



3rd BESTPRAC – EARMA Virtual Meeting

January 24th 2022

DESCA for Horizon Europe

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Presentation Outline

- DESCA – Background
- DESCA for Horizon Europe – What has changed
- Conclusions/Discussion



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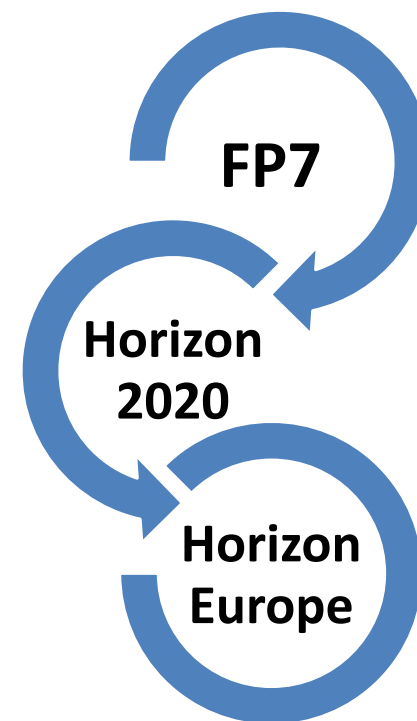
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DESCA for Horizon Europe - Background



- DESCA = Development of a Simplified Consortium Agreement.
- A Consortium Agreement (CA) is required to be signed by partners in a research project for most EU funded research projects – the Commission is not a party.
- <https://www.desca-agreement.eu/desca-model-consortium-agreement/>
- Developed originally for FP7 by key stakeholders, also for Horizon 2020 and, following a consultation process, published in Dec 2021 for Horizon Europe.

★ A widely use Model CA.



DESCA for Horizon Europe – Background (2)



- DESCA - aims to address the new legalities/obligations in the Horizon Europe rules and the MGA (Model Grant Agreement) as of 1st Dec 2021.
- Balance - interests of all types of participants.
- May need to be adapted for individual projects e.g. lump sum funding, MSCA.

A screenshot of the European Commission's SEDIA portal. The browser address bar shows the URL: ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/reference-documents;programCode=HORIZON. The page header includes the European Commission logo and the text "Single Electronic Data Interchange Area (SEDIA)". The main navigation bar has several tabs: "SEARCH FUNDING & TENDERS", "HOW TO PARTICIPATE" (highlighted in yellow), "PROJECTS & RESULTS", "WORK AS AN EXPERT", and "SUPPORT". Below the navigation bar, the page title is "Horizon Europe (HORIZON)". On the left, there is a "Programming period" dropdown menu set to "2021-2027". Below it, a blue filter button labeled "Horizon Europe (HORIZON)" is circled in red. A "Clear filter" button is located below the filter. On the right, the "Reference Documents" section is visible. It includes a "Grants" section with a description and a "Procurement" section. At the bottom, there is a search filter box and a list of document types: "Legislation", "Work programme & call documents", and "Grant agreements and contracts". The "Grant agreements and contracts" option is selected and circled in red. Below it, the text "HE MGA v1.1" is visible.



DESCA for Horizon Europe – changes

DESCA for Horizon Europe – What has changed (1)



Due to the new MGA

- **New** Terminology – e.g. “Linked 3rd Parties” → “Affiliated entities”
- Annex 5

GDPR (Section 4.4. DESCA) NEW

- Minimum statement: Separate data processing/sharing agreement may be needed.

Export Control (Section 5.5. DESCA) NEW

- Option to include, where this is relevant?

Anti-Corruption (Section 11.9) NEW

- Option to include.

Liability

- Between the parties to the CA.
- Belgian law – Willful breaches cannot be limited, may be possible to limit for gross negligence, but some Belgian courts may regard gross negligence as willful.

NEW Recent Belgian case law in elucidation notes.

DESCA for Horizon Europe – What has changed(2)

Governance

- Updated based on user experiences, simpler model *now* default.
- Meeting procedures, decisions and decisions without a meeting (51% majority rather than 2/3 as before) veto still possible.
- Obligation to notify Granting authority and other parties- significant information (incl Conflict of interest as per MGA) **NEW**
- NDA – option for mandate allowing Coordinator to sign NDA with External advisory Board member(s) **NEW**

- Intellectual Property Rights (IPR)
 - Joint ownership: addition of teaching activities for use of jointly owned Results.
 - Transfer of own results: **NEW**
 - Dissemination of own (incl Jointly owned) Results; new objection allowed for Confidential Information; possible distinction between forms of dissemination with different timeframes. **NEW**
 - Access rights for exploitation and Module IPR SC for Software.

Conclusions/Discussion points

Many excellent additions and clarifications

- ✓ IPR clarifications
- ✓ Governance clarifications

? GDPR obligations:

? Anti Corruption:

? Export Control:.

? Updated version(s) of MGA.



References:

<https://www.desca-agreement.eu/desca-model-consortium-agreement/>

Thanks to the members of the DESCA Core Group and stakeholder engagement.



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Thank you for your attention!

Miriam