



MINISTÈRE
DE L'ENSEIGNEMENT
SUPÉRIEUR,
DE LA RECHERCHE
ET DE L'INNOVATION

Liberté
Égalité
Fraternité



Lancement d'Horizon Europe

horizon-europe.gouv.fr





BIENVENUE !
Webinaire prévu à 10h

Horizon Europe – aspects juridiques généraux

Organisation : PCN juridiques & financiers

Invitée vedette : Commission européenne



Sommaire

MODALITÉS

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Introduction

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- b. Qui êtes-vous ? (Slido)
- c. Qui sommes-nous ?

1. Aspects juridiques généraux

- a. Règles de participation
- b. Hiérarchie des normes
- c. Éléments clefs du contrat de subvention
- d. Contractualisation (« GAP »)
- e. L'accord de consortium

2. Questions & réponses (Slido)



Avertissement

Le contenu de la présente présentation ainsi que les éléments de toute nature l'accompagnant sont réalisés et fournis pour information uniquement, à la date indiquée ci-dessous.

Leurs auteurs et présentateurs ne sauraient être tenus responsables de l'utilisation susceptible d'en être faite par des tiers.

En aucun cas ce contenu et/ou éléments l'accompagnant ne sauraient remplacer les dispositions juridiques applicables.



Introduction



Présentation du webinaire

Lancement, en France, du programme-cadre pour la recherche et l'innovation (PCRI) de l'Union pour la période 2021-2027, « Horizon Europe (HEU) »

Il a pour objectif :

- de présenter succinctement les bases-clefs juridiques du PCRI
- d'identifier les principales nouveautés par rapport au précédent programme (H2020)

Il ne portera pas sur des aspects suivants :

- financiers : webinaire du 21 mai 2021, 14h
- montage de projet : webinaire du 26 mai 2021, 15h
- propriété intellectuelle : webinaire du 28 mai 2021, 10h



Vos intervenants

ORGANISATION

vos PCN juridiques & financiers pour HEU (MESRI) :

- Fanny SCHULTZ, coordinatrice
- Ingrid LY-KY
- Marion BONLIEU
- Cécile BARAT
- Lucie VAUCEL

Contact : formulaire de contact

Site : page dédiée du portail national

INVITÉ.E.S VEDETTE

Commission européenne

DG RTD - Direction H

Unités H1 & H3 : Service juridique commun & Service commun pour les processus opérationnels

- Isabelle LEROY
- Simona STAICU
- Marcos CARVALHO SUZUKI
- Julien DULOT
- David MEJUTO



Qui sommes-nous ?

Des points de contact nationaux (PCN)

- Un réseau de PCN dédiés au PCRI, déployé dans tous les Etats concernés
- PCN = une personne physique nommée par la CE sur proposition de son gouvernement
- Mission : fournir un service public d'information et d'accompagnement sur le/au PCRI (incitation à participer)
- France : réseau national coordonné par le MESRI (autorité nationale)
- Documents de référence : oui (1 charte européenne)



Domaine d'intervention des PCN juridiques et financiers

- Tous les PCN sont nommé.e.s par l'Union sur proposition de la France et doivent respecter :
 - égalité de traitement & transparence
 - confidentialité des informations reçues
 - prévention des conflits d'intérêts
- Notre mission : transmettre notre connaissance & expérience des règles juridiques & financières du PCRI, dans les limites d'exercice de nos professions
- Professionnel.le.s de la gestion financière ou du droit, nous appliquons des règles et usages de notre profession (déontologie & standards professionnels, confidentialité...)



1. Aspects juridiques généraux

N.B. : début de la présentation de la Commission



DISCLAIMER: INFORMATION NOT LEGALLY BINDING

Horizon Europe – set of rules & interplay brief & simplified legal architecture



Treaty on European Union (**TEU**) &
Treaty on the Functioning of the European Union (**TFEU**)

Horizon Europe
Legislative acts

EU Financial
Regulation
(*EU, Euratom*)
2018/1046

Horizon Europe
Work Programmes

Grant
Agreement/contract

Consortium
Agreement

Horizon Europe – set of rules & interplay

Main key features



Horizon Europe Legislative acts

- ❖ Horizon Europe Framework Programme for Research and Innovation, laying down its rules for participation and dissemination (*Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 april 2021*)
+
- ❖ Specific programme implementing Horizon Europe (and EIT)
(*Council decision (EU) 2021/764 of 10 may 2021*)

