



#InvestEUresearch

Horizon 2020 Work Programme for Research & Innovation 2018-2020

Horizon 2020 – Contract preparation

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Research and
Innovation

Overview

1. Warm-up session
2. Contractual relations
3. Grant Agreement
4. Consortium Agreement
5. Agreements with third parties
6. Intellectual Property Rights (IPR)
7. Contract Closure

1. Warm-up session



1. Warm-up session

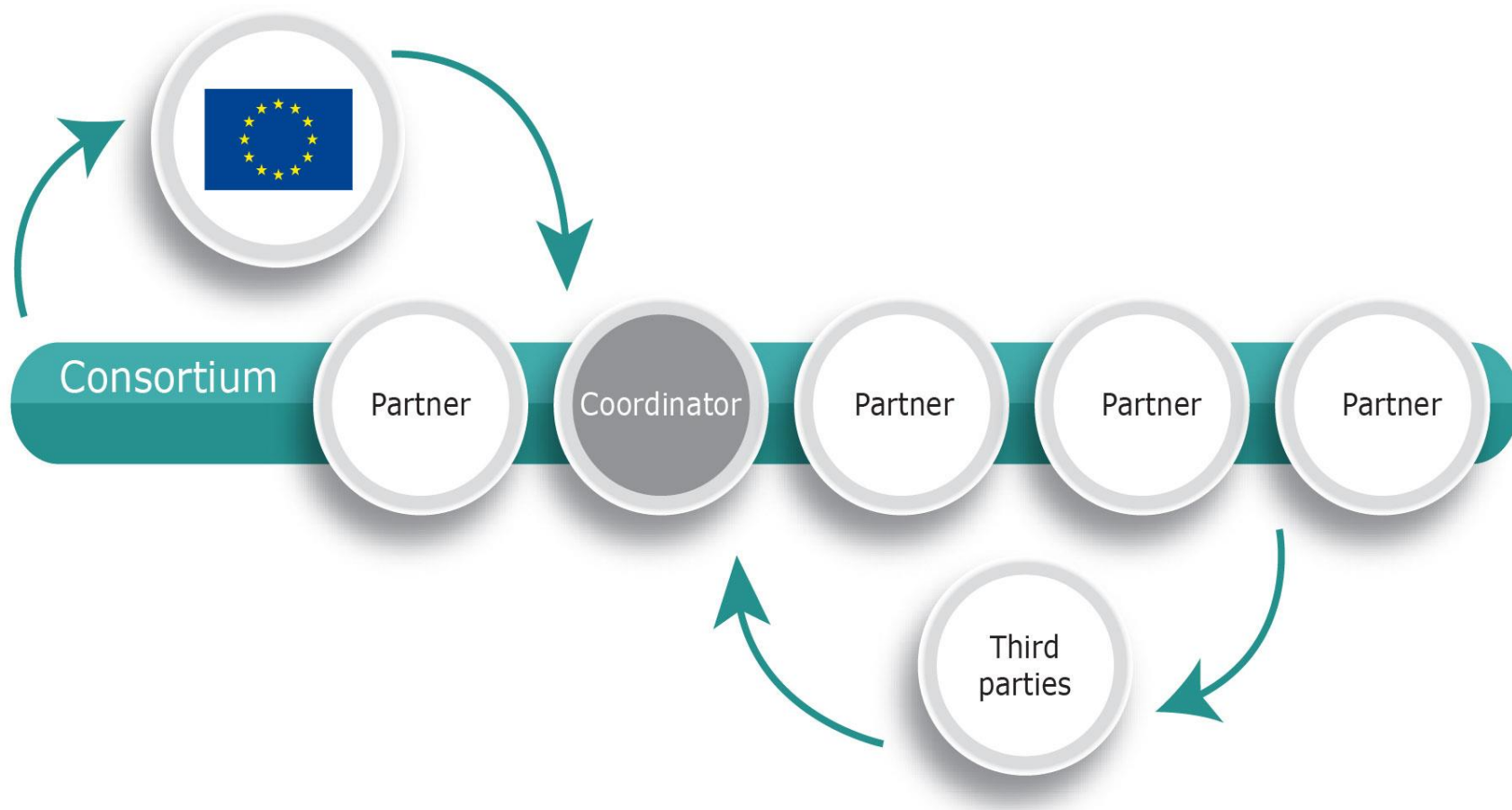
- Which parties can conclude grant agreements?
- What kind of grant agreements for Horizon 2020 do you know?



