



FUEL CELLS AND HYDROGEN
JOINT UNDERTAKING

LEGAL AND FINANCIAL ASPECTS

**GEORGIANA
BUZNOSU**

26/01/2018



1. LEGAL AND FINANCIAL FRAMEWORK

2. DRAFTING THE PROPOSAL

THIRD PARTIES

ETHICS

ADDITIONAL ACTIVITIES

3. FINANCIAL ASPECTS

FVC

IPR

LEGAL AND FINANCIAL ISSUES

1. LEGAL AND FINANCIAL FRAMEWORK



HORIZON 2020 REGULATIONS:

1. REGULATION OF ESTABLISHMENT
2. RULES FOR PARTICIPATION

FCH 2 JU ANNUAL WORK PLAN 2018

GENERAL ANNEXES TO THE MAIN WORK PROGRAMME (A -> L)

1. MODEL GRANT AGREEMENT;
2. ANNOTATED GRANT AGREEMENT;
3. CONSORTIUM AGREEMENT



LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. THIRD PARTIES



PROPOSAL – TECHNICAL ANNEX

1. Excellence

2. Impact

3. Implementation

(3.4 Resources to be committed)

4. Members of the consortium

(4.2. Third parties involved in the project)

5. Ethics and Security

Plan for
Dissemination and
Exploitation



LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. THIRD PARTIES



The beneficiaries must have the appropriate resources to implement the action

If it is necessary to implement the action, they may however:

- **Purchase** goods, works and services (Section 3.4)
- Use **Subcontracting** to implement action tasks (Section 4.2)
- Call upon **Linked Third Parties** to implement action tasks(Section 4.2)
- Use **In-kind contributions** provided by third parties against payment or free of charge (Section 4.2)
- Call upon **International Partners** to carry out work (Section 4.2)



LEGAL AND FINANCIAL ISSUES


DRAFTING THE PROPOSAL. THIRD PARTIES



Purchase goods, works or services

- Where?
- in section 3.4 of Part B
- Art. 10 of the MGA

- What?
- **Travel** costs + subsistence allowances
- **Depreciation** costs of equipment, infrastructure or other assets (new or second-hand) / Costs of renting or leasing equipment, infrastructure or other assets if they do not exceed the depreciation costs.
- Costs of **other goods and services**: example - consumables and supplies, dissemination (including open access), IPR costs, certificates on the financial statements, certificates on the methodology, translations, publications etc

-  For all: **best value for money** and avoid any conflict of interests

LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. THIRD PARTIES



Subcontracts

- Where?
- in section 4.2 of Part B
- Art. 13 of the MGA

- What?
- implementation of certain action tasks described in the Proposal.
- Subcontracting may cover only a **limited part** of the action
- **best value for money** and avoid any conflict of interests
- estimated costs and tasks must be identified
- Subcontracting between beneficiaries — Is NOT allowed in the same GA
- Subcontracting to affiliates — Is NOT allowed



LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. THIRD PARTIES



Linked Third Parties

- Where?
- in section 4.2 of Part B
- Art. 14 of the MGA

- What?

- = Affiliated entities / third parties with a legal link

- **same** cost eligibility **criteria** as beneficiaries
- implementation of certain **action tasks** described in the Proposal.
- an estimation of costs and tasks should be identified in the Proposal



LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. THIRD PARTIES



In-kind Contributors

- Where?
 - in section 4.2 of Part B
 - Art. 11-12 of the MGA
- What?
 - The beneficiaries may declare costs related to the payment of in-kind contributions as eligible, up to the third parties' costs for:
 - the **seconded persons**,
 - **contributed equipment**, infrastructure or other assets or
 - **other** contributed **goods and services**.
- The third parties and their contributions must be set out in section 4.2 of the Proposal



LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. THIRD PARTIES



International Partners

- **Where?**
- in section 4.2 of Part B
- Art. 14a) of the MGA

- **What?**

- ‘International partner’ = any legal entity established in a non-associated third country which is not eligible for funding

