

BESTPRAC WG1/WG2/WG3 Meeting

Report

March 5-6, 2015

University of Ljubljana, Ljubljana, Slovenia

The third meeting of the three working groups of COST Targeted Network TN 1302 (BESTPRAC) was held on March 5-6, 2015 in Ljubljana, Slovenia.

The main objective of BESTPRAC is to establish a network for the administrative, finance and legal services in universities, research organizations and related entities supporting researchers involved in the lifecycle of European funded projects in order to exchange experiences and share and develop best practices, encourage knowledge sharing, knowledge transfer and increased efficiency.

The target group BESTPRAC is aiming at is the staff in universities and research institutions carrying out administrative tasks in support of European projects during the post-award phase, often with low salaries, without any possibility to travel and to network and share experiences about carrying out administrative tasks in European research projects. The target group does not include researchers, European project officers focussed on the pre-award phase of the project lifecycle, managers/directors, people with PhDs.

The call for participation in the joint meeting was overwhelming. In total, 139 applications were received. Finally, 83 research administrators from 26 countries attended the meeting. Among the participants 45 % came from so-called inclusiveness countries, 30 % were MC members, and 66 % Working Group members.

During this meeting no MC meeting was scheduled in order to be able to accept as many as possible participants representing the target group of BESTPRAC as well as early stage administrators (ESA). This turned out to be successful by 70 % of the participants being ESAs. It shall also be mentioned that 84 % of the participants were female.

The core group of BESTPRAC managed to invite Isidoros Karatzas, Head of the Ethics and Research Integrity Sector, DG RTD, European Commission, to give a presentation on "The Ethics Appraisal Scheme in Horizon 2020". The presentation and following discussion was regarded as very fruitful. It was agreed to continue the cooperation with him and to collect and discuss "real cases" in one of the following meetings of BESTPRAC.

Following the recommendation of the participants of the previous meetings, a large part of the meeting was devoted to a plenary Interactive Session on topics of joint interest of all three Working Groups. The individual sessions started with a 15 min. presentation (5 min. for each WG) on the administrative/ financial/legal point of views of the topic to be discussed. It was followed by a 45 min. discussion group discussion. This interactive session turned out to be very successful and it is aimed to continue it at the next BESTPRAC meetings.

Summary of discussions during the Interactive Sessions

IS.1: Non-disclosure agreements and essentials of the Grant Agreement and Consortium Agreement

Administrative issues

- When and how to use NDAs:

Objectives of NDA are to avoid competitive proposal being submitted by the same partners, confidentiality, engagement to get involved in case of success.

In some cases it's best to first have an NDA signed and then start talking on the project proposal and its content.

If it's short notice and no NDA is prepared and signed, it should at least be clearly stated in an email that everything related to project preparation is confidential.

The set-up of NDAs is often time-consuming, especially for large consortia; probably partners do not responsive – re-think whether they are really good partners for the project; what if some partners not sign the NDA? What if some partners are involved in more than one consortium for the same call?

Some coordinators/consortia do not require an NDA: during the first preparation meeting and inception meeting, the minutes include the notes of not disclosing the proposal by signing the minutes; based on a "coalition of trust".

NDAs are often only used if industry or patents are involved.

Example: when a researcher decides to coordinate a proposal there is always a start up meeting with PI, administrative/financial advisor and legal advisor including also a discussion on the NDA: Is it a good idea to request a NDA ? The decision depends on different issues of the concrete project proposal. E.g. if you know the partners well mostly it is decided to do no NDA. Sometimes it might depend on the content etc.

- Templates and guidelines:

Use the IPR helpdesk templates and checklists, adapt it to the project, mention the department/lab/research area covered, and specify who has to sign →

For facilitating the setting up of NDAs, BESTPRAC WG3 will develop a checklist.

- Lack of experience with NDA: especially for newly established universities or small universities with a low number of EU projects.

Example: University was coordinating a proposal with 15 partners of which they didn't know 7 partners at all. Some of these new partners requested from the very beginning more detailed information about the proposal. The university was discussing if it is necessary to request a NDA from them but decided to take the risk and to don't request a NDA. Reasons for this were their lack of experience with NDA (how should it look like? How to do it and not offend the partners by requesting a NDA?).

Possible Solutions: Establishment of a EU research support service structure of the university would be useful but depends on the capacities of the university. E.g. a legal advisor/support unit creates an internal template for a NDA (as well as templates for Letter of Intent, Memorandum of Understanding...)

- Inclusion of industry often makes legal discussions more complicated (issues with profits, uses of the "product" and knowledge etc.)
- Given that the negotiation phase is short; it is even more important that in the proposal stage researchers include the administrative, financial and legal officers to cross-check on any issues that might be problematic at the project implementation phase; if the officers are not involved in the pre-award phase there may be problems if the proposal is approved and it turns out that it was weakly planned or produces loss for the institution → because of this the role of research administrators is becoming more and more important in the pre-award phase
- It is proposed that the European Commission should revise again the procedure: Consortium Agreement should be signed before the Grant Agreement is signed. In addition, the CA should be mandatory. For the time being, institutions should establish their internal rules to cope with NDA / CA issues.
- FSIGNS - in some institutions scientists don't understand that they're the ones who have to select the FSIGNS; however in other institutions the centralized research support office does it for them
- Example on pre-proposal procedure of a university: no researcher is allowed to submit a proposal without the permission of the department head. Every researcher wanting to take part in a proposal needs to fill out a template with questions. Financial Unit checks this template and then the department head signs it. This is because the university wants to keep track of all proposals and the department head has responsibility of the budget of the department and some projects might create a financial loss which has to be avoided.

Financial issues

- In an MSC ITN proposal, the coordinator requested the clause in the NDA that 50 % of the management budget has to be transferred to the coordinator in case of a successful proposal.
- Some NDAs include financial clause in case of success when a consultant is involved.

Legal issues

- An NDA means protection of data for the preparation phase and until the project proposal is submitted but the clauses can last for more time (specified in NDA – could be till 5 years) to ensure that the knowledge put forth in the project proposal will not be misused for other projects.
- Usually unilateral or bilateral NDAs are made but in that case partners themselves are not protected – only coordinator is protected – because in the end every partner sees what's in the full project proposal → Best practice is to have enough time and sign a multilateral NDA (although due to time constraints it's sometimes not possible)
- Who is signing the NDA?
Authorised persons for signatures of NDA, MoU, LoI... are usually internally nominated and there are different internal procedures at different universities on what needs to be done before signing a NDA, MoU, GA, CA.
When the NDA is signed by the legal representative of the partner (as institution) then it binds the entire institution; alternatively, in cases when only a researcher signs NDA then it only binds this person to confidentiality and not the entire institution; often the beneficiary restricts himself to a specific research group to overcome the binding of the entire beneficiary
Probably also the research administrators shall also sign the NDA as they are also involved in various project proposals.
- Cases of breach of NDA/breach of confidentiality – no recorded prosecutions related to this.
- Non-competition clauses bind the institution not to participate or make other proposals – it can work in small institutions but not in big universities – the best is to clearly state that this clause refers to “this very specific subject with this particular methodology” so it would enable for participation of the institution in more projects under the same call for proposals
- Example for the procedure of evaluating/negotiating Consortium Agreements at a university: the legal unit compares each CA (where university is not coordinator) to the DESCAs model. If there are differences to the DESCAs model then it is evaluated – what do these changes mean for the university? What could be the consequences? If they are not accepted then the legal unit/department has to negotiate the CA with the project coordinator.
- The DESCAs model is mostly used for setting up a Consortium Agreement; the MCARD model seems to be often used by the industry on communication technology.

IS.2: Personnel costs, time recording and bonus payments

Calculation of personnel costs:

- Calculation differs between countries and institutions using different systems.
- Using of 1720 productive hours (from GA) if there are no national law or internal rules on the productive hours.
- 1720 hours: hourly rate are lower than in the past, at least for Italy, and they need to assure consistency with hours dedicated to the project and registered in timesheet as well as person months in proposal.
- Hourly rate or daily rate? Hourly rate should be based on the last closed financial years ... amendments are needed.
- If there are 13th salary, rewards etc. then you pay remuneration as per Labour Code but recover only the basic salary from the project.
- When extra hours are paid (Slovenia), it's difficult to calculate personnel costs.
- In FP7 some universities took the whole salary (including all remunerations) to calculate the hourly rates, but in H2020 it seems not possible. They are currently trying to work it out.

Time recording:

- No timesheets for people working 100 % on a H2020 project.
But what happens if it is not possible to specify the percentage or time dedicated to a project in the employment contract? The situation really differs from country to country and contracts are the element that one should take into consideration.
- Time recording in some countries is also requested for national funding projects.
- Forms of time-sheets:
Excel-sheets or software-based (such as SYNCHRO from France) that allow administrators to check hours worked on projects, other activities, when people are on holidays etc.
Most universities still use manual time sheets.
Timesheets template with daily hours of every single day has to be submitted on a monthly basis; pre-filled time sheets with all project details, academics and researchers just have to complete the hours
Even if electronic time recording system is used and the professors prefer to have excel-based time-sheets it is accepted as well.
Poland: paper => electronic; UK: electronic; Cyprus: electronic; France: Paper => electronic
- With electronic time-sheets and links to salary costs, problems in H2020 may arise as it is supposed to use the personnel costs of the previous closed financial year.
- In most institution it is the European office that checks if time-sheets complies with the EC rules.

- Time-recording coupled with IPR issues: time-recording system could be coupled with log of research activities which can be useful when it comes to IPR issues.
- Examples on time-recording differences in individual countries:

Currently, there are many different regimes on work attribution in Europe, e.g. 50% teaching, 50% research or e.g. 100% plus 20%. It should be strived for a unique overall attribution of work in universities.

Most institutions have their own time-recording system which is not only used for European projects but also for other projects funded by other sponsors. Those timesheets also record teaching time, annual leave, ...

In Slovenia, Professors are employed 100 % for teaching and have an additional 20 % for research (for a specific project – paid by funding) → as it is not possible to change contracts every months they have a form declaring from which sources their wages are paid; problems with researchers and academics not recording their hours.

In France, researchers refuse to fill in the full time-sheet (all the activity and not only time spent on the European project). No recording of holidays on time-sheets as researchers do not have to declare when they go on holidays

Turkey: IT department had an electronic system which worked at first but had a glitch and then now everything is done manually on excel sheets.

Spain is not requiring timesheets for Horizon 2020 projects

Time-sheets vs. reality:

- It often is very difficult to get permanent staff to keep time sheets. There is a lot of resistance, but at least at some universities the acceptance is gradually growing.
- Research often happens more than 8-10 hours a day and on weekends & holidays → time-sheets should be filled in truthfully but not go over max. working time or “non-working” hours
- Everyone seems to consider researchers are working 8hours a week in the time-sheets, even if the researchers are working more, e.g. on weekends,
- Extra hours do not appear on time sheets.
- It is difficult to get researchers to fill in the forms, as there is no obligation by law
- Recommendations to abolish time sheets. Deliverables are the proof that the work is done. Let researchers sign an assignment to action, to make clear what will be their tasks in the project. This is their commitment.

Bonus payments:

- The bonus rules were meant for motivating new member states to get more involved (due to low salaries) but it actually incurred the opposite because this system simply doesn't work.
- If you start using the bonuses then you have to apply the same rule afterwards in all other activities and projects of the beneficiary
- Bonuses are only claimed when commonly used (for all staff not only for projects).

