



#InvestEUresearch

Horizon 2020 Work Programme for Research & Innovation 2018-2020

H2020 Contract Preparation

Name: Gorazd Weiss & Martin Felix Gajdusek

International Cooperation Service Facility of the EC

Research and
Innovation

Overview

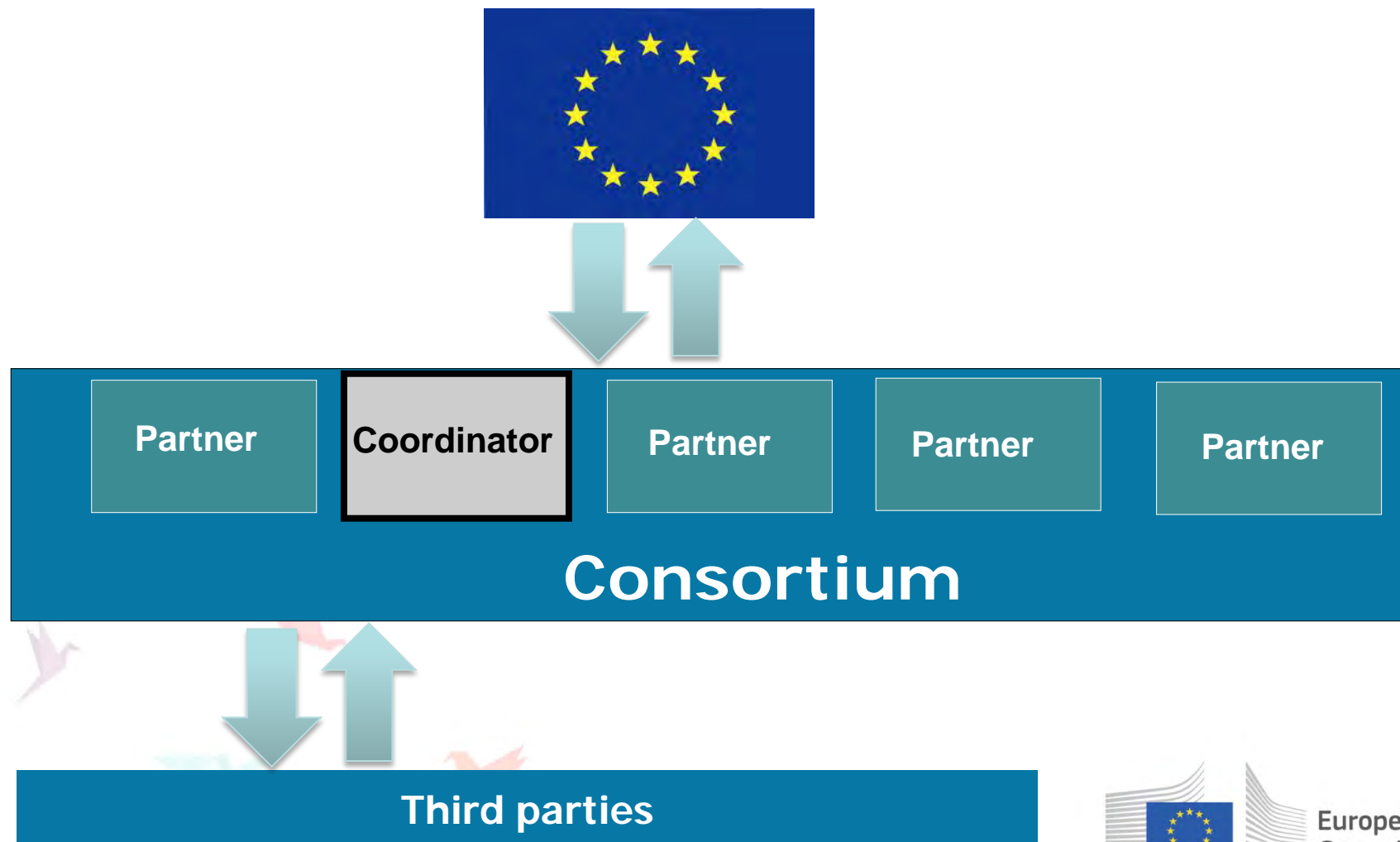
1. Warm-up session
2. Contractual relations
3. Grant Agreement
4. Consortium Agreement
5. Agreements with third parties
6. IPR
7. Closure



2. Contractual relations



Who is involved in Horizon 2020 projects?



