The EU Framework Programme for Research and Innovation

HORIZON 2020

Contractual Public-Private Partnerships:
Legal framework and main specificities

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P. Moschopoulos
H2020 Common Legal Support Service
Partnerships Sector

Not legally binding
Overview

1. Introduction
2. Framework Programme (FP) and Specific Programme (SP) regulations
3. Rules for Participation (RfP) regulation
4. Contractual Arrangements (CAs)
5. Further information
From FP7 to H2020

• **European Technology Platforms (ETPs):** autonomous structures
  - Common vision, Strategic Research Agenda (SRA), Implementation of the SRA
  - Relevant also for cPPPs

• **COM(2013)494: Public-private partnerships in Horizon 2020:**
  a powerful tool to deliver on innovation and growth in Europe

Complementing the JTIs, the Commission in FP7 also engaged in structured partnerships with the private sector to seek direct input into the preparation of the work programmes in areas which were defined upfront and which are of great industrial relevance. Unlike JTIs, such partnerships do not require additional legislation because the funding is implemented by the Commission through the normal procedures.

Three such partnerships were launched under the European Economic Recovery Plan ... Building on this experience, the Horizon 2020 proposals also allow for such partnerships. To improve transparency, these partnerships will be based on a contractual agreement between the Commission and the industry partners ...
H2020 Framework Programme specificities for cPPPs
(Regulation 1291/2013)

[Same PPP definition as for the JUs: Article 2(4) FP]

Implementation through JUs: Article 25(2)(b) FP

2. The involvement of the Union in public-private partnerships shall make use of the pre-existing and lean governance structures and may take one of the following forms:
   (a) ...
   (b) **contractual arrangements**, which specify:
      ▪ the objectives of the partnership,
      ▪ respective commitments of the partners,
      ▪ key performance indicators (KPIs), and
      ▪ outputs to be delivered, including the identification of research and innovation activities that require support from H2020

[Same identification criteria as for the JUs: criteria of Article 25(3) FP]
H2020 Specific Programme specificities for contractual PPPs (Decision 743/2013)

Annex I - Common elements for the indirect actions

3. PARTNERING
Other public-private partnerships supported under FP7 for which further support may be provided:
- Factories of the Future,
- Energy-efficient Buildings (EeB),
- European Green Cars Initiative and
- Future Internet

Further support may also be provided to the European Industrial Initiatives (EIIs) established under the SET Plan.

Further ... public-private partnerships may be launched under Horizon 2020 where they meet the defined criteria.
- Basis for launching other, new cPPPs
H2020 Rules for Participation
(Regulation 1290/2013)

A coherent set of rules: Article 1(1) and 1(2) RfP

1. This Regulation lays down specific rules for participation in indirect actions undertaken under Regulation (EU) No 1291/2013, ...
   This Regulation also lays down the rules governing the exploitation and dissemination of results.
2. Subject to the specific rules laid down in this Regulation, the relevant rules of FR and RAP shall apply.

✓ RfP apply to indirect actions financed by the Commission in the context of the contractual arrangement

✓ Implementation remains with the Commission: Work Programme
Main common features of Contractual Arrangements

• Each cPPPs established by a contractual arrangement (CA) between:
  ➢ European Union
  ➢ "Private Side" (e.g. an International not-for-profit Industrial Association)

• CA is composed of:
  ➢ Main part which contains the elements of the arrangement
  ➢ Annex: Multi-annual roadmap
✓ **Scope & Specific objectives**
✓ **Activities, Investment and Outputs**
  ✓ indication of R&I activities to be co-funded under H2020
  ✓ indicative financial envelope
  ✓ indication of private investment
✓ **Governance:**
  ✓ **Partnership Board:** members appointed by the Private Side & Commission officials
  ▶ **Private Side** to implement the consultation process based on **openness & transparency**
✓ **Specific Commitments of the Commission**
  ✓ consider inputs and advice from the Private Side to identify R&I activities: in the preparatory phase of the **drafting of the Work Programme**
✓ **Specific Commitments of the Private Side**
  ✓ provide inputs and advice to the Commission
  ✓ invite the Commission to attend General Assembly & other relevant meetings
✓ **Monitoring**
  ✓ The Parties inform and consult each other in order to monitor the progress of PPP - **KPI**
✓ **Duration aligned with H2020** (for the first 8 existing cPPPs)
✓ **Review:** interim review and final review before the end of H2020
## 4. CAs (3)

<table>
<thead>
<tr>
<th>cPPPs</th>
<th>Parties in contractual arrangement</th>
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<tbody>
<tr>
<td><strong>Factories of the Future (FoF)</strong> (10.12.2013)</td>
<td>EU represented by the EC European Factories of the Future Research Association</td>
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<td><strong>Sustainable Process Industry (SPIRE)</strong> (10.12.2013)</td>
<td>EU represented by the EC Association A.SPIRE</td>
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<td><strong>European Green Vehicles Initiative (EGVI)</strong> (10.12.2013)</td>
<td>EU represented by the EC European Green Vehicles Association</td>
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<td><strong>Photonics</strong> (10.12.2013)</td>
<td>EU represented by the EC Photonics21 Association</td>
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<td><strong>Robotics</strong> (10.12.2013)</td>
<td>EU represented by the EC euRobotics AISBL</td>
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<td><strong>High Performance Computing (HPC)</strong> (10.12.2013)</td>
<td>EU represented by the EC European Technology Platform for High Performance Computing</td>
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<tr>
<td><strong>Advanced 5G networks for the Future Internet (5G)</strong> (10.12.2013)</td>
<td>EU represented by the EC 5G PPP Association</td>
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<td><strong>Big Data Value Public-Private Partnership</strong> (13.10.2014)</td>
<td>EU represented by the EC Big Data Value Association</td>
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- Indicative budget intention for cPPPs is >6 Bn € i.e. approximately 9% of H2020 FP budget
Contractual Public-Private Partnerships:

