

The European Research Council

ERC Executive Agency
C2 Unit – Consolidator Grants
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PI Rights and Obligations | Amendments

Online PI-Centric event

27 May 2021



Agenda



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A large orange triangle is positioned on the left side of the slide. Three light-colored, rounded rectangular boxes with blue borders are arranged vertically along the right edge of the triangle. Each box contains a text item from the agenda.

GA - Rights &
Obligations

Amendments

COVID-19

ERC MGA – Contractual parties



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➤ A public contract – an agreement to perform a project that will benefit the community

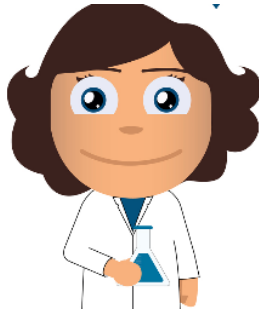
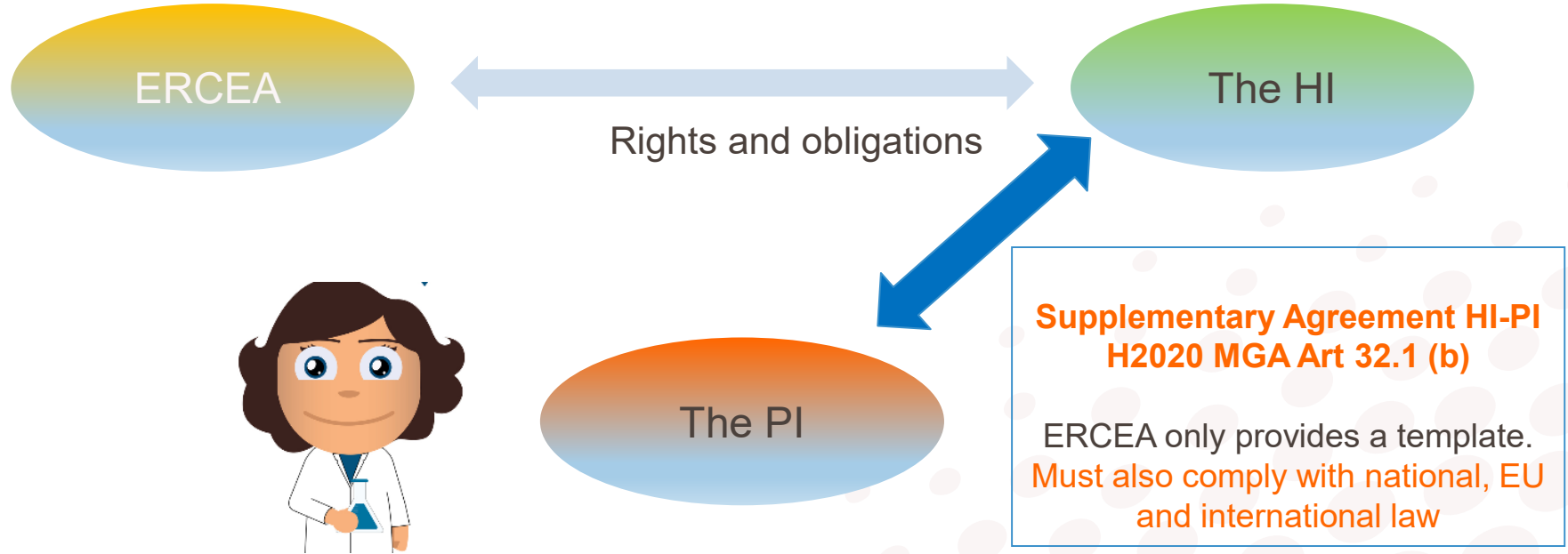
➔ Mono
➔ Multi



The PI – The reason of contract



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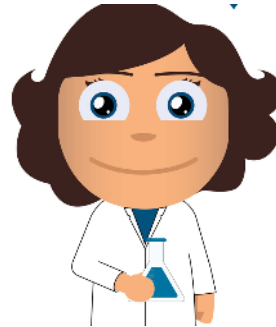
PI – Rights & Obligations



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Main RIGHTS

- **Scientific autonomy** - supervise the scientific and technological implementation of the action
 - use the **budget** to achieve the scientific objectives;
 - authority to **publish** as senior author;
 - selection and supervision of **team members**;
 - possibility to apply independently for funding;
 - preparation of scientific report & contribution to financial ones;
 - access to appropriate space and facilities.
- Transfer GA to a new HI – **portability**
- Request changes to Annex 1 due to new circumstances
- Social rights. Competitive working conditions, in line with national law and institutional rules



Main OBLIGATIONS

- Implement the action as described in Annex 1 and in compliance with:
 - *ethical principles (including the highest standards of research integrity) and*
 - *applicable international, EU and national law.*
- Meet the **time commitments** for implementing the action as described in Annex 1.
- Ensure the **visibility of EU funding** in communications or publications and in applications for the protection of results.
- Inform the beneficiary immediately of any events or circumstances likely to affect the Agreement (e.g: portability).
- Uphold the IPR of the HI.

PI rights - Portability



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PI can transfer the GA to a new beneficiary at any time during the action's implementation

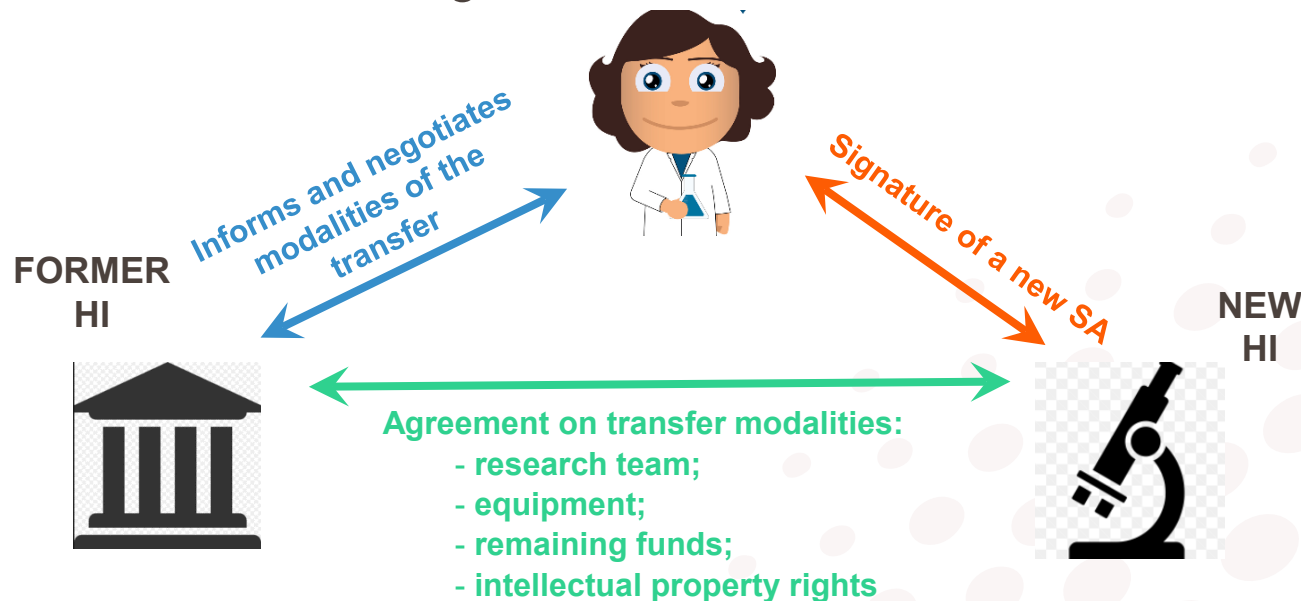
- Any ground beneficial to the PI, for as long as objectives are achieved
- "Former" HI can only oppose if transfer not allowed under national law
- "New" HI has to agree to join the GA
- The Agency accepts after legal/financial/scientific & ethic assessment

PI rights - Portability



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Transfer conditions negotiated between former HI, new HI and PI



PI obligations - time commitment



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The PI must,

- **Ensure a sufficient time commitment and presence** over the lifetime of the action to guarantee its proper execution.
- Devote at least 50% (StG), 40% (CoG) and 30% (AdG) of their working time to the ERC-funded project
 - % described in the DoA
- Spend at least 50% of their working time in EU/AC

The beneficiaries must

- Declare the time commitment in the periodic financial reports
- Ensure the reliability of the percentages to be provided by them in case of technical audit / review and / or investigation



European
Commission

Horizon 2020
European Union funding
for Research & Innovation

HI – Rights & Obligations



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Main RIGHTS

- Be **reimbursed** for the eligible costs incurred in the implementation of the action. Prepare and sign the periodic and final financial reports
- **Own the results** generated by the project
- Apply its **usual management practices**
- Be informed by the PI of any events or circumstances likely to affect the GA



Main OBLIGATIONS

- Meet its **obligations under the Agreement**
 - *Ensure that actions described in Annex 1 are performed under the guidance of PI;*
 - *Provide information requested by ERCEA and inform of any circumstance affecting the GA;*
 - *Keep **records** and other supporting documents;*
 - *Ensure ‘exploitation’ and dissemination of results;*
 - *Ensure Open Access.*
- Guarantee **PI’s scientific independence**
- Provide **research & administrative support** to the **PI & team**
- Provide the PI with **appropriate** and **competitive social rights**

Articles 32 & 33 'best effort obligations'.