The Grant Agreement (GA)

1. Each project consortium signs an individual Grant Agreement with the EU
 - Contract is based on standard terms and optional terms to be adapted in each case



Consortium

The Consortium Agreement (CA)

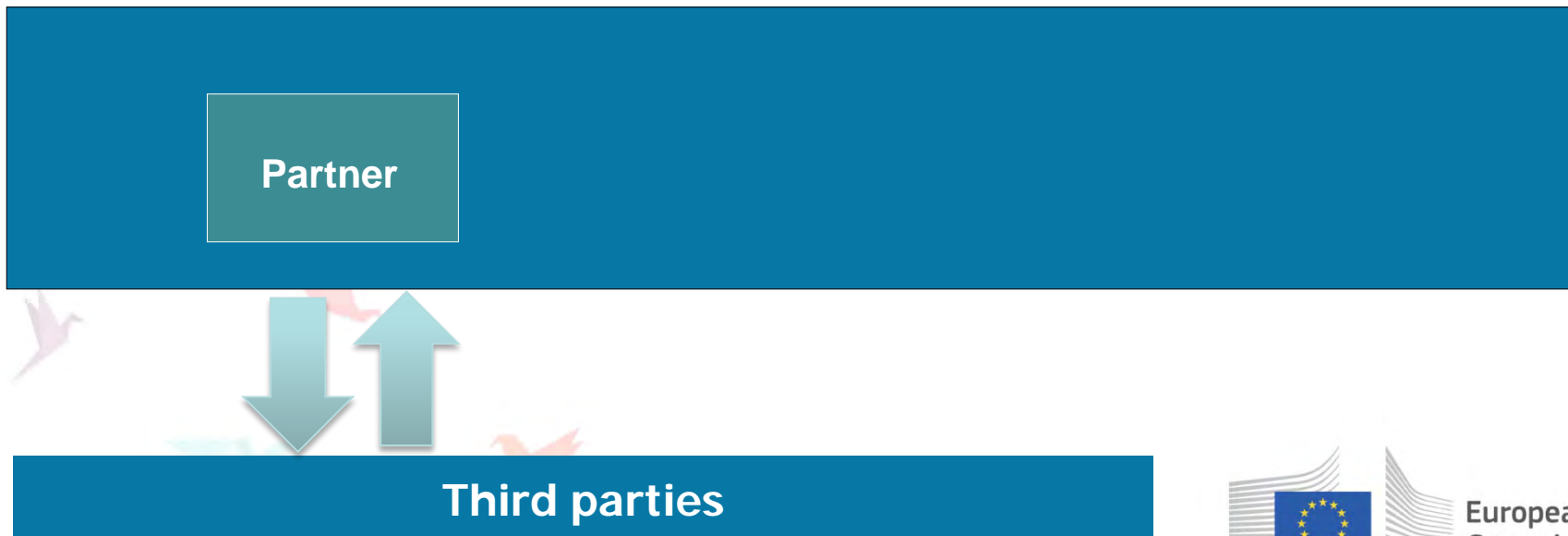
2. Project Participants must conclude a Consortium Agreement among themselves before signing the Grant Agreement

- rights and obligations are mutually determined
- project management, cost distribution, confidentiality, liability, Intellectual Property Rights (IPR)



Agreements with third parties

3. Partners in the Consortium sometimes need support to implement certain tasks, e.g. an additional service or resources of a third party
- Partners can involve third parties but must guarantee, that terms and conditions of the Grant Agreement are preserved



3. Grant Agreement



Model Grant Agreements

- Same rules and regulations for all programmes in Horizon 2020
- Specific exceptions e.g. for ERC and MSCA
- Model Grant Agreement:
http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference_docs.html#h2020-mga
- Contains a **Core agreement**: General terms and conditions (legal and financial regulations) and **Annexes: project description**, budget etc.
- Optional clauses in the agreement applicable to specific situations
- **Annotated documents** explain in detail the meaning of every article:
http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference_docs.html

Grant Agreement preparation (1)

- After receiving a positive evaluation, the consortium will be invited to prepare the GA by the EC.



- Grant Preparation is done online via the Participant Portal.



- The coordinator has to provide the input and text for the GA, based on the written proposal. Changes of the proposal text only in exceptional cases e.g. ethical requirements or clear inconsistencies



- The EC has strict deadlines for the GA process.



- Each beneficiary signs electronically through **legal signatories (LSIGN)** the accession form

Grant Agreement preparation (2)

- All accession forms are electronically signed by Legal Signatories (LSIGN) on behalf of the entity.
- LSIGN has to be appointed by the Legal Entity Appointed Representative (LEAR) for the entity
- LEAR: the person that can assign and revoke all persons allowed to sign contracts or deliver financial statements on behalf of the institution.
- The GA must be **signed at the latest 3 months after starting the grant preparation.**

Nominate LSIGN and LEAR well in advance!