Excursus – involvement of research administration both in pre- and post award; motivation for project applications

- Example: EU research administration service helps with proposal writing but after granting the proposal there is no involvement of research project administrators. Professors take care of the reporting with assistants.
- Question arises: should there be the same support staff involved in both phases or not? UK: pre-award is a separate support function as post-award; Norway: at least the financial department is involved in both phases.
- Being a coordinator: creating a role for a project administrator for the project who is doing the administrative coordination of the project (e.g. chasing the reporting forms etc.) but who is not in charge of the finances of the own organisation (this project administrator is hired for this. Profile is not clear, often it is a post doc, but there is no distinct profile for this position). When thinking of project life cycle it is preferable to be involved in pre- and post-award phase.
- Personal recognition: There is often lack of appreciation of the work of the research administrators from the Professor-side e.g. they are not involved in post-award phase, not mentioned anywhere, but do most of the administrative work of the proposal writing, don't get additional remuneration when proposal is granted, etc.; other group managers don't want to be mentioned anywhere and don't expect additional remuneration because they consider their salary as sufficient – they are hired to do that.
- How to motivate professors to apply for H2020 calls? Examples: Infodays at university – reimbursement of costs for meetings for proposal writing – help to make it less frightening – provide internal incentives for successful proposal e.g. if a researcher gets a contract e.g. as a partner you get 15% of the Grant as an additional funding, if you are coordinator 25% (from budget of the faculty (operating grants; ministry gives additional budget to university when department gets a EU project).

IS.3: Third parties (including Intellectual Property Rights)

Administrative issues

- Third parties seem to be a specificity of France that runs joint units.
- Italy also experience third parties (clause 10/art 14) but this is quite rare.
- There is no threshold for subcontracting but it shouldn't be the core work
- Dilemma what can be considered as subcontracting – how important that particular work is for the project
- Bad practice – sometimes researchers/partners are paying/receiving double (if they're not involved in task as a partner then they tend to get included as subcontractors)
- Sometimes when talking to researchers who want to include someone as subcontractor it turns out that this institution can become a partner (which then simplifies from the costs point and ensures overheads)
- It is a critical issue in H2020. EC doesn't allow you to mix up different organisations – it is about their control of who is beneficiary. For many of our group third parties are not that relevant – no experience with third parties. Linked third parties are usually e.g. spin-offs, hospitals, institutional arrangements...

Financial issues

- Other costs – including fee for key note speakers for conference organised within the project (if you want to use their presentation to upload for example on the website then you have to consider and include IPR issues in the contract with the speakers as well)
- Form C of third parties is sole responsibility of beneficiary
- Public procurement for subcontracting – difficult and it gets costly because of higher costs (profits included and market prices) plus VAT costs which are not eligible
- Some institutions used sub-contractors for the purchase of goods and services. Some institutions prefer to use third parties which they include under personnel costs.

Legal issues

- Third party – transferring of what you are responsibilities to third party as well
- FSIGNS for third parties are to be signed by the beneficiary in the electronic system but the original should be printed out and countersigned by the third party as well and kept in the archive for the audit purposes

- How to deal with transfer office companies/companies dealing with IPR transfer and exploitation issues – including them as third parties to “transfer results” – not as partners (IPR issues)
- Concept of ‘Third Party’ is not very clear in H2020- ordinary vs linked third party? For ‘ordinary’ third party- will they be required to complete timesheets?
- IPR and third parties: Two researchers from two different universities (not linked): How does the patent agreement look like: joint invention? Who contributed? If only one researcher contributed then he is owner of patent. But IPR with third parties – if third parties bring a patent idea according to EU it is owned by the project partner, not by the third party. IPR with third parties: foreground + background is relevant; if it comes to commercialisation it goes to the Technology Transfer Office of the example university.
- Issues with third parties that should be checked and sometimes formalized with a contract between the beneficiary and third party: IP, times-sheets, CFS
- Consortium Agreement and third parties: When you have a third party in the consortium, some do you add some text about the Third Party in CA. You have to add it to the GA (Annex 1): e.g. in individual beneficiary description; adding a clause to the CA on IPR can be useful. Example: in one project there was a joint research institute in France as a partner. This clause was saying that all beneficiaries are aware of this cooperation of this third party and that the beneficiary represents the interest of the third party (beneficiary is then owner of IPR and it gets royalties even if the third party is the inventor).

Joint legal/financial checklist: A possible output of COST BESTPRAC could be a joint legal/financial checklist for dealing with/handling third parties: when is it necessary? When is it a linked third party? Is work carried out on university or third party premises or not? Are they aware that they include third parties?

Finally, parallel meetings of the three Working Groups of BESTPRAC: WG1-Admin, WG2-Finance, and WG3-Legal took place.

Summary of WG1-meeting

During the BESTPRAC meeting in Ljubljana, WG1 discussed the following topics:

- Non-disclosure agreements and essentials of the Grant Agreement and Consortium Agreement (together with WG2 and WG3)
- Personnel costs, time recording and bonus payments (together with WG2 and WG3)
- Third parties (together with WG2 and WG3)
- Horizon 2020 experiences in application writing, grant agreement preparation and project execution

Furthermore, a communication workshop was given.

The interactive sessions with WG2 and WG3 were well appreciated. It has provided the WG1 members with novel insights on topics of mutual interest by considering the experiences and point of view of their financial and legal colleagues. WG1 prefers to continue this interactive format integrating all three WGs in the upcoming BESTPRAC meetings.

During the Horizon 2020 session, a total of 13 attendants shared their current experiences in application writing and grant agreement preparation. The overall feeling is that due to the fierce competition scientists should be advised to apply only if their project plan fits the scope and expected impact of the call and if the consortium is well-qualified. Impact issues such as a proper dissemination, exploitation and communication plan can make the difference in calls with a high oversubscription rate. This is asking for a new level of support from administrators involved in the pre-award phase. Experiences so far with grant agreement preparation show that this process as yet has not become easier. IT issues with the Participant Portal have been delaying the preparation of the contract. Scientists still consider this process as a significant administrative burden. It appeared that at this moment management of ongoing Horizon 2020 projects is still in a preliminary stage and experiences are not available yet. Since the exchange of best practices and expertise is well appreciated in WG1, the Horizon 2020 session will be repeated at the next WG1 meeting with a focus on the post-award administration and management of projects.