- the beneficiary must be proactive and take all measures to ensure the principles set out in the **Charter and Code of Conduct for the recruitment of researchers**.
 - working conditions,
 - transparent recruitment processes based on merit and career development
- **Gender balance-equal opportunities between women & men** in research teams.
 - at all levels of personnel assigned to the action, including at supervisory and managerial level

Consequences of non-compliance



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- Any breach of the HI / PI obligations may lead to:
 - **Rejection** of costs;
 - **Reduction** of the grant;
 - Recovery orders;
 - Sanctions;
 - Damages;
 - **Suspension**;
 - **Termination**.

ERCEA – Rights & Obligations



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Main RIGHTS

- Carry out checks, reviews, audits, investigations on the proper implementation of the action and compliance with the GA.
- Evaluate the impact of the action against the objective of the EU programme.
- Assume ownership to ensure the protection of the results if the beneficiary fails to protect them.
- Object to a transfer of ownership or the exclusive licensing of results, if:
 - it is to a third party established in a non-EU country not associated with Horizon 2020 and
 - it is not in line with EU interests regarding competitiveness or is inconsistent with ethical principles or security considerations.



Main OBLIGATIONS

- Support PIs and HIs during the implementation of the action
- Assess financial and scientific reports in due time
- Reimburse the HI for the costs incurred in the implementation of the GA according to the Agreement rules
- Give a reasonable reply time (e.g. 45 days when it comes to amendments)
- Ensure a fair and non-discriminatory treatment among all the beneficiaries
- Process any personal data under the relevant Agreement

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Rights &
Obligations

Amendments

COVID-19

Definition of amendment

Art 55 ERC GA



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Legal act modifying the commitments initially accepted by the parties

- Creating new rights and obligations on contracting parties and / or third parties
- The amended provisions become an integral part of the GA
- All other provisions remain unchanged and with full effect

Limits to an amendment

Amendments might **not entail changes to the Agreement which would call into question the decision awarding the grant or breach the principle of equal treatment of applicants.**

The general terms and conditions of the GA CANNOT be changed via an amendment.

You can add, remove or update:

- Only GA-specific data (e.g. duration of the reporting periods, starting date, etc.),
- The options in the GA (e.g.: ORDP), or
- Annexes (e.g.: DoA, estimated budget).

Amendments are necessary when



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The beneficiaries & linked
third parties

The host institution

changes
involving

The project or its
implementation

The financial aspects of
the grant

Changes involving the action or its implementation



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- Significant change of **action tasks** (added/removed) or **their division among the beneficiaries**
- Change of the **methodology**
- Changes concerning **subcontracts or in-kind contributions** provided by third parties, linked third parties, tasks to be carried out and related costs
- Changes to the **options in the GA** (removed or added), e.g: data management plan

Changes involving the financial aspects of the GA

Overall principle - flexibility in budget management

for as long as the project is implemented as per Annex 1 - DoA:

Budget transfers and re-allocation	Amendment needed?
From one beneficiary to another	NO
From one budget category to another	NO
Between forms of costs within the direct personnel costs budget category	NO (new)
Addition/removal of tasks in Annex 1	YES
Re-allocation of tasks in Annex 1	YES
New subcontracts, new in-kind contributions	YES (strongly advised)

Preparatory steps of an AMD to GA



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IT launch

- The HI launches the amendment preparation in the Funding & Tenders Portal

Prepare

- The HI/PI make the necessary modifications on the existing information
- The HI/PI upload the necessary documents, e.g: Annex 1 and Justification letter