Further information:

http://ec.europa.eu/research/participants/docs/h2020-funding-guide/grants/from-evaluation-to-grant-signature/grant-signature_en.htm

Where to find the Model Grant Agreements and further information?

- Model Grant Agreement (GA)
http://ec.europa.eu/research/participants/data/ref/h2020/mga/gga/h2020-mga-gga-multi_en.pdf
- Annotated Model Grant Agreement (AGA)
http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/amga/h2020-amga_en.pdf
- Horizon 2020 Online Manual
http://ec.europa.eu/research/participants/docs/h2020-funding-guide/index_en.htm

4. Consortium Agreement



Consortium Agreement

- The Consortium Agreement is an obligation stated in the GA, unless otherwise mentioned in the work programme
- **Has to be signed before the GA is signed!**
- Settles internal arrangements of the consortium and does not involve the EC
- Provides frame for:
 - How to make decisions
 - How to avoid/solve conflicts
 - How to terminate participation of a beneficiary
 - How to exploit and disseminate IP
 - How to distribute budget
 - How to set rules of liability

Model Consortium Agreements

- Models of Consortium Agreements provided by working groups of Horizon 2020 participants can help you to understand specific provisions of your Consortium Agreement
- Models:
 - DESCA Horizon 2020: <http://www.desca-2020.eu/>
 - MCARD-2020 by Digital Europe: <http://www.digitaleurope.org/Services/H2020ModelConsortiumAgreement.aspx>
 - EUCAR-2020: http://www.eucar.be/publications/EUCAR_Model_Projects_Consortium_Agreement/view

5. Agreements with third parties



Agreements with third parties

What are third parties?

- All institutions that have not acceded to the GA
- Contribute to the project
- Several possibilities to include third parties if their participation is necessary for the project's success :
 1. Third parties that contribute to the project action tasks
 2. Third parties providing resources against or without payment

Beneficiaries concluding contracts with third parties have to respect provisions of the GA and CA! (e.g. ownership of results, licensing of results, transparency of costs, liability)

Agreements with third parties

Third parties that contribute to the project action tasks

- Subcontractors
 - Necessary for project implementation
 - Contribute to the project's content
 - Selected according to best value for money
 - issues invoice, charges market prices, includes profit
- Linked third parties
 - affiliated entities
 - third parties with a legal link to a beneficiary
- **Special case of International Partner without funding**

International partners can participate as a third party

- **Problem:** national law restricts signing the GA
- **Option:** entities can participate as a third party to the Consortium, so called

International Partner, Art. 14 a GA

Conditions:

- **European partners in the Consortium can ensure that your work is performed according to the rules**
- Do not need to sign the Grant Agreement
- Are not eligible for funding
- But perform certain tasks in the project as a third party
- Costs are explained in the proposal

Agreements with third parties

Third parties providing resources against or without payment

- Third parties providing in-kind contributions
 - Third parties may provide in-kind contributions against payment or free of charge, if those contributions are necessary for project implementation
 - No commercial interest of the third party
 - Examples: Secondment of employees, Providing lab space

• Service Contractors

- Smaller subcontracts that do not contribute to the content but deliver some smaller services (printing flyer, catering etc.)

6. Intellectual Property Rights (IPR)



Why is IP important in Horizon 2020?

- Exploitation and dissemination of research and innovation results is the key driver for the funding programme.
- New knowledge and property rights have to be protected in an appropriate manner for industrial and/or commercial exploitation.
- Dissemination measures need to be aligned with the intellectual property rights and further interests of the owner.
- Central role in project evaluation
- IP related costs can be eligible for funding
- Proper IP management enhances effective exploitation of results
- Clarification of confidentiality issues

IP rules in Horizon 2020

General Rule:

The project consortium has to share access to their IP, needed to implement the action or exploit the results.

What to give access to?

„Background“ (Art. 24.1 GA)

- any data, know-how or information, tangible or intangible, held by the beneficiaries before they accede to GA and needed to implement the action or exploit the results

“Results” (Art. 26.1 GA)

- any tangible or intangible output of the action such as data, knowledge or information —whether it can be protected or not —as well as any rights attached to it, including IPR

IP rules in Horizon 2020

How to give access rights?

Purpose for Access	Access to Background (Art. 25 GA)	Access to Results (Art. 31 GA)
Project Implementation	<ul style="list-style-type: none">- royalty-free- unless otherwise agreed by participants BEFORE accession to GA	<ul style="list-style-type: none">- royalty-free
Exploitation of Own Results	<ul style="list-style-type: none">- subject of individual agreement- granted under fair and reasonable conditions (can be royalty-free)	



IP rules in Horizon 2020

Who owns results?

