



The EU Framework Programme for Research and Innovation

# HORIZON 2020

## **Contractual Public-Private Partnerships: Legal framework and main specificities**

**Madrid, 1 July 2016**

P. Moschopoulos  
H2020 Common Legal Support Service  
Partnerships Sector

# 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



cPPPs	Parties in contractual arrangement	
	EU	Private Side (Association)
<b>Factories of the Future (FoF)</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>European Factories of the Future Research Association</b>
<b>Energy-efficiency Buildings (EeB)</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>Energy-Efficiency Buildings Association</b>
<b>Sustainable Process Industry (SPIRE)</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>Association A.SPIRE</b>
<b>European Green Vehicles Initiative (EGVI)</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>European Green Vehicles Association</b>
<b>Photonics</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>Photonics21 Association</b>
<b>Robotics</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>euRobotics AISBL</b>
<b>High Performance Computing (HPC)</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>European Technology Platform for High Performance Computing</b>
<b>Advanced 5G networks for the Future Internet (5G)</b> (10.12.2013)	<b>EU represented by the EC</b>	<b>5G PPP Association</b>
<b>Big Data Value Public-Private Partnership</b> (13.10.2014)	<b>EU represented by the EC</b>	<b>Big Data Value Association</b>

- **Indicative budget intention for cPPPs is >6 Bn € i.e. approximately 9% of H2020 FP budget**

➤ **Contractual Public-Private Partnerships:**

<http://ec.europa.eu/transparency/regdoc/rep/1/2013/EN/1-2013-494-EN-F1-1.Pdf>

[http://ec.europa.eu/research/industrial\\_technologies/ppp-in-research\\_en.html](http://ec.europa.eu/research/industrial_technologies/ppp-in-research_en.html)

[http://ec.europa.eu/research/industrial\\_technologies/pdf/contractual-ppps-in-horizon2020\\_en.pdf](http://ec.europa.eu/research/industrial_technologies/pdf/contractual-ppps-in-horizon2020_en.pdf)