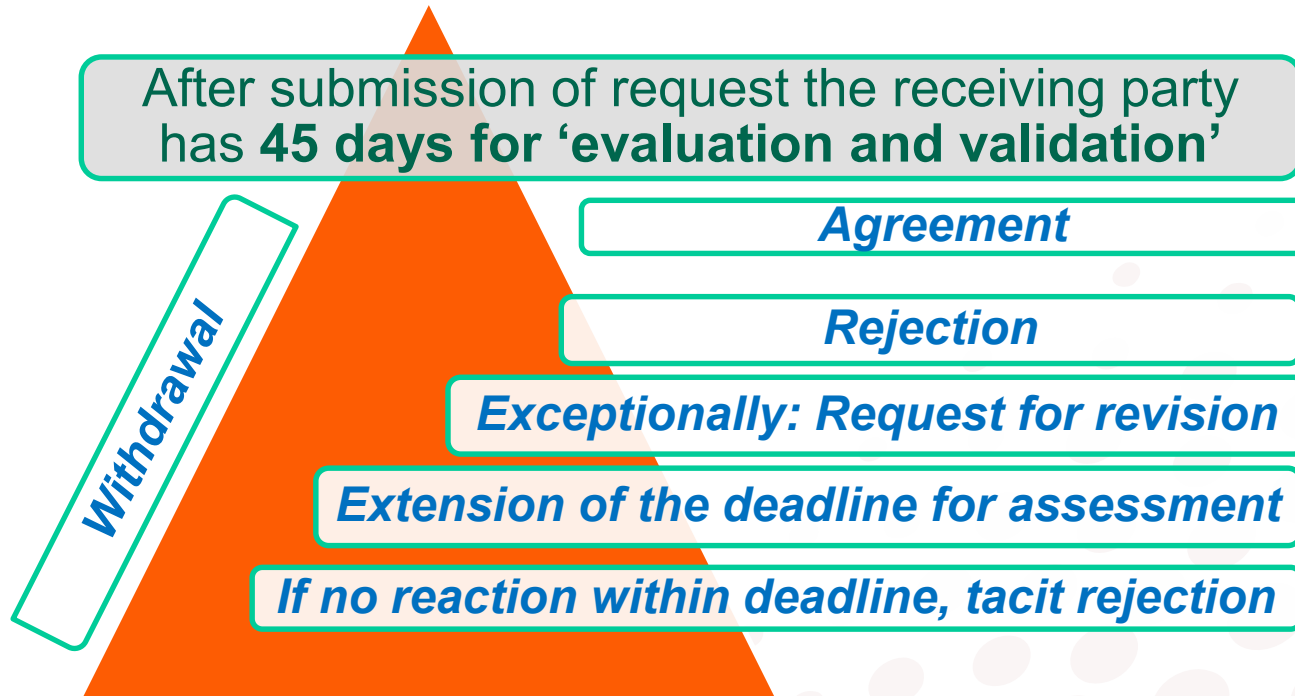
Officers

- The HI/PI sends the request to the PO for an early evaluation of the proposal
- Opportunity to make all necessary corrections

Submit

- PLSign must sign and submit the request

Assessment & decision on the AMD



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Rights &
Obligations

Amendments

COVID-19

COVID-19 – FORCE MAJEURE

Maximum flexibility to alleviate the consequences of the COVID-19 epidemic on the PIs



PIs and HIs must try to immediately inform the Agency

Amendments due to the impact of COVID-19



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New start date

- Only if start date in the future (no work has started yet)
- Set a fixed date later in the future

Extensions

- Up to 6 months: handled favorably and in a speedy manner.
- Beyond the 6 month: case merits assessment

Reorientation of the research

- To tackle COVID-19 crisis
- Assessment on a case-by-case basis

Amendments due to the impact of COVID-19



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Change proposed	Is an AMD needed?
Shift of action tasks from tasks where physical presence is needed on the ground (e.g. experiments/lab work, etc.) to remote work (desk work, drafting of reports, etc.) during confinement period	No
Budget shifts between cost categories or beneficiaries to address the consequences of COVID-19, for as long as the action is implemented as per Annex 1	No

ERC services focused on the PI



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- Daily support (procedures, communication, and dissemination)
- PI helpdesk
- Support to communication & dissemination activity
- Simplified & pre-filled templates (H2020 – all info in Portal)
 - Scientific reporting
 - Financial reporting
 - Amendment request
- FAQs
- Outreach events for Principal Investigators

Useful links & contacts

- Funding and tenders opportunities portal

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

- COVID-19 FAQs

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/support/faq?type=1;categories=;programme=H2020;actions=;keyword=COVID-19%20outbreak>

- Centralised Amendment mailbox:

ERC-C2-amendments@ec.europa.eu

- KEY contact person, the project officer (PO):

Name.Surname@ec.europa.eu