

# The European Research Council

---

**PI Rights and Obligations**

**Veronica Williams**

**Ljubljana, May 2024**



**European Research Council**

Established by the European Commission



# Agenda

---



European Research Council  
Established by the European Commission



# ERC MGA – Contractual parties

---

- A public contract for the benefit of a 3<sup>rd</sup> party (PI)

an agreement to perform a project that will benefit the community

Rights and obligations



# The PI – The reason of contract

---

Rights and obligations (MGA)

Supplementary Agreement HI-PI



European Research Council  
Established by the European Commission

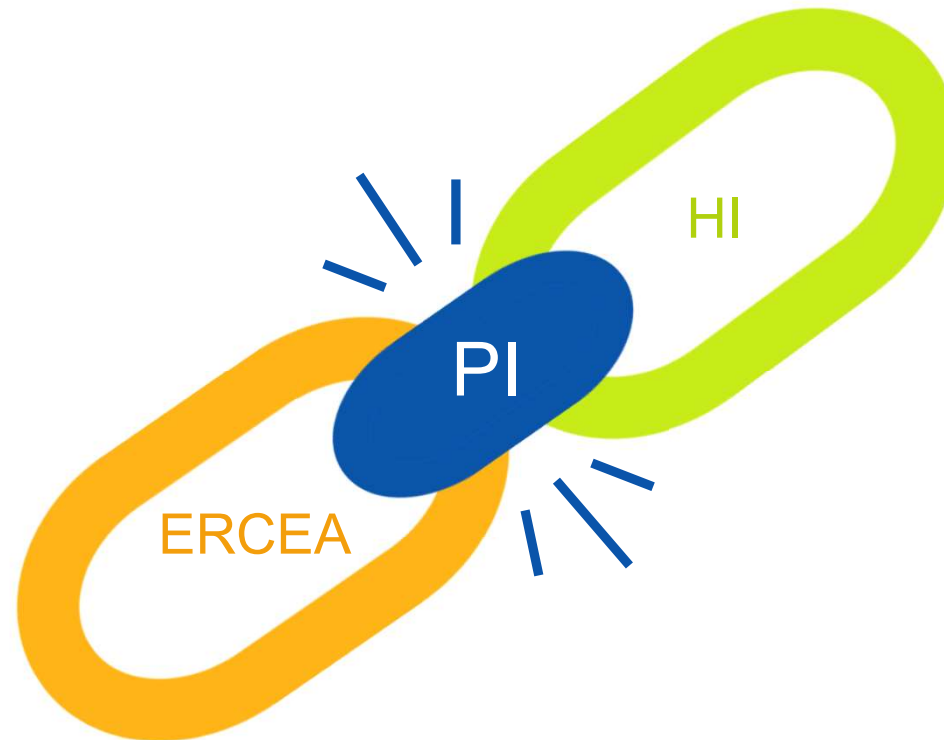


# The PI – The reason of contract

---

Rights and obligations (MGA)

Supplementary Agreement HI-PI



# Specificities of Horizon Europe GA

---

- ✓ One general corporate **model grant agreement**
- ✓ **Specificities** of ERC (e.g. portability ) in Annexe 5
- ✓ **Continuity with H2020**, but enhanced requirements for social and gender rights, open access, ethics and values, etc.
- ✓ **Increased** opening towards **international participation**
- ✓ **Complemented by Work Programmes** requirements and **national legislation**