The strategic plan 2021-24 defines the key strategic orientations for the first four years of Horizon Europe



Examples:

- Main Horizon Europe Work Programme (including MSCA)
- ERC Work Programme
- EIC Work Programme

The Grant agreement/contract cross-references to the work programme ('the call conditions')



Three main types:

- General Horizon Europe Model Grant Agreement / EIC Accelerator contract
- Full unit-based Horizon Europe Model Grant Agreement
- Full Lump sum based Horizon Europe Model Grant Agreement



Horizon Europe – Rules of participation

Brief overview & general rules (1)

Horizon Europe Legislative acts

Horizon Europe Framework Programme for Research and Innovation, laying down its rules for participation and dissemination (title II)



Legal entities eligible for participation

General rule (Art 22(2))

Except in duly justified cases where the work programme otherwise provides, legal entities forming a consortium shall be eligible for participation in actions under the Programme provided that the consortium includes:

- (a) at least one independent legal entity established in a Member State; and
- (b) at least two other independent legal entities each established in different Member States or associated countries;

Legal entities eligible for funding

General rule (Art 23(1))

Legal entities shall be eligible for funding if they are established in a Member State or an associated country. Only legal entities established in the jurisdiction of the delegating managing authority shall be eligible for funding for actions benefiting from amounts under Article 15(5), except if otherwise agreed by that managing authority.

Art 23(2)

Legal entities established in a non-associated third country shall bear the cost of their participation. However, a legal entity established in low to middle income non-associated third countries and, exceptionally, other non-associated third countries, shall be eligible for funding in an action if: (a) the third country is identified in the work programme adopted by the Commission; or (b) the Commission or the relevant funding body considers that the participation of the legal entity concerned is essential for implementing the action.

Art 23(3)

Affiliated entities are eligible for funding in an action if they are established in a Member State, an associated country or in a third country identified in the work programme adopted by the Commission

Calls for proposals

General rule (Art 24(1))

The content of the calls for proposals for all actions shall be included in the work programme

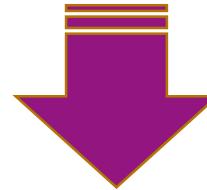


Horizon Europe – Rules of participation

Brief overview & general rules (2)

Horizon Europe Legislative acts

Horizon Europe Framework Programme for Research and Innovation, laying down **its rules for participation and dissemination (title II)**



Award criteria and selection

General rule (Art 28(1))

A proposal shall be evaluated on the basis of the following award criteria:
(a) excellence;
(b) impact;
(c) quality and efficiency of the implementation.

Evaluation

General rule (Art 29(1))

Proposals shall be evaluated by the evaluation committee which shall be composed of independent external experts

Time-to-grant

General rule (Art 31(1))

1. By way of derogation from the first subparagraph of Article 194(2) of the Financial Regulation, the following periods shall apply:
 - (a) for informing all applicants of the outcome of the evaluation of their application, a maximum period of five months from the final date for submission of complete proposals;
 - (b) for signing grant agreements with applicants, a maximum period of eight months from the final date for submission of complete proposals.

Horizon Europe – Rules of participation

Brief overview & general rules (3)



Horizon Europe Legislative acts

Horizon Europe Framework Programme for Research and Innovation, laying down **its rules for participation and dissemination (title II)**



Funding rates

General rules

(Art 34(1))

A single funding rate per action shall apply for all activities it funds. The maximum rate per action shall be fixed in the work programme

Art 34(2))

Up to 100 % of total eligible costs of an action under the Programme may be reimbursed, except for:

- (a) innovation actions where, up to 70 % of the total eligible costs may be reimbursed, except for non-profit legal entities where up to 100 % of the total eligible costs may be reimbursed;
- (b) programme co-fund actions where, at least 30 % and, in identified and duly justified cases, up to 70 % of the total eligible costs may be reimbursed.

Ownership and protection

General rule

(Art 38(1))

Beneficiaries shall own the results they generate. They shall ensure that any rights of their employees or any other parties in relation to the results can be exercised in a manner compatible with the beneficiaries' obligations in the grant agreement.

Two or more beneficiaries shall own results jointly where: (a) they have jointly generated them; and (b) it is not possible to: (i) establish the respective contribution of each beneficiary; or (ii) separate them when applying for, obtaining or maintaining their protection

DISCLAIMER: INFORMATION NOT LEGALLY BINDING

Article 39 Exploitation and dissemination

General rules (Art 39(1))

Each beneficiary that has received Union funding shall use its best efforts to exploit the results it owns, or to have them exploited by another legal entity. Exploitation may be direct by the beneficiaries or indirect in particular through the transfer and licensing of results in accordance with Article 40. [...]

