, transparency, concurrence, objectivity, equality and non-discrimination.
- b) Efficacy when complying with the objectives set by the granting Administration.

c) Efficiency in the assignation and use of public resources.”

The modification would entail greater efficacy when complying with the objectives set by the granting Administration. For the objective of the Calling (professional improvement and specialisation of research personnel holding a Doctorate and inclusion of experienced postdoctoral research personnel to perform R&D activities at research centres in the Principality of Asturias) to be reached it is necessary for all authorised credit to be effectively destined to such postdoctoral activities.

The modification would also give rise to efficiency in the assignation and use of public resources, since external application assessments are performed which involve a cost. In this way, the following applicants in score order who receive the proposal for inclusion and are accepted, will be grantees generating savings in future callings as they will not present a new application to be assessed once again.

Finally, the proposed modification would lead to greater effectiveness regarding the principles of concurrence, objectivity and equality. The mere end of a period – which, after the handling of the procedure, has become obsolete – should be no impediment for the merits accredited in a competitive concurrence process, in which the applications were assessed by an external specialised body, to show their effects.

I hereby,

RESOLVE

ONE.- To modify point 9 in article 7 of the Resolution of 16th March 2017, by the Council for Education and Culture, making a call for the “Clarín” Programme for Postdoctoral Grants of the Principality of Asturias for years 2017/2019, whose draft will be left as follows:

“The renunciations or leaves occurring among postdoctoral research personnel before 15/03/2018 may be covered by means of awarding these vacancies in the reservation order previously established in the award resolution.”

TWO.- To order the publication of this Resolution in the Official Bulletin of the Principality of Asturias.

THREE.- This Resolution concludes the administrative proceedings, giving the opportunity to lodge a contentious-administrative appeal before the Contentious-Administrative Court of the High Court of Justice of Asturias within a period of two months from the day following its publication, without prejudice to the possibility of previously lodging an optional administrative reconsideration appeal before the Regional Minister of Education and Culture, within a period of one month from the day following its publication, although without the chance to make both appeals simultaneously, in accordance with that established in article 28 of Law 2/1995, of 13th March, on the Legal Regime of the Administration of the Principality of Asturias, and with article 123 of Law 39/2015, of 1st October, on Common Administrative Procedures of Public Administrations, and without prejudice to the fact the interested parties may exercise any other they deem appropriate.

THE REGIONAL MINISTER FOR EDUCATION AND CULTURE

Genaro Alonso Megido