2. Contractual relations

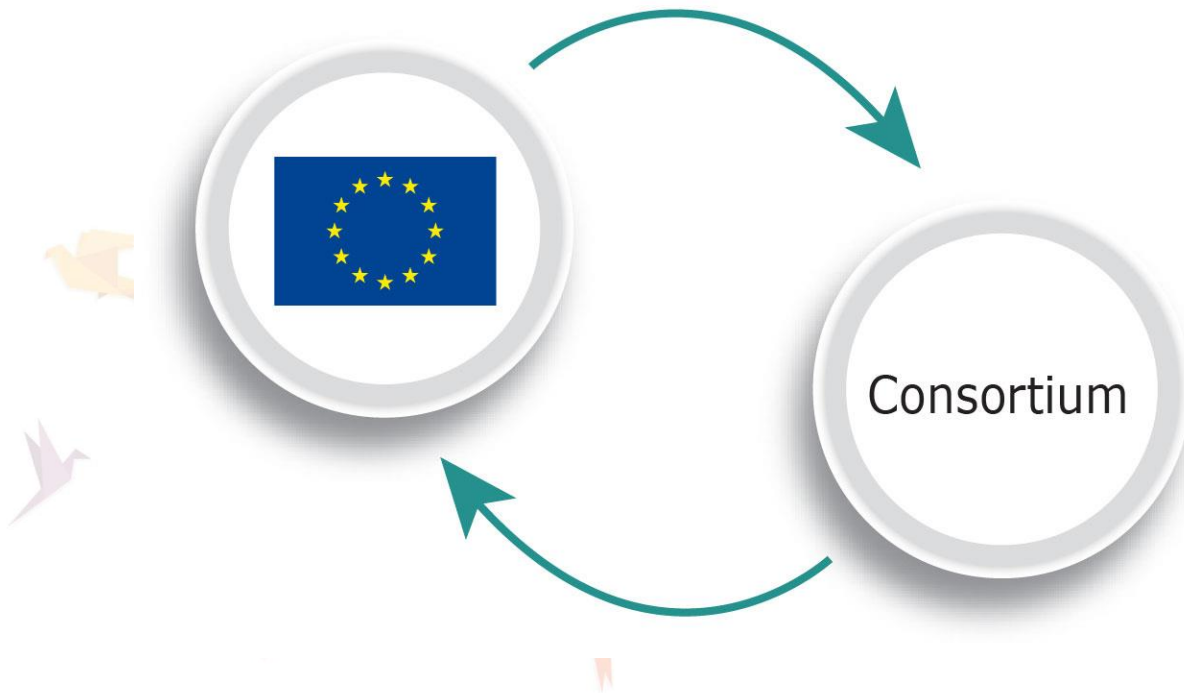


Who is involved in Horizon 2020 projects?



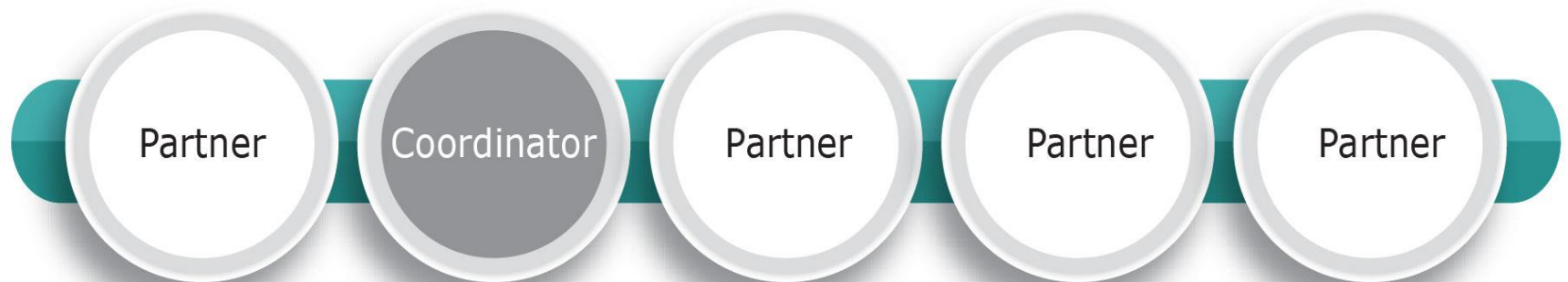
Grant Agreement (GA)