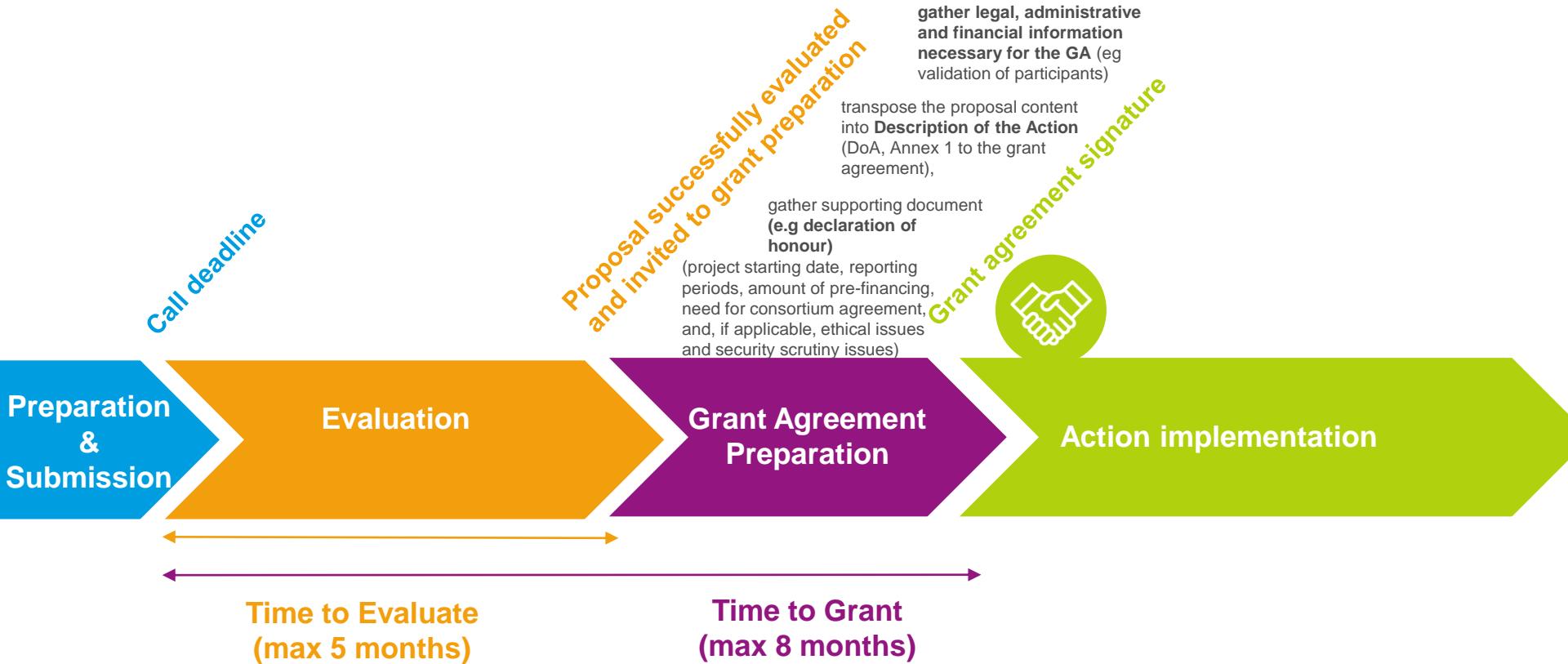
Art 39(3)

Beneficiaries shall ensure that open access to scientific publications applies under the terms and conditions laid down in the grant agreement. In particular, the beneficiaries shall ensure that they or the authors retain sufficient intellectual property rights to comply with their open access requirements

Open access to research data shall be the general rule under the terms and conditions laid down in the grant agreement, ensuring the possibility of exceptions following the principle 'as open as possible, as closed as necessary', taking into consideration the legitimate interests of the beneficiaries including commercial exploitation and any other constraints...

Horizon Europe – Proposal/Action lifecycle

Brief overview



Time to Evaluate
(max 5 months)

Time to Grant
(max 8 months)

Horizon Europe – looking for some help & information?



