



WG3 (LEGAL)

“Alone at the grant office” - Survival Kits – LEGAL – PARTS 1-3

INTRODUCTION by Diana Pustuła, WG3 Leader

What for?

To offer a helping hand

To whom?

**ESAs, without legal background and
with no/little legal support,
usually alone at the grant office**



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How?

- By **raising awareness** to consider some **legal issues** already at the **pre-proposal** and **proposal stage** and ...
 - ...keep you out of troubles :)
- By **sharing knowledge** and **experience** of the **WG3** members,
 - and by exchanging **best practices** within the cooperation between the Bestprac WGs in form of **guides, recommendations and check-lists**



“Alone at the grant office” - Survival Kit – LEGAL - PART 1

Checklist and tips for a Non-Disclosure Agreement for Horizon 2020 Actions

Niina Mikkonen, Aalto University, FI



“Alone at the grant office” - Survival Kit – LEGAL - PART 2

Checklist and recommendations for legal issues in the proposals for Horizon 2020 Actions

Carmen GASCO, UPM, ES

Presented by Diana Pusuła, UW, PL



Question

Have you ever considered involving a lawyer
in proposal writing/check before submission?

No?

This is why, we think, you should :)

Application stage- Template

1. Excellence

- 1.1 Objectives
- 1.2 Relation to the work programme
- 1.3 Concept and approach quality of the coordination and support measures

2. Impact

- 2.1 Expected impacts
- 2.2 Measures to maximise impact
 - a) Dissemination and exploitation of results
 - b) Communication activities

3. Implementation

- 3.1 Work plan — Work packages, deliverables and milestones
- 3.2 Management structure and procedures
- 3.3 Consortium as a whole
- 3.4 Resources to be committed

4. Members of the consortium

- 4.1 Participants (applicants)- description of the legal entity
- 4.2 Third parties involved in the project

5. Ethics and Security

- 5.1 Ethics
- 5.2 Security

Application stage

1. Excellence

1.1 Objectives

- Clear, measurable, realistic and achievable
- Consistent with the expected exploitation and impact

1.2 Relation to the work programme

- Explain how the proposal relates to the work programme & topic

1.3 Concept and approach (*quality of the coordination and support measures*)

- Overall concept underpinning the project
- Main ideas, models, assumptions involved
- Transdisciplinary considerations
- Form the idea to the applications/ from the lab to the market
- Technology Readiness levels
- Describe national or international research and innovation activities related
- Overall approach, methodology, etc.
- Gender issues taken into account in the projects content (from the excellence view)

1.4 Ambition

- The advance the proposal would provide beyond the state-of-the-art,
- the extent the proposed is ambitious

Application stage

2. Impact

2.1 Expected impacts

- Set out in the work program, under the relevant topic
- Improving innovation capacity and strengthening the competitiveness and growth
- Meeting the needs of European Union by delivering such innovations to the market
- Include economic, environmental and social important impacts
- Describe barriers, framework conditions, regulations and contributions to standards

2.2 Measures to maximise impact

a) Dissemination and exploitation of results

- Identify expected exploitable results & potential users and uses
- Plan for the dissemination and exploitation of the project's results & Business plan
- Path to deliver the innovations to the market
- Management of the research data generated and/or collected during the project
- Strategy for knowledge management and protection
- Provide open access measures to peer-reviewed scientific publications
- IPR management of project results (protection, use and exploitation of results)

b) Communication activities

- Communication plan (strategy, types of actions, concrete, realistic, include budget)
- Measures for promoting the project findings (various audiences and public engagement)



Application stage

Question

What comes first?

Obligation to disseminate and exploit?
Or to protect?

What about the confidentiality
obligation?

Contradiction in terms or happy
co-existence?