As a result of the need for training on communication identified at the previous WG1 meetings, a 2 hour workshop titled "Everyday Communication at the Workplace - Challenges, Obstacles, and Efficiency" was given by WG1 member Marijana Dimitrova (University Goce Delcev- Stip, FYR Macedonia). During this workshop, the basic principles of good communication (including the 7 C's: clear, concise, concrete, correct, coherent, complete and courteous) were first outlined. This was followed by 4 role-playing cases, in which real communication obstacles from daily work were

played by a total of 8 attendants. The audience provided valuable feedback on how to improve communication tools and skills. Next, another 3 cases from daily practice brought in by WG1 members were discussed in groups followed by a plenary evaluation of and feedback on these cases. Attendants interested to further improve their communication skills can do so via the upcoming training school scheduled in May 2015 in Nurnberg, Germany.

Finally, topics for the next WG1 meeting were identified, namely:

- Tasks and competences of an administrator during the project life cycle (as a follow-up of the previous WG1 meetings and to work towards a BESTPRAC Handbook on research administration)
- Horizon 2020 experiences – part 2
- Human Resources (including career development and the Marie Skłodowska Curie programme)

Next to these, issues of interest for Early Stage Administrators will be explored via a survey.

Summary of WG2-meeting

During the BESTPRAC meeting in Ljubljana, 27 WG2 members chaired by Per Inge Andresen (Norwegian University of Science and Technology, NO) discussed the following topics :

Day 1: Interactive Session of WG1/WG2/WG3

- Non-disclosure agreements and essentials of the Grant Agreement and Consortium Agreement (together with WG1 and WG3)
- Personnel costs, time recording and bonus payments (together with WG1 and WG3)
- Third parties (together with WG1 and WG3)

Day 1 and 2 : Interactive Session of WG2

- Major difficulties in managing Horizon 2020 projects Horizon 2020 :
- Use of Overheads: Results of internal questionnaire – Cristina Velasco (University Carlos III de Madrid ES), Maddalena Tognola, (University of Bern, CH)
- Direct/Indirect Costs – Dirk De Craemer (Ghent University, BE)
- Research infrastructure costs: From indirect to direct costs? Per Inge Andresen (Norwegian University of Science and Technology, NO)
- Personnel Costs – Geraldine Leonard (Université d'Orléans, FR)
- Audit of VII Framework Projects by European Commission – Staska Mrak Jamnik (University of Ljubljana, SI) – Jonne Ritari (University of Turku, FI)
- Managing European Projects: Financial Guidelines based on BESTPRAC members' experience:– Per Inge Andresen (Norwegian University of Science and Technology, NO)

The interactive sessions with WG1 and WG2 were well appreciated. It has provided the WG2 members with novel insights on topics of mutual interest by considering the experiences and point of view of their administrative and legal colleagues. WG2 prefers to continue this interactive format integrating all three WGs in the upcoming BESTPRAC meetings .

During Interactive WG2 session on major difficulties in managing Horizon 2020 projects, the different topics were discussed and analysed with the active participation of the WG2 members with following major results/conclusions:

Use of Overheads: Results of internal questionnaire Cristina Velasco (University Carlos III de Madrid, ES) and Maddalena Tognola, (University of Bern, CH) presented and discussed the results of the questionnaire and decided to ask the other WGs if they want to participate in order to better understand how to cover indirect costs throughout overheads in H2020.

Direct/Indirect Costs Dirk De Craemer (Ghent University, BE) discussed with the WG2 best practices in justifying research related costs that do not always have a direct link to specific research activities mentioned in EU-funded (and other) research projects

Research infrastructure costs: From indirect to direct costs? Per Inge Andresen (Norwegian University of Science and Technology, NO), presented the difference between large research infrastructures (and the unique model for H2020, defined by the EC) and the SMRIs – Small and Medium-sized Research Infrastructures within the “The Norwegian Research Infrastructure Resource Model” and deeply discussed with the WG 2 participants the opportunity of an EC unit cost model for smaller infrastructures.

Personnel Costs Geraldine Leonard (Université d'Orléans, FR) presented the different issues related to personnel cost calculation in H2020 (time sheets, productive time, new calculation on the basis of the last closed financial year) in order to collect information and best practice throughout a questionnaire to be distributed before the next WG2 meeting.

Audit of VII Framework Projects by European Commission Staska Mrak Jamnik (University of Ljubljana, SI) and Jonne Ritari (University of Turku, FI) discussed with two different presentation best practice, experiences and procedures to avoid the most frequent errors in managing FP projects and gave suggestions for the best way to manage EC audits.

Managing European Projects: Financial Guidelines based on BESTPRAC members' experience Per Inge Andresen (Norwegian University of Science and Technology, NO) analysed with the WG2 the opportunity to produce a “Guide to Best Practice” in Financial Management to collect and fix all WG2 contributions on best practices, suggestions and analyses. The participant agreed on the following draft content and 13 participants volunteered for writing the different chapter of a version 1.0 as specified:

- 1 Introduction
- 2 Legal framework
 - 2.1 Grant Agreements
 - 2.2 Consortium Agreements
- 3 Eligible and ineligible costs
 - 3.1 Direct costs
 - 3.1.1. Introduction
 - 3.1.2 Personnel Costs
 - 3.1.3 Questionnaire on Personnel Costs
 - 3.1.4 Third Parties
 - 3.1.5 Consumables Costs
 - 3.1.6 VAT (value added tax)
 - 3.2 Indirect costs
 - 3.3 Specific cost categories: Infrastructure Costs
- 7 Audit
 - 7.1 Financial audit of FPVII projects
 - 7.2 Audit of ERC Grants