- **Optional** article
- implementation of action **tasks** assigned to them must be described in **section 4.2.**
- The costs of the international partners are estimated in the budget but:
 - **will not be reimbursed** and
 - will not be taken into account for the calculation of the grant



LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. ETHICS



- Background
- “A proposal which contravenes ethical principles or any applicable legislation [...] **may be excluded** from the evaluation, selection and award procedures at any time.” Art. 13 – H2020 RfP
- Ethics Self-Assessment
- All proposals must describe ethical issues raised & how they will be addressed
- Ethics part: **Part A in SEP + Part B section 6**
- Each applicant is responsible for:
 - identifying any potential ethical issues
 - handling ethical aspects of their proposal
 - detailing how they plan to address them in detail
- Guidelines: [How to complete your ethics self-assessment guide](#)



LEGAL AND FINANCIAL ISSUES

DRAFTING THE PROPOSAL. ADDITIONAL ACTIVITIES



Additional Activities

- Who?
- beneficiaries
- **Non-members** of the Hydrogen Europe /Hydrogen Europe Research
- Where?
- Draft 'plan for the dissemination and exploitation of the project's results'
- As **part** of each participant **business plan**
- What?
- **estimate** of any additional activities to be performed
- (additional investment in FCH technologies and related activities not included in the project activities);
- use this to justify an increased impact of the project as a
- part of a bigger business plan of each participant



LOGIN FUNDING SCHEME CREATE DRAFT PARTIES EDIT PROPOSAL SUBMIT

Step 3

Create a Draft Proposal

H2020-JTI-FCH-2018-1

USER NAME
Georgiana BUZNOSU

TOPIC
FCH-01-1-2018

TYPE OF ACTION
FCH2-IA

DEADLINE (Brussels Local Time)
TUE 24 April 2018 17:00:00

92 days left until closure

Check Config

Download Part B Templates

Visit our 'How to' user guide

Visit our 'H2020 Online Manual'

Create a Draft Proposal

Please enter the following information to create a draft proposal. Please note that fields marked with a star (*) are **mandatory**.

It is highly recommended to submit your proposal as early as possible and at least 48 hours prior to the deadline of this call. This will avoid being confronted with incompatible local IT configuration settings shortly before the call deadline, when insufficient time would be left to handle it. There is no reason in delaying the submission for confidentiality concerns as the system does not allow any access to the proposals before call deadline or cut-off (other than to selected data that is part of the Submission and Evaluation of Proposals Assent Disclaimer).
You can submit the proposal as many times as you wish up to the deadline. Every submitted version will replace the previously submitted one.

Your organisation

PIC* Short name*

Search for your organisation PIC

Your Role

Please indicate your role in this proposal

Main contact

Contact person

Your Proposal

Please choose an acronym for your proposal. It will appear also in the "General Information" section of the submission form Part A and can also be updated there.

Acronym* Please restrict acronym to latin characters only

Short Summary (max. 2000 characters)*
Character count:

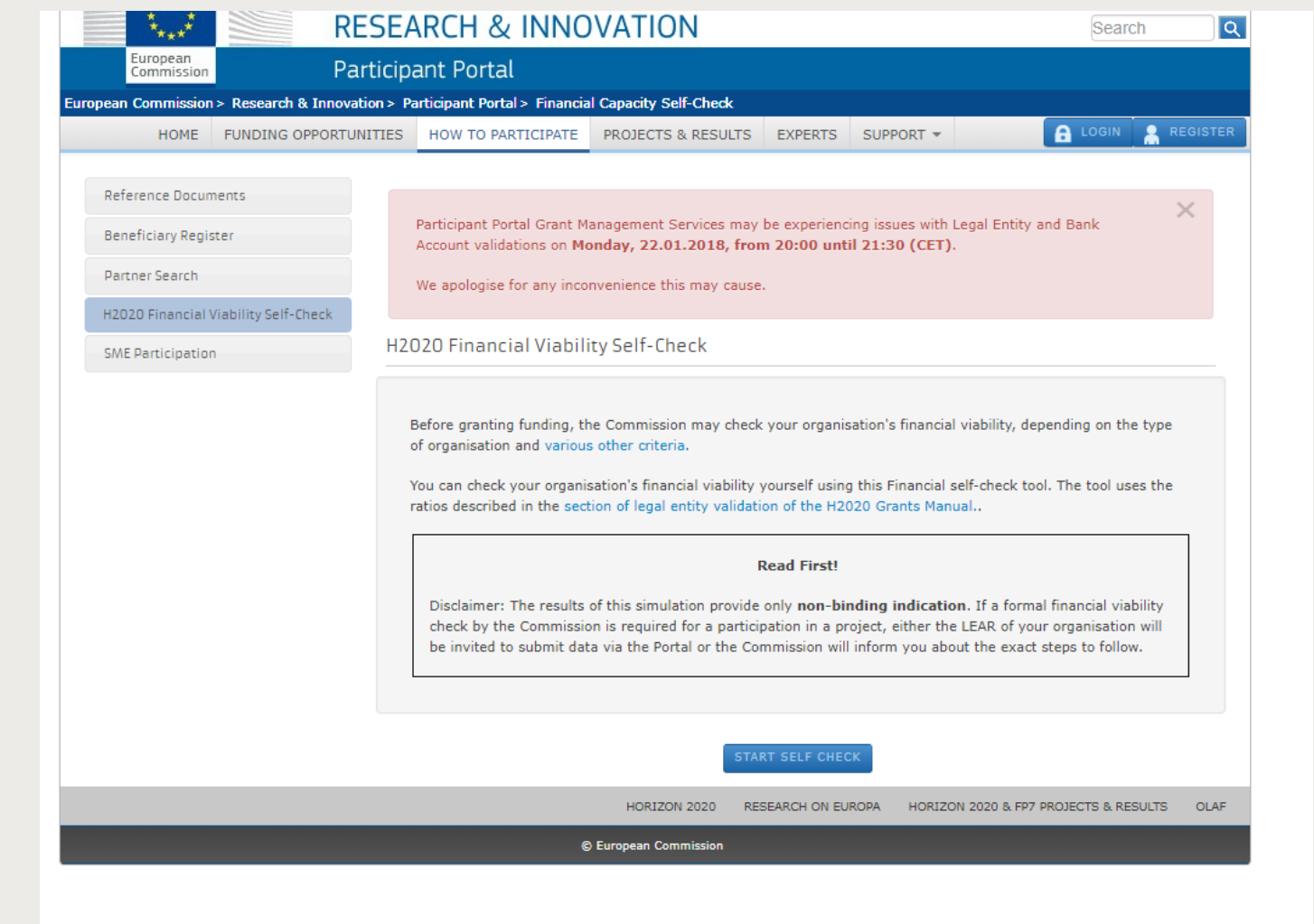
LEGAL AND FINANCIAL ISSUES

FINANCIAL ASPECTS - FVC



Financial Viability Check

- Categories not subject to FVC:
 - natural persons in receipt of scholarships
 - public bodies
 - international organisations (e.g. Red Cross)
 - Higher and secondary education establishments
 - LE guaranteed by a Member State or associated country
- Subject to FVC:
 - All other LE: **if Coordinators** and the requested FCH funding for the project is ≥ 500.000 EUR
- **Be proactive: do the self-check!**
- <https://ec.europa.eu/research/participants/portal/desktop/en/organisations/lfv.html>



LEGAL AND FINANCIAL ISSUES

FINANCIAL ASPECTS – IPR COSTS



Open access to publications:

- Gold or green
- Article 29.2 MGA
- Costs associated with open access can be claimed as **eligible** costs of any Horizon 2020 grant

Open access to research data:

"as open as possible, as closed as necessary".

- Included by default in the Grant Agreement (but can be removed by opting out)
- Article 29.3 MGA
- General Annex L
- Costs associated with open access to research data can be claimed as **eligible** costs of any Horizon 2020 grant.

Nota bene: Participation in the Open Research Data Pilot is not part of the project evaluation.

How to: http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/oa_pilot/h2020-hi-oa-data-mgt_en.pdf