Application stage

3. Implementation

3.1 Work plan — Work packages, deliverables and milestones

- One WP for each horizontal activity
(Management/Exploitation&Dissemination/Communication/ Innovation)
- WP interdependences : Pert diagram
- Gantt chart

3.2 Management structure and procedures

- Organisational structure and decision-making (mechanisms appropriated)
- **Governance** diagram & Consortium bodies (duties, responsibilities, **voting rules**)
- Innovation management (understanding market & technical problems, creative ideas)
- Risks related to project implementation & mitigation measures (contingency plan)

3.3 Consortium as a whole

- Describe project consortium. Complementarities. Contribution to the project.
- **Industrial/commercial involvement to ensure exploitation results**
- Other countries: the participation of the entity is essential to carrying out the project

3.4 Resources to be committed

- Number of person/months , other direct costs, distribution of efforts
- Budget: to assure the fulfilment of the project, adequacy



Application stage

4. Members of the consortium

4.1 Participants (applicants)- description of the legal entity

- Description of the legal entity and its main tasks, to match the tasks in the proposal
- Key persons: CV/Profile, gender, responsible for research and innovation activities
- 5 relevant publications, and/or products, services relevant to the call content
- 5 relevant previous projects or activities, connected to the proposal
- Description of any significant infrastructure and equipment

4.2 Third parties involved in the project

Does the participant plan to subcontract certain tasks (please note that core tasks of the project should not be sub-contracted)	Y/N
<i>If yes, please describe and justify the tasks to be subcontracted</i>	
Does the participant envisage that part of its work is performed by linked third parties	Y/N
<i>If yes, please describe the third party, the link of the participant to the third party, and describe and justify the foreseen tasks to be performed by the third party</i>	
Does the participant envisage the use of contributions in kind provided by third parties (Articles 11 and 12 of the General Model Grant Agreement)	Y/N
<i>If yes, please describe the third party and their contributions</i>	



Application stage

5. Ethics and Security

5.1 Ethics

- Check ethics issues in the ethical issue table in Part A

- **Ethics self-assessment:**

Proposal meets the national legal and ethical requirements of the country or countries where the tasks raising ethical issues are to be carried out:

- Explains how you intend to address the issues in the ethical issues table: research objectives (e.g. study of vulnerable populations, dual use, etc.); research methodology (e.g. clinical trials, involvement of children and related consent procedures, protection of any data collected, etc.); the potential impact of the research (e.g. dual use issues, environmental damage, stigmatization of particular social groups, political or financial retaliation, benefit-sharing, malevolent use, etc.).
- **Provide the documents that you need under national law** (e.g.): ethics committee opinion; document notifying activities raising ethical issues or authorizing such activities.

5.2 Security

- Indicate if your project will involve:
 - activities or results raising security issues: (YES/NO)
 - EU-classified information' as background or results: (YES/NO)

Findings to be considered since the preparation of the proposal

- To analyze and review **H2020 legal framework, work programme & topic**
- To search for project **state-of-the-art and technology approach**
- To consider **project beneficiaries interdependences and third parties involvement**
- To study **economic, environmental and social impacts** (barriers, framework conditions, regulations and contribution to standards)
- To define **Intellectual Property Rights (IPR)**: background, ownership, access rights, protection
- To describe a **dissemination plan**: confidentiality, publication, open access, research data generated
- To implement a **communication plan: public engagement**
- To provide an **exploitation plan**: results, business plan, innovation management
- To establish the **management structure and decision-making** mechanisms
- To define **risks** related to project implementation & mitigation measures
- To provide the **project resources to be committed**
- To analyse **ethics and security aspects** in the project (legal requirements)
- To describe **gender issues** related to the project



Findings to be considered from the preparation of the proposal

Question

Why is it so important to have those issues consulted with a lawyer at the proposal stage?

In case of grant award **technical part of the application** becomes Annex 1 **legally binding** for the beneficiaries as part of the GA;
And if not changed at the GA preparation stage **influences the CA**

How?

(CA must be in line with the GA – contradictory arrangements are null and void = trouble -> real life case :)



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COMMENTS FOR
DESCA / ...
Another classic.
Rather difficult to get users excited
about the content 😊

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