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



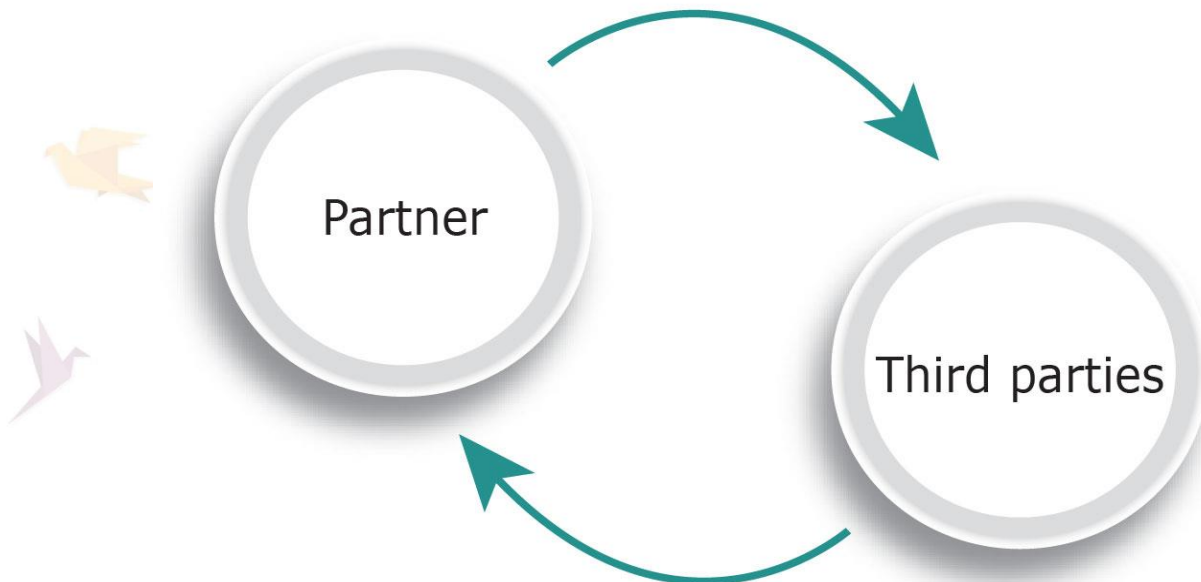
The Consortium Agreement (CA)

2. Project Participants must conclude a Consortium Agreement among themselves before signing the Grant Agreement
 - Rights and obligations (mutually determined)
 - Project management, cost distribution, confidentiality, liability, Intellectual Property Rights (IPR)



Agreements with third parties

- 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

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 I

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

Grant preparation is done online via the Funding & Tender Portal

The coordinator has to provide input and text for the GA, based on the written proposal. Changes to 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)**

Grant Agreement preparation II

- All accession forms 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: person that can assign and revoke all persons allowed to sign contracts or deliver financial statements on behalf of beneficiary
- 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

- 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 the framework 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:
 - DESCAs 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 Grant Agreement
- 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 Grant Agreement and the Consortium Agreement! (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 Grant Agreement
- **Option:** entities can participate as a third party to the Consortium, so called

International Partner, Art. 14 a Grant Agreement

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 Intellectual Property (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

Intellectual Property 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 Grant Agreement)

- 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 Grant Agreement)

- 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.

Intellectual Property rules in Horizon 2020

How to give access rights?

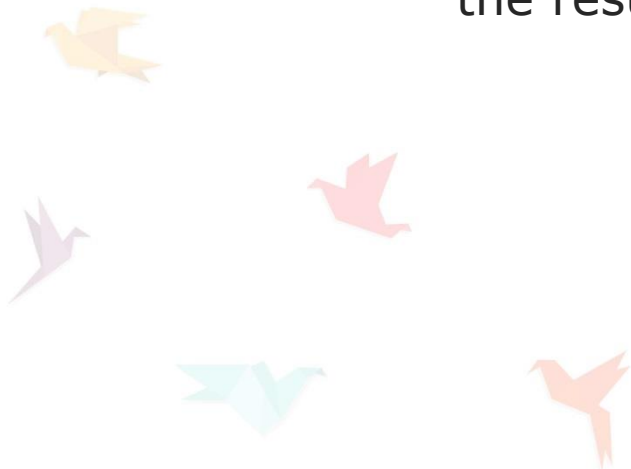
| Purpose for Access | Access to Background (Art. 25 GA) | Access to Results (Art. 31 GA) |
|------------------------------------|--|--|
| Project Implementation | <ul style="list-style-type: none">- royalty-free- unless otherwise agreed by participants BEFORE accession to GA | <ul style="list-style-type: 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) | |

Intellectual Property 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.



Intellectual Property 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

The screenshot shows the homepage of the European IPR Helpdesk. At the top, there is a navigation bar with the European IPR Helpdesk logo and links for SERVICES, NEWS, EVENTS, LIBRARY, TRAINING, AMBASSADORS, HELPLINE, and CONTACT. Below the navigation bar is a large orange banner featuring an illustration of a man and a woman. The man is holding a glowing blue lightbulb, symbolizing an idea. The text on the banner reads "NEW ANIMATED CLIP: IP IN HORIZON 2020". Below the banner is a grey box with the heading "European IPR Helpdesk" and a paragraph of text: "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)." Below this are three service boxes: "IPR Helpline" with a phone icon and a "Contact us" button; "Training Support" with a person icon and a "Get more info" button; and "Publications" with a book icon and a "Visit the library" button.