European
Commission

Funding & tender opportunities

Single Electronic Data Interchange Area (SEDIA)



SEARCH FUNDING & TENDERS

HOW TO PARTICIPATE

PROJECTS & RESULTS

WORK AS AN EXPERT

SUPPORT

Horizon Europe (HORIZON)

Reference Documents related to tendering opportunities are published on TED eTendering in the calls for tenders.



Filter

Expand all

+ Legislation

+ Work programme & call documents

+ Grant agreements and contracts

- Guidance

HE Programme Guide >

Online Manual >

AGA- Annotated Grant Agreement >

Rules for Legal Entity Validation, LEAR Appointment and Financial Capacity Assessment >

Amendment Guide >

Rules for Arbitration >

+ Templates & forms

+ Funding & Tenders Portal

What is the grant agreement and why do I need it?

In a nutshell, the grant agreement is the contractual document signed with a ‘granting authority’ (e.g. the Commission or one of its executive agencies) that defines



YOUR RIGHTS

e.g.:

- **To receive EU funding,** under the terms and conditions defined in the grant agreement, to help you to accomplish your project
- **To own the results** of the project that you have generated
- **To ask for amendments** of the grant agreement (if something needs to be changed)

YOUR OBLIGATIONS

e.g.:

- **To Implement the project** as planned in the description of the action (Annex 1 to the grant agreement)
- **Submit reports** at the time and for the periods defined in the grant agreement
- **Display the EU emblem and reference to Horizon Europe funding** (e.g. information material, equipment funded by the grant, major results);

HOW MUCH MONEY YOU CAN GET

Overall, the granting authority can never pay

- more than the maximum grant amount fixed in the grant agreement.
- But it may pay less; e.g. if the project costs at the end are less than budgeted

How does the Horizon Europe grant agreement look like?



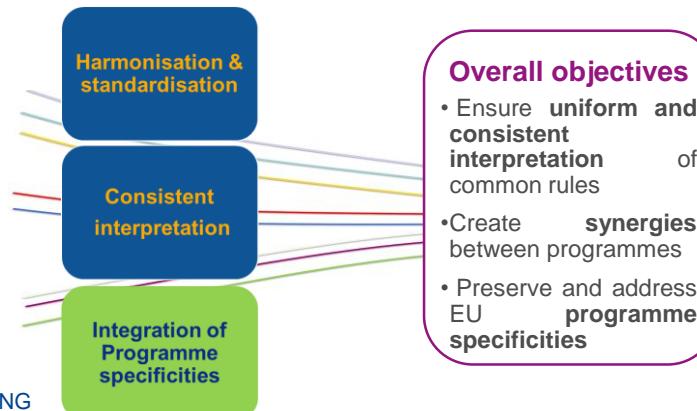
e-GRANT

- The Horizon Europe grant agreement and its management are **fully electronic**. This is from the signature of the grant until its end, all actions and communications will flow via the Funding & Tenders Portal ('the Portal').



CORPORATE STRUCTURE

- The Horizon Europe grant agreement is based on a **Commission-wide model** (so-called '**Corporate Model Grant Agreement**')



SPECIFIC ANNEX 5

Some important Horizon Europe specific rights and obligations are part of this annex 5, like:

- Security
- Ethics
- Values (i.e. gender mainstreaming)
- IPR
- Communication, Dissemination, Open Science and Visibility
- Specific rules for carrying out the action



Corporate structure of the HE MGA

Core Part

Datasheet

a summary of the specific data of the grant agreement

1. General Data
2. Participant
3. Grant
4. Reporting, payment and recoveries
5. Consequences of non-compliance, applicable law and dispute settlement forum
6. Specific rules Annex 5 & Standard time-limits after project end

Articles

grouped in six chapters

Chapter 1 – General (Articles 1-2)

Chapter 2 – Action (Articles 3-4)

Chapter 3 – Grant (Articles 5-6)

Chapter 4 – Grant Implementation (Articles 7-26)

Chapter 5 – Consequences of non-compliance (Articles 27-35)

Chapter 6 – Final provisions (Articles 36-44)

Corporate structure of the HE MGA



Annexes

Annex 1 Description of the action

Annex 2 Estimated budget

Annex 2a – Additional information on unit costs and contributions

Annex 3 Accession form for beneficiaries

Annex 3a – Declaration on joint and several liability of Affiliated Entities

Annex 4 Model for the financial statements

Annex 5 - Specific rules (for Horizon Europe)

Security (Article 13)

Ethics (i.e. research integrity) (Article 14)

Values (i.e. gender mainstreaming) (Article 14)

IPR (Article 16)

Communication, Dissemination, Open Science and Visibility (Article 17)

Specific rules for carrying out the action (Article 18)

recruitment and working conditions,

specific rules for access to research infrastructure actions,

specific rules for PCP and PPI procurements,

specific rules for co-funded partnerships,

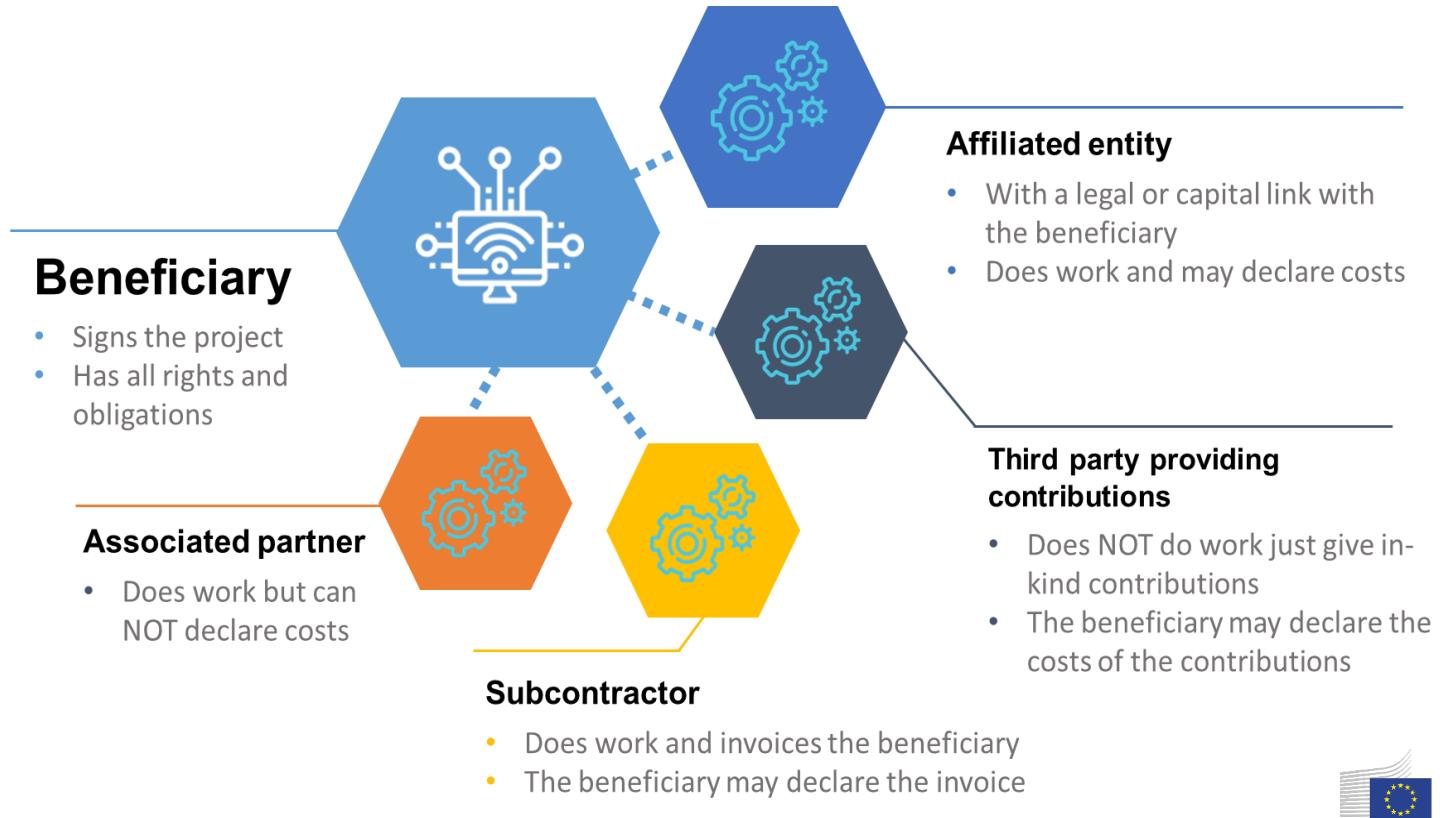
specific rules for ERC actions,

specific rules for EIT-KIC actions,

specific rules for MSCA actions

specific rules for EIC actions

Can I participate in the project without signing the grant agreement?