For the following chapters 4-6 WG2 of version 2.0 participants decided to send contributions /suggestions to the WG2 Chair Vanessa Ravagni in the next weeks:

- 4 Budgeting
 - 4.1 Budgeting for the proposal stage
 - 4.2 Budgeting setup in internal systems for the implementation stage
 - 4.3 Budget reallocations
- 5 Follow - up of actual costs and effort vs. budget (to be included in version 2.0)
 - 5.1 Follow - up at the partner/beneficiary level
 - 5.2 Follow - up at the consortium level
- 6 Reporting
 - 6.1 Internal reporting at the partner/beneficiary level
 - 6.2 Internal reporting at the consortium level
 - 6.3 Reporting to the EU

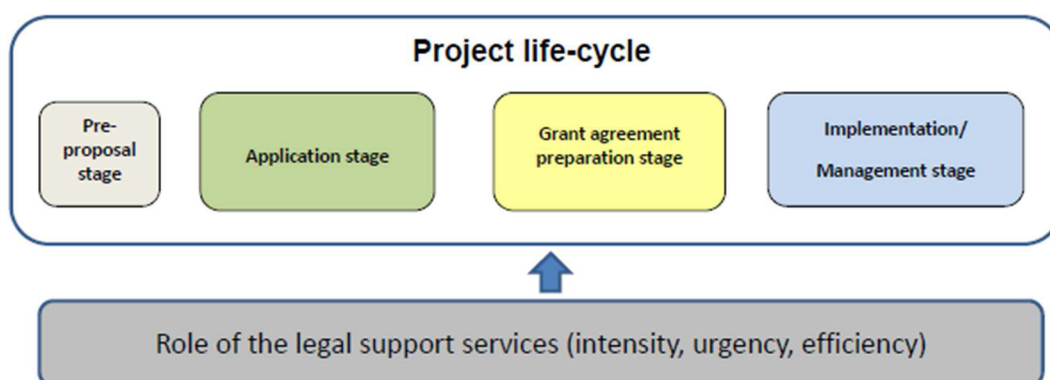
At the end of the Workshop, WG2 decided following actions, volunteers and deadlines:

- Distribution of presentation of survey on personnel costs, Requesting feedback/comments
 - Jaco de Graaf (Leiden University Medical Center, NL)
- Distribution of updated, brief survey on indirect costs (overheads) for H2020
 - Cristina Velasco (University Carlos III de Madrid, ES), Maddalena Tognola, (University of Bern, CH)
- Distribution of brief survey on productive hours
 - Geraldine Leonard (Université d'Orléans, FR) and Sonja Alles, (University of Hannover, DE)

- “Guide to Best Practice – Financial Issues” according following timelines:
 - 1 April 2015 : Sections of chapters 4 - 6 defined
 - 1 May 2015: Authors assigned to chapters 4 - 6
 - 1 May 2015 : Version 1.0 finalized
 - 1 July 2015 : First draft of version 2.0
 - 1 September 2015 : Deadline for comments to v.2.0 draft
 - 14 September 2015 : V. 2.0 presented at BESTPRAC meeting

Summary of WG3-meeting

At the BESTPRAC Ljubljana meeting the WG3 members continued analysing and discussing legal aspects of participation of beneficiaries in the EU research programmes taking into consideration different stages of the research project life-cycle as well as the the need of involvement of the legal support services at each stage in terms of the intensity, urgency, efficiency as presented on the graph below:



An important added value of the WG3 meetings are exchange of experiences and best practices between the WG3 members contributing to development of common tools such as templates, check- lists, guidelines and recommendations. The main goal is helping to provide legal support to the institutions by its services involved in the EU research programmes. The WG3 deliverables should be particularly useful also to the research liaison officers without legal background from WG1 and WG2 dealing with legal issues on a daily basis.

DAY 1- March 5th

1. WG3.IS.1-3

Members contributed to the joint (WG1/WG2/WG3) Interactive Sessions concerning legal aspect of the following issues:

- Non-Disclosure Agreements and essentials of the Model Grant Agreement and Consortium Agreement – IS. 1, Niina Mikkonen (Aalto University, FI),
- Personnel costs, timesheets and bonus payments (the legal framework, definitions & eligibility, burden of proof and the consequences of non-

- compliance) – IS.2, Diana Pustuła (University of Warsaw, PL);
- Third parties including IPR issues – IS. 3, Olof Vigdis Ragnardottir (University of Iceland, IS)/ Donata Franzi (Università di Modena e Reggio Emilia, IT)/ Loreta Staskuniene (Klaipeda University, LT).

All presentations were followed by three 45 minutes discussions in the groups consisting of the members of all WGs.

The idea of joint interactive sessions involving members of WG1, WG2 and WG3 has been considered by the WG Legal members as positive and valuable experience allowing to exchange point of views on the same research project-related cross-cutting issues from legal, financial and administrative perspectives. It provides better understanding of different aspects of participation in the research programmes, the role of different services at the institutions involved in those programmes, the need of cooperation between them at the institutional, national and international level for the sake of providing better legal, financial and administrative support for the researchers from the project proposals to the last payment.

Follow-up: The WG3 recommendation is to integrate the joint interactive sessions into the next BESTPRAC meeting agenda and to make it a usual practice.

2. WG3.1A

There were briefly presented results based on the tasks subject to previous meetings including updated statistics on the profile of the legal supporting services officers dealing with the EU research programmes (results based on the „quick survey” distributed among the WG3 participants, continuously updated before each WG3 meeting), updated/new deliverables such as check-lists, templates, guides, recommendations and useful tips etc. to be used at different research project life- cycle related to Non-Disclosure Agreements (pre-proposal stage), legal issues included in the proposals (proposal stage), Consortium Agreements (grant agreement preparation stage). The WG3 members involved were the the Bratislava Tasks (Co)Leaders: Carmen Gasco (Universidad Politécnica de Madrid, ES), Niina Mikkonen (Aalto University, FI), Chelo Moran (Carlos III University of Madrid, ES) and Diana Pustula (University of Warsaw, PL – results prepared in cooperation with Sarah Dello (Ghent University, BE and upon feedback received from the WG3 members before and during the BESTPRAC Bratislava meeting).

Follow-up: Since there is some rotation among the WG3 members during the meetings also the WG3 Ljubljana participants have been asked to provide their inputs in form of comments on the final drafts of the check-list, guides, recommendation papers etc. generated so far (to be put on the google-drive by the WG3 leader to be assisted by the task leaders with collecting, selecting and integrating comments into the provided documents) before circulating them among the WG1 and WG3 members for their feedback and making final BESTPRAC WG3 deliverables.

3. WG3.1B

Analysis of the **legal scope of declarations** being signed by the legal representatives of the institutions participating in the H2020 Actions – declarations included in the project proposal standard forms and the declarations signed at the Grant Agreement preparation stage.

The task objective was to analyse the legal documents in question in detail looking for potential liabilities for the beneficiaries resulting from signing them and to discuss what kind of measures should be taken to assure compliance of the H2020 participating institutions with all formal requirements both at the proposal and GA preparation stages.

In depth analysis of the documents in question were done and presented successfully at the meeting by the 1B task leaders:

a. Proposal preparation stage (proposal preparation forms) - coordinator's liability under declarations made on behalf of the whole consortium, Carmen Gasco (Universidad Politécnica de Madrid, ES).

An integral part of this task was preparation, distribution and collecting feedback in form of an on-line questionnaire made available to the WG3 members from 26/2/2015 to 3/03/2015 concerning signing of the declaration of conformity by their institutions while playing a role of a project consortium partner and/or requesting the signature of such declaration by the project consortium partners while playing a role of a project coordinator. The WG3 members were also asked about other measures used helping coordinators to assure compliance with the programme requirements at the proposal stage in absence of the declaration of conformity.

Support for preparation, distribution and collecting feedback in form of an on-line questionnaire from the WG3 members (13 institutions from 11 countries) was provided by the WG3 leader.

Analysis of the questionnaire results were provided and presented by the task 1B leader.

b. Grant Agreement preparation stage – declaration of honour and selected GA provisions, Carla Mazuheli-Chibidziura (The Institute of Science and Technology Austria, AT)

An in-depth analysis of the declaration of honour and the selected GA provisions was done by the task leader in relation to their structure and legal content in the context of the provisions found to be most complex/difficult to understand or follow and, therefore, potentially perceived as “tricky” by the signatory parties. All reference documents indicated in the declaration of honour footnotes were taken into consideration and presented to the WG3 members along with the main document content.

The main objective of the 1B task (part a. and b.) was to become familiar with the details of the discussed documents and the legal consequences resulting from their signing.

Follow-up: Opportunity to share this knowledge by the WG3 members within

their institutions, regions and countries generating a knowledge multiplication effect. The presentations prepared are the **useful tools** for the future “**train the trainers**” events run by the WG3 members.

DAY 2 – March 6th

WG3.2: Electronic signature in Horizon 2020, Ludivine Bonadei (Université Toulouse III - Paul Sabatier, FR) / Carla Mazuheli-Chibidziura (The Institute Of Science And Technology Austria, AT) / Chelo Moran (Carlos III University of Madrid, ES)

Two main aspects of the electronic signature in the context of the programme Horizon 2020 were taken into consideration. There have been analysed, presented and discussed the institutional implementation and status/validity of the “electronic signature” of the LSIGN/FSIGN in different countries - case studies.

Implementation of the electronic signature in different institutions included, *inter alia*,

- conditions of the electronic signature in H2020,
- documents signed with the electronic signature in H2020 projects,
- implementation of the electronic signature by different institutions – sharing experience and exchanging best practices - case studies of France, Spain, Austria presented during the meeting;

Follow-up: Inputs from other WG3 members will be requested in form of feedback on the discussed subject. To this end a questionnaire will be distributed and feedback collected by the task co-leaders in order to present the questionnaire results at the next WG3 meeting in September.

Status/Validity of the electronic signature in H2020

In order discuss the status/validity of the electronic signature between the European Commission, representing the EU, and the beneficiaries and between the beneficiaries and third parties in the H2020, the relevant EU legislation including European Directive n°99-93 of 13 December 1999 and the Rules of Participation (including the concept of the “chain of trust” introduced by the European Commission and involving the roles of the Participant Portal’s users with particular attention to the roles of the LEAR, LSIGN and FSIGN, PaCo and CoCo in the electronic signature process) in H2020 were analysed and presented to the WG3 members.

The main result was better understanding of the H2020 electronic signature concept, its legal basis and effects, by the WG3 members presents at the meeting.

Follow-up (task 2both parts): Opportunity to share this knowledge by the WG3 members within their institutions, regions and countries generating a knowledge multiplication effect. The presentations prepared are the **useful tools** for the future “**train the trainers**” events run by the WG3 members.

Topics for the next Autumn WG3 meeting:

The WG3 members present at the Ljubljana meeting agreed to prepare inputs for the tasks planned concerning in-depth analysis of IPR issues in H2020 (including third parties) based on Rules of Participation, Model Grant Agreements and model Consortium Agreement (DESCA).

Subjects to detailed analysis:

- definitions concerning IPR (including differences between IPR in FP7 and H2020) including Knowledge, Access Rights of the beneficiaries, third parties and the European Commission to background/results,
- obligation to disseminate project results vs. obligation to protect,
- publications and open access will be explored as separate topics,
- Access Rights, rules of exploitation of project results during and after project end, and
- transfer of the IPR resulted from the project – limitations
- depending on time availability, the following additional topic has been proposed: the procedural part of applying for HR Excellence in Research + case studies from the institutions which obtained the logo already or being in the process of application for it are welcome to be presented

Some WG3 members have already expressed their interest to take up a role of task leaders volunteering to prepare the presentations and contribute to the WG3 final deliverables. The WG3 leader and the task leaders will frame the content of each presentation to make them complementary.

Since issues concerning dissemination/exploitation of project results, including publications, open access and data management should be interesting to all WGs the WG3 members recommend to make those issues subject to **joint interactive sessions and to invite an expert** on those topics presenting at the plenary session.

The WG3 members' ideas for topics consider interesting for the next 2 years extension of the BESTPRAC TN, if granted, taking into consideration the fact that most of important legal issues of H2020 will be covered by the end of the next WG3 meeting in Budapest:

- Some last things concerning H2020 could be comments and recommendations for the European Commission concerning the existing regulations on different aspect of implementation of H2020 projects calling for reconsideration/change – based on so far experience of the beneficiaries;
- European Charter and Code - scope of institutional obligations and implementation measures
 - case studies – towards HR Excellence in Research logo: <http://ec.europa.eu/euraxess/index.cfm/rights/whatIsAResearcher>,
- The European Code of Conduct for Research Integrity by ESF (the European Commission refers to in the H2020 declarations):



http://www.esf.org/fileadmin/Public_documents/Publications/Code_Conduct_ResearchIntegrity.pdf+ case studies,

- Other EU programmes run by different DG in the European Commission,
- EC procurement-based research contracts,
- Best practice to risk management (legal/financial/administrative aspects),
- Exploitation and Business plans,

Ethics checks of European research proposal with the analysis of cases studies and their implementation and demands from EC at the post-award phase.

BESTPRAC WG1/WG2/WG3 Meeting

Programme

March 5-6, 2015

University of Ljubljana, Ljubljana, Slovenia

Please note that registration and all sessions will take place at the University of Ljubljana which is in 4 mins. walking distance from Hotel Slon.

Thursday, March 5, 2015

09:00 **Welcome address** by the Vice-Rector for Research and Development of the University of Ljubljana, Prof. Martin Čopič

09:05 **Welcome address & brief introduction of BESTPRAC** (Jan Andersen, Chair)

Introduction to WG1 / WG2 / WG3

(Ellen Schenk, WG1-Leader / Per Inge Andresen, substitute of WG2-Leader / Diana Pustula, WG3-Leader)

(in plenum – room Zbornična dvorana)

09:30 **Interactive Session (IS) of WG1/WG2/WG3** *(in plenum – room Zbornična dvorana)*

The interactive session will focus on topics of joint interest of all three WGs. The session will start with a 15 min. presentation (5 min. for each WG) on the administrative/financial/legal point of views of the topic to be discussed. It will be followed by a 45 min. discussion group discussion.

IS.1: Non-disclosure agreements and essentials of the Grant Agreement and Consortium Agreement

WG1: Alma Erenstein (Hanzehogeschool Groningen, NL) - *Non-disclosure agreements*

WG2: Per Inge Andresen (Norwegian University of Science and Technology, NO) - *Essentials of the Grant Agreement and Consortium Agreement*

WG3: Niina Mikkonen (Aalto University, FI) - *Non-disclosure agreements, essentials of the Grant Agreement and Consortium Agreement*

10:30 Coffee break

11:00 **IS.2: Personnel costs, time recording and bonus payments**

WG1: Nathalie Queffelec (Université de Bretagne Occidentale, FR) / Sandra Mereu (Université Paris 1 Panthéon-Sorbonne, FR) - *Personnel costs, time recording and bonus in France*

WG2: Jaco de Graaf (Leids Universitair Medisch Centrum, NL) / Caroline Luneaut (iMinds, BE) - *Survey on personnel costs in H2020*

WG3: Diana Pustula (University of Warsaw, PL), *Personnel costs – the legal framework, definitions & eligibility, burden of proof and the consequences of non-compliance*

12:00 Lunch at Hotel Slon

14:00 **IS.3: Third parties (including Intellectual Property Rights)**

WG1: Aurélie Uchard (Université François-Rabelais, FR) - *Third parties making resources available to the beneficiary & electronic signature for third parties*

WG2: Per Inge Andresen (Norwegian University of Science and Technology, NO) - *Third parties making personnel available to the beneficiary*

WG3: Olof Vigdis Ragnardsdottir (University of Iceland, IS)/ Donata Franzi (Università di Modena e Reggio Emilia, IT)/ Loreta Staskuniene (Klaipeda University, LT)

15:00 Coffee break

15:30 **WG1/WG2/WG3-meeting** (*in parallel*)

WG1.1: Interactive WG1 session on Horizon 2020 experiences in application writing, grant agreement preparation and project execution (*room Zbornična dvorana*)

As the sharing of best practices and experiences has been well appreciated by the WG1 attendants, this format will be continued. Since a substantial number of applications has been submitted and the first Horizon 2020 contracts are now running, there will already be substantial Horizon 2020 experience available in our WG that is of interest to share with the whole group.

15:30 **Application Writing**

Stijn Delauré (KU Leuven, BE)
Joanna Kartasiewicz (Kozminski University, PL)
Nik Claesen (Free University Brussels, BE)
Ellen Schenk (Erasmus MC, NL)

16:00 **Grant Agreement Preparation**

Anne Katrin Werenskiold (MPI Biochemistry, DE)
Eveliina Klemola (Aalto University, FI)
Nathalie Queffelec (Université de Bretagne Occidentale, FR)
Véronique Victor (Ghent University, BE)

16:30 **Project Execution**

Aivar Auväart (Tallin University of Technology, EE)
Sonja Kokkonen (Tampere University of Technology, FI)
Morana Jarec (Institute for Anthropological Research, HR)
Eva Kremshuber (University of Applied Sciences Upper Austria, AU)
Saskia Vanden Broeck (Ghent University, BE)

17:00 **Open discussion**

17:15 **Topics for the next WG1 meeting**

19:00 Dinner at Hotel Slon

WG2.1: Interactive WG2 session on Horizon 2020 experiences on major difficulties in managing Horizon 2020 projects (room Hribarjeva dvorana)

Throughout the sharing of best practice and experiences, during the 3rd WG2 meeting we will continue the analysis of the major difficulties in managing H2020 projects with focus on the eligibility criteria for direct costs in relation to the "most common errors" and the use of overheads in different institutions and countries.

