

Exercise

Internal conflict management

Answers

You are partner in the project “COOL“. You got a draft CA from the coordinator. Please check the CA excerpts and discuss:

Are the provisions balanced?

Are the provisions favourable for you as partner?

Who would profit from these provisions?

Which text passages could be seen as problematic?

This project has received funding from the European Union’s
Horizon 2020 research and innovation programme

1) Governance Structure

Assumption: the consortium consists of 15 partners, 5 partners are work package leader. Your organisation is not a work package leader.

Voting Rules and quorum

The General Assembly shall not deliberate and decide validly unless a **quorum of 50% (1/2)** of its Members is present or represented. When assessing whether the number of Parties is enough to have a **quorum and a decision**, the **number** of needed Parties shall be **rounded downwards**.

Each Member shall have one vote the five **work package leaders** shall have **2 votes each**.

Defaulting Parties may not vote.

Decisions shall be taken by **simple majority**.

Answer

WP-Leader: 2 votes each = unusual

Rules in practice:

Attendance quorum = 50%,

15 partners: $15:2 = 7,5$ => numbers will be rounded downwards => 7 partners would fulfil the attendance quorum.

Decision with simple majority (rounded downwards) possible.

If 4 WP-leaders and 3 partners are present = quorum fulfilled;
They have 11 votes ($4 \times 2 + 3$); simple majority = 5,5 (11:2);

A decision could be taken by 2 WP-leaders and one additional partner

2) Settlement of Disputes

Dispute

The Parties will attempt to resolve amicably any disputes concerning this Agreement or related to it.

Should it not be possible to reach an amicable agreement, a court of arbitration will be asked to adjudicate in accordance with the settlement and arbitration regulations laid down by the International Chamber of Commerce. **The court of arbitration convenes in Brussels.** The decision of the court of arbitration is final and incontestable for all Parties concerned; no appeals may be submitted to any court of law.