- each participant owns the results it generates
- exclusive licences for its results possible if all other project participants concerned give their agreement and under the provision that access rights to the result are preserved.



IP rules in Horizon 2020

Joint ownership:

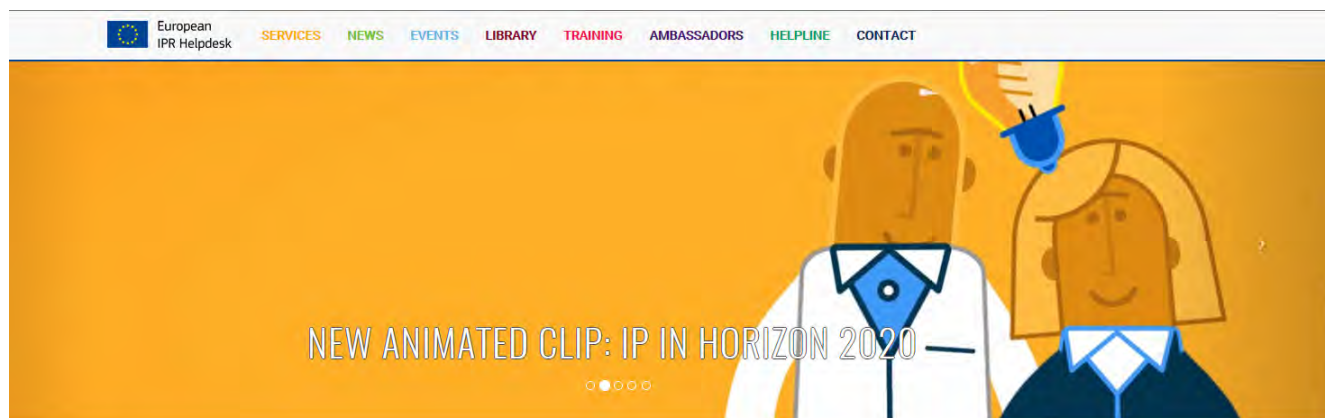
if results are jointly generated and it is impossible to determine the respective share of work or to separate it for protection:

- Joint owners must reach an agreement,
- Each joint owner may grant non-exclusive licences to third parties, without the right to sub-license, if other joint owners are given prior notice & fair and reasonable compensation.

Rights of employees & third parties must be observed

IPR Helpdesk

<https://www.iprhelphdesk.eu>



European IPR Helpdesk

We believe that knowing how to manage **Intellectual Property (IP)** and **Intellectual Property Rights (IPR)** is the ticket to innovation and competitiveness in Europe. The **European IPR Helpdesk** offers **free of charge**, first-line support on IP and IPR matters to beneficiaries of EU funded research projects and EU SMEs involved in transnational partnership agreements, especially within the Enterprise Europe Network (EEN).

IPR Helpline

Place a phonecall or raise an issue and we will get back to you within three working days. Free of charge.

[Contact us](#)

Training Support

Build up your capacity and take part in onsite or online training events to get you ready for the journey.

[Get more info](#)

Publications

Find the tools to help you by visiting our huge library of fact sheets, FAQs, case studies and a whole lot more.

[Visit the library](#)

7. Closure



When do I have to sign Agreements?

**Proposal
Preparation**

OPTIONAL:
Preliminary
Agreements
NDA
Confidentiality
Agreement

**Submission
and
Evaluation**

**Grant
Preparation**

Consortium
Agreement
Ownership
Access rights
Licensing
Dissemination
rights

**Grant
Signature**

**Project
Implementation**

Grant
Agreement
Ownership
Access rights

Key messages

- The Consortium has to sign the Grant Agreement with the EC
- In general, the consortium also has to sign a Consortium Agreement for internal arrangements
- There are modular contracts for GA and CA
- Third parties can contribute to the project. Since they are not bound to the GA or CA, contractual arrangements are necessary so that obligations from GA and CA are respected
- New knowledge and property rights have to be protected in an appropriate manner for industrial and/or commercial exploitation.
- Exploitation and dissemination of research and innovation results is the key driver for the funding programme.

Thank you!

#InvestEUresearch

www.ec.europa.eu/research

Participant Portal

www.ec.europa.eu/research/participants/portal

© European Union, 2017

The information and views set out in this presentation are those of the author(s) and do not necessarily reflect the official opinion of the European Union. Neither the European Union institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

Reproduction is authorised provided the source is acknowledged.