- 15:30 **Introduction**
Per Inge Andresen (Norwegian University of Science and Technology, NO)
- 15:40 **Direct/Indirect Costs**
Dirk De Craemer (Ghent University, BE)
- 16:10 **Personnel Costs**
Geraldine Leonard (Université d'Orléans, FR)
- 16:40 **Use of Overheads: results of internal questionnaire**
Cristina Velasco (University of Madrid Carlos, ES)
Maddalena Tognola, (University of Bern, CH)
- 17:10 **Open Discussion**
- 19:00 Dinner at Hotel Slon

WG3.1: Presentation of the final results of the tasks from the previous WG3 meetings and the legal scope of declarations signed by the legal representatives (room Soba rektorjev)

15:30 WG3.1A: presentation of the final results of the tasks from the previous meetings

There will be presented new deliverables generated on the basis of the previous WG3 meetings such as check-lists, templates, guides, recommendations and useful tips etc. concerning NDAs, CA, legal issues in the proposals, and updated statistics on the profile of the legal supporting services officers dealing with the EU research programmes, by the Bratislava Tasks (Co)Leaders (Carmen Gasco (Universidad Politécnica de Madrid, ES), Niina Mikkonen (Aalto University, FI), Chelo Moran (Carlos III University of Madrid, ES) and Diana Pustula (University of Warsaw, PL – results prepared in cooperation with Sarah Dello (Ghent University, BE) upon feedback from the WG3 members.

16:00 WG3.1B: legal scope of declarations to be signed by the legal representatives

We will analyse the legal scope of declarations to be signed by the legal representatives in order to look for potential liabilities and discuss what measures the coordinator should take to comply with all formal requirements at the proposal and GA preparation stage:

a. at the proposal preparation stage (proposal preparation forms) in particular coordinator's liability – declarations made on behalf of the whole consortium

Carmen Gasco (Universidad Politécnica de Madrid, ES)

b. at the GA preparation stage – declaration of honour and selected GA provisions

Carla Mazuheli-Chibidziura (The Institute of Science and Technology Austria, AT)

- followed by discussion, sharing experience and best practices in the WG

19:00 Dinner at Hotel Slon

Friday, March 6, 2015

09:00 **WG1/WG2/WG3-meeting** (*in parallel*)

WG1.2: Workshop "Everyday Communication at the Workplace - Challenges, Obstacles, and Efficiency" (*room Zbornična dvorana*)

Marijana Kroteva (University Goce Delcev- Stip, FYR Macedonia)

09:00 **The communication process**

09:10 **Interpersonal communication**

09:25 **Common barriers to effective communication**

09:35 **Role-playing on communication barriers experienced by WG1 attendants**

Role-play cases presented by:

- Andri Charalambous and Despoina Xenikaki
- Veronika Csapo and Eveliina Klemola
- Elina Humala and Agnieszka Brzękowska
- Eva Kremshuber and Jan Andersen

10:15 **Group activity on communication issues**

- case 1: communication barriers-inconsistency
- case 2: communication barriers- problem management
- case 3: communication barriers- internal coordination

10.45 **Report on group activity**

10:55 **Closing discussion**

11:00 Coffee break

WG2.2: Interactive WG2 session on Direct vs Indirect Costs in Horizon 2020: Financial Guidelines based on BESTPRAC members' experience (room Hribarjeva dvorana)

The single rate for the calculation of indirect costs has having an impact on the maintenance of large research infrastructure. Throughout discussion of best practices we will analyse the feasibility of a procedure for "optimization of indirect cost". Furthermore we will analyse and share the experience of WG2 members during financial audit procedures in order to share experience and best practices in the financial management of projects.

- 09:00 **Large Infrastructures- case study**
Per Inge Andresen (Norwegian University of Science and Technology, NO)
- 09:30 **Audit of VII Framework Projects by European Commission**
Jonne Ritari (University of Turku, FI)
Staska Mrak Jamnik (University of Ljubljana, SI)
- 10:00 **Managing European Project: Financial Guidelines based on BESTPRAC members' experience: open discussion and next steps**
Per Inge Andresen (Norwegian University of Science and Technology, NO)
- 11:00 Coffee break

WG3.2: electronic signature (room Soba rektorjev)

We will discuss the institutional implementation and status/validity of the "electronic signature" of the LSIGN/FSIGN in different countries

- 09:00 **Implementation of the electronic signature in our institutions** including:
conditions of the electronic signature in H2020, documents concerned by electronic signature in H2020 projects, implementation by different institutions (case studies during the meeting: France, Spain, Austria; Inputs of other WG3 members will be requested (questionnaire will be distributed))
- 10:00 **Status/Validity of the electronic signature in H2020**
To this end we will have a closer look at the EU legislation (European Directive n°99-93 of 13 December 1999), Validity of the electronic signature in H2020 (between the EC and the beneficiaries; between the beneficiaries and third parties)

Ludivine Bonadei (Université Toulouse III - Paul Sabatier, FR) / Carla Mazuheli-Chibidziura (The Institute Of Science And Technology Austria, AT) / Chelo Moran (Carlos III University of Madrid, ES)

Summing up and collecting topics of interest to the WG3 for the next meeting.
- 11:00 Coffee break
- 11:30 **Presentation & discussion on ethics checks of European research proposal** (presentation by Isidoros KARATZAS, Head of Sector Ethics and Research Integrity, European Commission) (*in plenum – room Zbornična dvorana*)
- 13:30 **Summing-up session of all working groups** (*in plenum – room Zbornična dvorana*)
- 14:00 End of meeting & lunch at Hotel Slon