Intro Model Grant Agreement & Consortium Agreement

Horizon 2020 Legal and Finance Training to all NCPs
19-20 March 2018
Grant Agreement

✓ Contract between Beneficiaries and the funding agency
✓ Establishes Beneficiaries Rights and Obligations
✓ Standard Model Grant Agreement
✓ Includes Description of the Action
✓ Coordinator + rest of Beneficiaries
✓ Online signature
H2020 Model Grant Agreement

Specific models

General Model Grant Agreement

- ERC MGAs
- Marie-Sklodowska Curie MGAs
- SME instrument MGAs
- Co-fund MGAs
Horizon 2020 model Grant Agreement:
A single document with all provisions

Core text

General conditions
Annex II

Special clauses

Specific provisions
Annexes III

FP7
Grant Agreement Structure

TERMS AND CONDITIONS

Annex I: Description of the action
Annex II: Estimated budget
Annex III: Accession Forms
Annex IV: Model Financial statements
Annex V: Model Certificate on the financial statements
Annex VI: Model Certificate on the methodology
From the Proposal to the GA

A-1
Title, Acronym, CoCo, Duration,…

A-2
PaCo’s, % Funding rate, Info for access forms

A-3
Annex 2: Estimated Budget

Proposal Part B
Annex 1: Description of the Action
GA Prevalence order

In case of conflict

- GRANT AGREEMENT:
  - TERMS AND CONDITIONS
  - ANNEX II
  - ANNEX I
Amendments are possible

Article 55 MGA

What?
An amendment to the grant agreement is necessary to **change the GA** (e.g. its **terms and conditions** (only specific data and options), and **Annexes**)

Consequences
The amended provisions **become an integral part of the GA**
All other provisions remain unchanged and have full effect
Amendments are possible

Amendments to the Grant Agreement

Under what circumstances must the Grant Agreement be amended?

If there are any changes to:

- its terms & conditions (e.g. data or options specific to that agreement)
- its annexes.

Amended provisions become an integral part of the agreement.

For H2020 policy on amendments, see Article 35 of the Annotated Model Grant Agreement.

Amendments Initiated By The Consortium

1. WHO CAN REQUEST AN AMENDMENT?

The consortium is free to propose amendments.

If you are the coordinator:

1. Check that the consortium has reached agreement through an internal decision-making process, as set out in the consortium agreement (e.g. unanimously or by simple or qualified majority).
2. Sign & submit the amendment(s) on its behalf.

Exception: in cases where coordinators are to be replaced without their agreement, another beneficiary (acting on behalf of the other beneficiaries in the consortium) submits the request.

The Commission can also propose amendments.

2. WHEN CAN I REQUEST AN AMENDMENT?

Before the end of the project (i.e. the date given in Article 3)

Exception: In exceptional cases – e.g. if the bank account changes, or the coordinator responsible for paying the balance is replaced – once the project is completed.
Amendment needed

- Changes involving beneficiaries & linked third parties
- Change involving the coordinator/principal beneficiary
- Changes affecting the project or its implementation
- Changes involving the financial aspects of the grant
Amendment NOT needed

- Amendments are for certain budget transfers
- if the name or address of a beneficiary, linked third party or coordinator changes
- if a universal takeover results in a change of beneficiary
- Changes in the Coordinator’s bank information
Amendments Procedure

- Before the end of the Project
- Requested by any of the Parties (EC/Beneficiaries)
- Submitted through Electronic Exchange System
- Reason must be provided
- Supporting documents
- Entry into force: when signed by the receiving party
- Effect on the day agreed by the Parties
Consortium Agreement

✓ **Private Agreement** (partners of the Consortium)
✓ Provides the legal tools necessary to carry out the project, to organise the consortium and to manage the results
✓ **Mandatory** unless otherwise established
✓ **Flexibility**
✓ **Supplements** the GA
Consortium Agreement Basics

✓ Independence to set the CA under the umbrella of the provisions and options of the Grant Agreement

✓ CA cannot contravene GA. In case of discrepancy between CA & GA, GA clauses prevail.

✓ Flexible document. In force throughout the duration of the project. It must be updated / modified as needed.

✓ Amendments are possible

✓ Before the start of the project
CA Structure

- Definitions, **Purpose**, entry into force, duration, liabilities, responsibilities
- **Governance Structure**: bodies, decision making, meetings
- **Financial provisions**: funding principles, Payments
- **Intellectual property Rights**: Results, Access rights, dissemination rules
- Settlement of disputes
Useful tools

✔ Consortium Agreement models available
✔ EC guidance for Consortium Agreements
✔ Ipr helpdesk  https://www.iprhelpdesk.eu/
Do not forget!!!!

GA & CA Different Actors, Different Goals:

- GA contains Beneficiarie’s rights and obligations
- CA, private agreement that complements GA provisions
- GA & CA should be aligned
- In case of conflict... GA always prevails
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