European Research Council  
Established by the European Commission



# Agenda

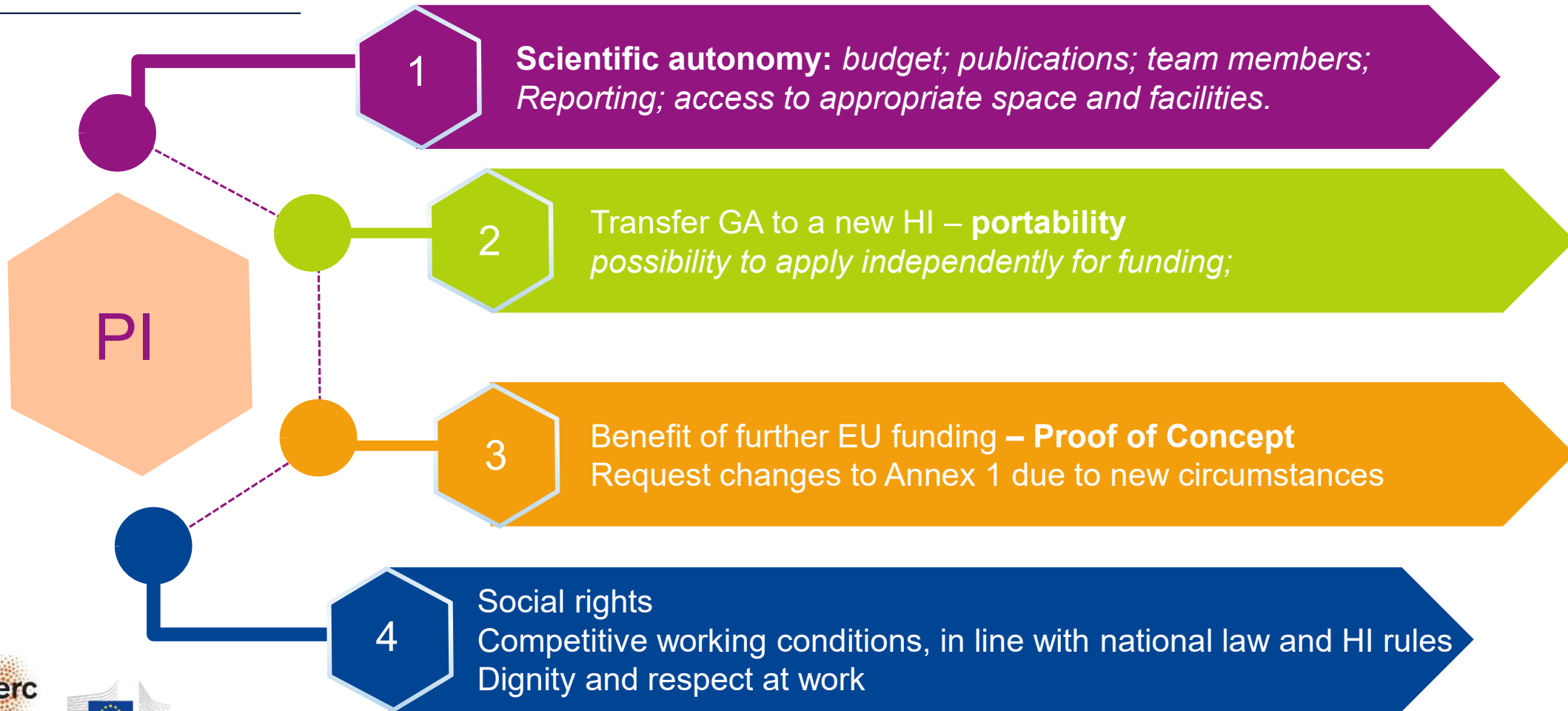
---



European Research Council  
Established by the European Commission



# PI – Rights H2020 & HE

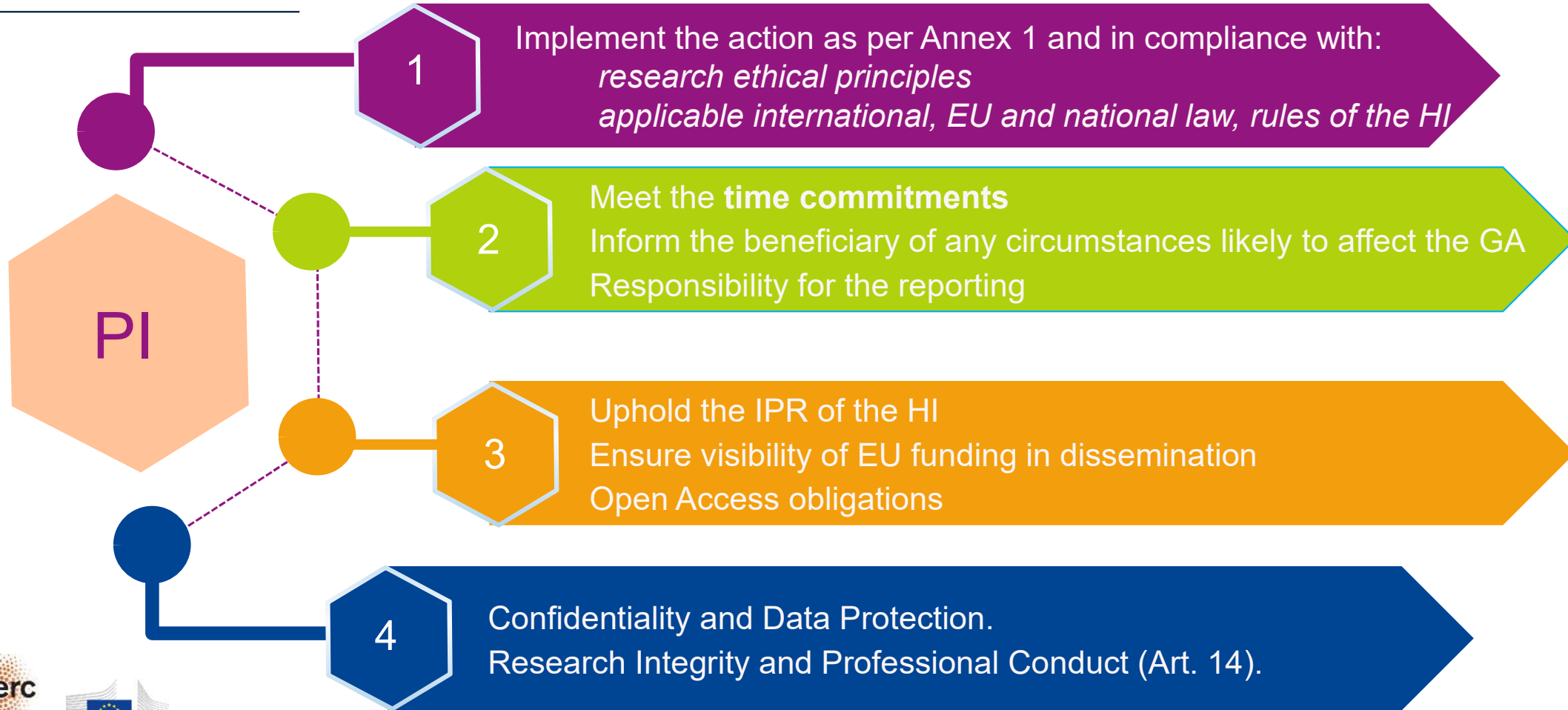


European Research Council  
Established by the European Commission





# PI – Obligations H2020 & HE



European Research Council  
Established by the European Commission



# PI Rights and obligations

---



# PI - Obligations

## Time commitment

---

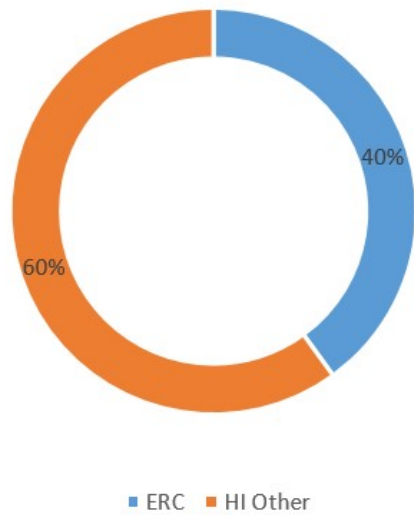
- Established in the Work Programme.
- Devote at least **50% (StG)**, **40% (CoG)** and **30% (AdG & SyG)** of their total working time to the ERC-funded project
- At least **50%** of their total working time in EU/AC
- All percentages are established by reference to the **full time equivalent** per year at the host institution
- Time spent by the PI on **field work or other research activities** may count as time spent in the EU or the Associated Countries