European IPR Helpdesk

SERVICES NEWS EVENTS LIBRARY TRAINING AMBASSADORS HELPLINE CONTACT

NEW ANIMATED CLIP: IP IN HORIZON 2020

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](#)

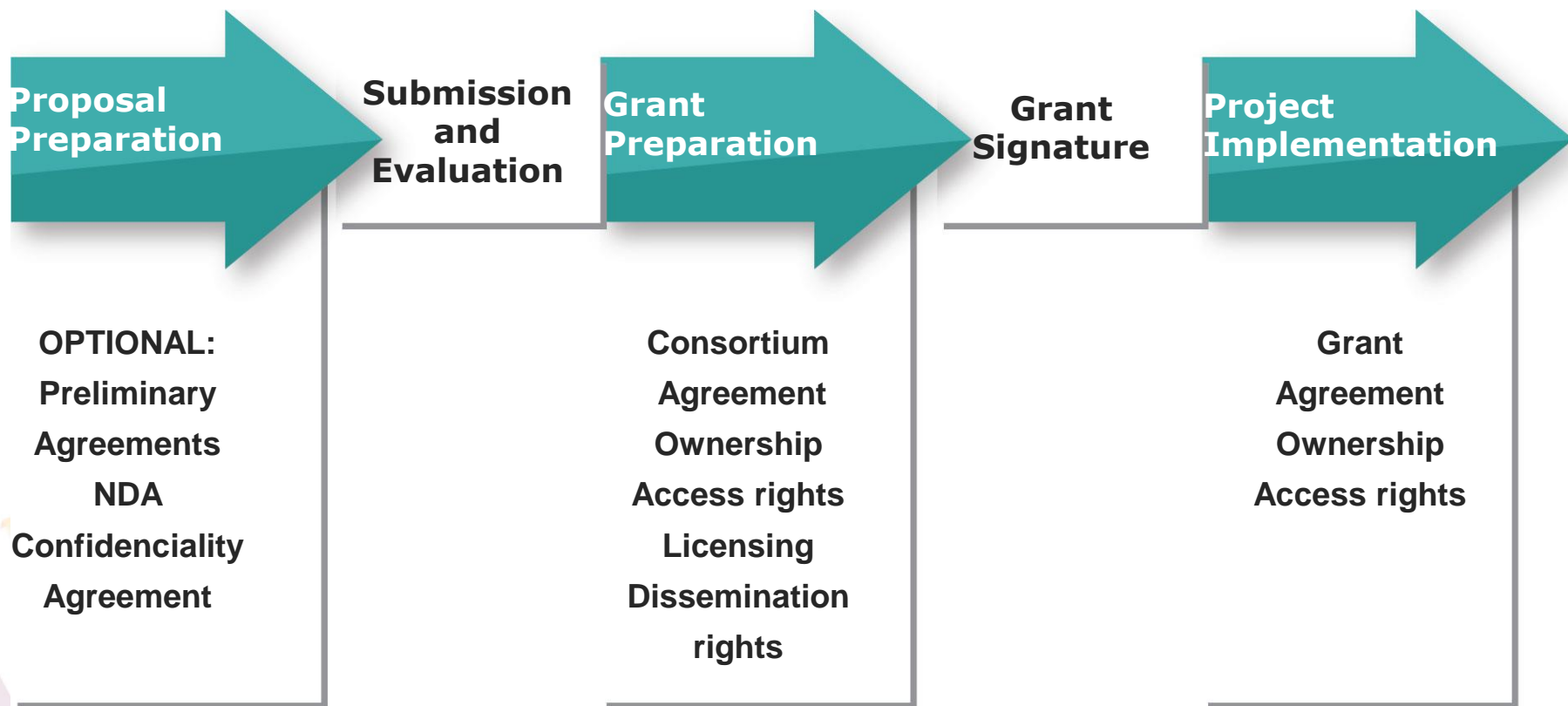
Training Support
Build up your capacity and take part in onsite or online training events to get you ready for the journey.
[Get more info](#)

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. Contract Closure



When do I have to sign Agreements?



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 Grant Agreement and Consortium Agreement
- Third parties can contribute to the project. Since they are not bound to the Grant Agreement or Consortium Agreement, contractual arrangements are necessary so that obligations from Grant Agreement and Consortium Agreement are respected
- New and existing intellectual 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.

Join Now!

#InvestEUresearch

www.ec.europa.eu/research

Funding & Tender Portal

<http://ec.europa.eu/research/participants/portal/>

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