



# **H2020 RISE**

## ***Legal issues***

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## 1. Eligibility of secondments: know what can be funded

- Type of secondments
- Duration of secondments
- Content of secondments
- Eligible staff members

## 2. Handling changes: know what you have to do

- Amendment needed? (art.55)
- Information needed? (art.17.2)
- Case study 1: Changes in planning
- Case study 2: Changes in partnership

## 3. Securing your rights: know your obligations

- Obligations for coordinator (art.41)
- Obligations for all: H2020 general
- Obligations for all: RISE special (art.32)
- Sanctions if no compliance
- Preventing situations of breach
- Where to get information



# Type of secondments

## International:

- *From MS/AC to TC*: all eligible except if TC subject to sanctions or not recognized
- *From TC to MS/AC*: TC must be listed in Annex A of WP (not eligible examples: USA, MEXICO, CHINA, BRASIL, INDIA, RUSSIA)

**Inter-sector** (academic ⇔ no academic)

**Remember!**

Secondments only between **independent** organisations



# Duration of secondments

**Minimum duration:** 1 month per secondment (same staff, hosting, sending organisation)

**Maximum duration:** 12 months per staff

**Travel periods:** included

**Split stays:** allowed if justified

## Remember!

Only split stays **within the same secondment** can be cumulated to reach minimum of 1 month



# Content of secondments

**Tasks:** activities planned in Annex 1

**Double funding:** activities not reimbursed with other EU funding

**Working pattern:** full-time basis

## Remember!

RISE is a R&I project implemented via secondments. The inputs/outputs of each secondment are therefore essential.



# Eligible staff members (1)

**Condition 1:** Considered staff under national law and internal practices

**Condition 2:** Being ESR, ER, ADMIN, MANG, TECH

**Condition 3:** Linked/actively engaged in R&I activities within sending organisation in last 6 months (full-time equivalent) prior to first secondment



# Eligible staff members (2)

## Condition 1:

*Considered staff under national law and internal practices*

- Staff is under control, instructions and supervision of the sending organisation
- Sending organisation has legal means to impose RISE obligations to seconded staff

**Remember!** No specific contractual link required by the REA  
(depending on national law possibilities)



# Eligible staff members (3)

## Condition 2:

*Being ESR, ER, ADMIN, MANG, TECH*

- **ESR** is a minimum condition for researchers (researchers not having obtained the degree enabling them to embark on a doctorate are not eligible)
- **ADMINISTRATIVE, MANAGERIAL** staff are not to cover project management activities but contribute directly to the R&I activities of the project
- **TECHNICAL** staff not to be used to bypass ESR minimum eligibility conditions for researchers





# Eligible staff members (4)

## Condition 3:

*Linked/actively engaged in R&I activities within sending organisation in last 6 months (full-time equivalent) prior to first secondment*

- **Full-time equivalent** (ex: 12 months if 50%)
- **Continuously** before first secondment (ex past working relationships do not count)

**Remember!** Staff linked to several participants (ex: University and its spin-off) can be seconded only from one of them



# Amendment needed? (article 55)

**What:** Changes in the Grant Agreement (Change of Start date, Addition/Termination, substantial changes in Annex 1, Banking details, etc...)

**Limits:** Shall never put into question ***award decision*** or ***equal treatment*** among applicants

**How:** ONLY ELECTRONICALLY via the Participant Portal

**Who:** PLSIGN of the coordinator on behalf of beneficiaires

**Timing:** accepted/rejected within 45 days or tacit rejection

**Best practice:** discuss the issue with the PO before submitting an amendment via the Participant Portal



# Information needed? (article 17.2)

**What:** Changes linked to the organisation's data (change of name, address, legal representative, legal form, organisation type, universal takeover)

**Why:** obligation to keep up to date the information in the Beneficiary's register

**How:** ONLY ELECTRONICALLY via the Participant Portal

**Who:** LEAR of the organisation concerned

**Best practice:** inform the beneficiaries of this obligation



# Case study 1: changes in planning

**Principle:** changes acceptable if justified and in line with original proposal

**When:** change of staff profile, re-shuffling amongst participants, re-scheduling, etc...

**How:**

- ***No substantial changes:*** No amendment needed but PO must be informed + change reported in next report
- ***Substantial changes:*** Amendment to Annex 1 needed
- ***Substantial*** nature assessed case by case (discuss with PO)

**Best practice:** monitor systematically execution of secondments to prevent unnecessary/unjustified changes



# Case study 2: changes in partnership

**Principle:** changes acceptable if justified and in line with original proposal

**When:** substitute a defaulting participant (re-shuffling not possible internally), key staff moves to other organisation, etc...

**How:** Amendment always needed

**Best practice:** follow up if participants are active, inform immediately the PO if changes are needed, do not wait reporting deadlines



# Obligations for coordinator (art. 41)

- Monitor action is implemented properly
- Act as intermediary for all communications
- Request/review (completeness/correctness) any documents contractually required or requested by REA
- Submit reports and deliverables to REA
- Ensure payments are made to beneficiaries without unjustified delay
- Inform REA of amounts paid to beneficiaries when required



# Obligations for all: H2020 general

- Obligation to properly implement the action (art. 7 and 41)
- Obligation to inform (art. 17)
- Obligation to keep records (art. 18)
- Obligation to report (art. 19-20)
- Obligation to be subject to checks, reviews, audits, investigations (art. 22)
- Obligation to allow evaluation of action (art. 23)
- Obligations linked to IPRs (art. 30-31)
- Obligations linked to gender equality, ethics, conflict of interests, confidentiality, visibility of funding, promoting the action, processing personal data (art. 33-39)



# Obligations for all: RISE special (art.32)

- Comply with European Charter for Researchers and Code of Conduct for the Recruitment of Researchers
- Do not reduce contractual rights during secondment
- Re-integrate staff after secondment
- Ensure standards/working conditions of similar position
- Ensure adequate medical insurance
- Ensure staff seconded full-time
- Ensure staff has relevant expertise for the action
- Fully use staff member costs to cover subsistence/mobility
- Inform staff about rights/obligations linked to secondment
- Assist staff in administrative procedures





# Sanctions if no compliance

- Rejection of costs (art.42)
- Reduction of the grant (art.43)
- Recovery of undue amounts (art.44)
- Administrative and financial penalties (art.45)
- Liability for damages (art. 46)
- Suspension of payment deadlines /payments (art. 47-48)
- Suspension of the action (art.49)
- Termination of the action (art.50)
- Termination of defaulting beneficiaires (art.50)

**Remember!:** obligations awareness = no breach= no  
sanction



# Prevent situations of breach

- Do not focus only on eligibility and payment issues
- Read carefully the **GA** and the **Annotated GA** (detailed guidelines under each article)
- Make sure all beneficiaires and staff members are aware of **all** their rights **and** obligations
- Conclude a **Partnership Agreement** to avoid future disputes, misunderstandings, wrong assumptions, erroneous expectations

**Best practice:** Contact your PO in case of doubt, do not assume



# Where to get information

- Participant Portal "**Reference documents**" and "**On line manual**":  
<http://ec.europa.eu/research/participants/portal/desktop/en/funding/index.html>
- **IPR helpdesk:** <https://www.iprhelphdesk.eu/>
- **National Contact Point:**  
[http://ec.europa.eu/research/participants/portal/desktop/en/support/national\\_contact\\_points.html](http://ec.europa.eu/research/participants/portal/desktop/en/support/national_contact_points.html)
- **Project Officer**



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***Thank you for your attention***

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