Thank you!

HorizonEU

<http://ec.europa.eu/horizon-europe>

*N.B. : fin de la présentation de la Commission
Ce qui suit ne saurait engager la Commission*



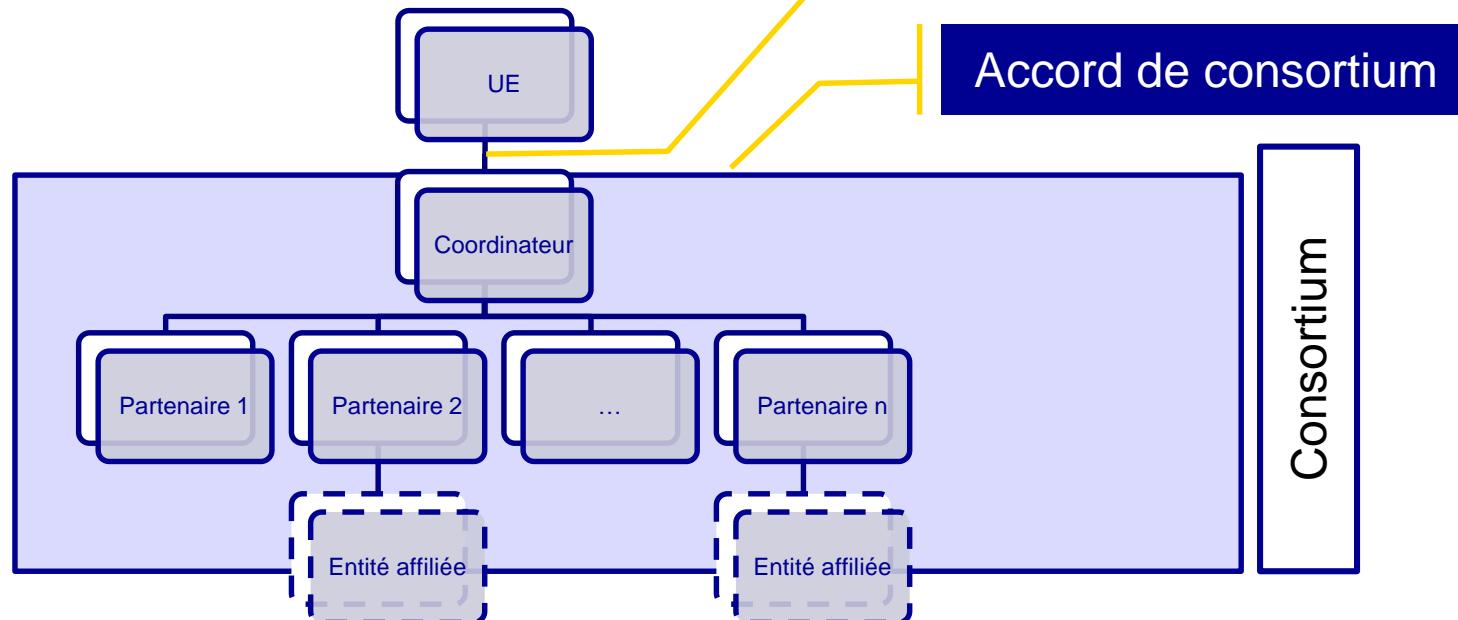
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L'accord de consortium

Contrat de subvention

Accord de consortium



L'accord de consortium

- Obligatoire pour les projets collaboratifs Horizon Europe (article 7 du contrat de subvention)
- Un contrat de collaboration pour mener un projet
- **Négociable** : à adapter au contexte, à vos besoins, stratégies, contraintes, etc.
- Ne contient aucune disposition contraire au contrat de subvention (hiérarchie des normes)
- Bonne pratique : signature au plus tard au jour de la signature de la convention de subvention

L'accord de consortium

Il couvre (entre autres) :

- La gouvernance du projet
- La gestion de l'accès au portail
- La distribution du financement entre les partenaires
- Les règles de diffusion, exploitation et accès aux résultats et connaissances
- La résolution des conflits internes
- Les règles de responsabilité, indemnisation et confidentialité

L'accord de consortium

Plusieurs modèles circulent, ils ne sont ni proposés ni soutenus par une autorité publique :

- DESCA
- MCARD
- EUCAR
- IMG4



DIGITALEUROPE



2. Questions & réponses



MERCI DE VOTRE ATTENTION

A BIENTÔT !