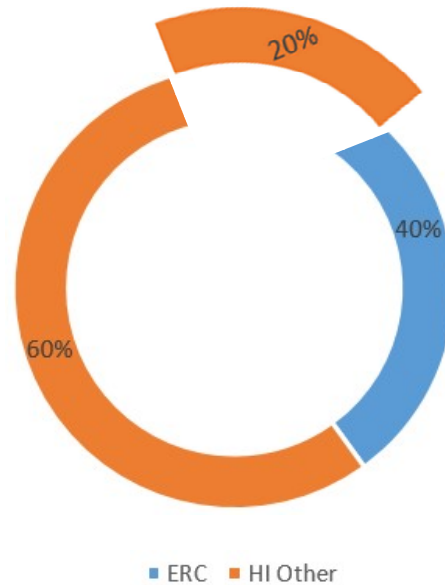
# PI – Obligations

## Time commitment

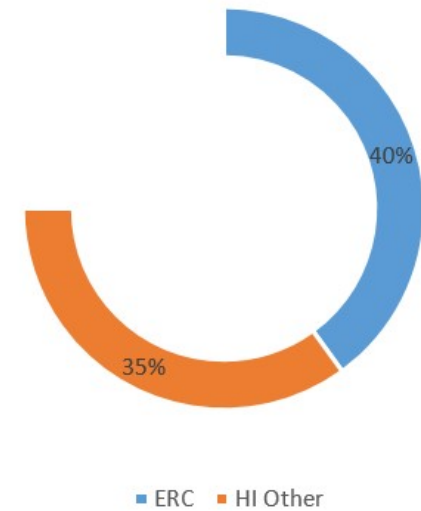
Consolidator PI  
FTE contract at the HI



Consolidator PI  
Working more than 100%



Consolidator PI  
With part time contract



All percentages are established by reference to the full time equivalent at the host institution.

# PI Rights and obligations

---



European Research Council  
Established by the European Commission



# PI – Obligations - Pathway to Impact

## Disseminate, Exploit & Protect, Communicate Results

---

- 1. Dissemination** - Beneficiaries (PI & HI) shall disseminate their results **as soon as this is feasible**, in a publicly available format, subject to any restrictions due to the protection of intellectual property, security rules or legitimate interest. Open access makes part of the dissemination process
- 2. Communication** – Communication promotes the project, reaches out to the society, informs about the benefits of the project and the effective use of the EU funds for the goal allocated
- 3. Exploitation & Protection** – Use of project's results for either commercial purposes or for further research and innovation (Novelty HE – **mandatory** deliverable 6 months after the GA signature – **Data Management Plan**)



# PI Rights and obligations

---



European Research Council  
Established by the European Commission



# PI – Obligations - IPR: Ownership

---

- **HI: Owns the results** generated by the project; unless otherwise agreed (e.g. collaborative work)
- **PI: Upholds the IPR** of the HI.
- **IPR:** rights attached to tangible or intangible results originating from the grant
- In case of joint ownership (e.g. multi-beneficiary grants, Synergy grants, joint ownership with PI or the team) a **Joint Ownership Agreement between parties** has to be put in place (terms, conditions, possibility to license, etc..)
- Clarity on the results of the research and its ownership **vis a vis EU Commission/ Agency – Mandatory Results Ownership List (ROL) - novelty HE**
- Transfers of ownership or licenses must be carried out in the conditions of the grant agreement and respecting the rights of other owners



## PI – Obligations - IPR: Protection

---

- The PI/PI must adequately **protect** results of their research (trademarks, patents, copyrights) for an appropriate period/territory, considering its legitimate interests.
- Protection of results should be done before dissemination, under the risk of losing the rights.
- Good practice: keeping laboratory records, diaries, opting for non disclosure agreements, train the teams on security best practices
- First protect, then disseminate Open Access – common question

# PI – Obligations - IPR: Exploitation

---

The beneficiaries (result owners) must ensure **exploitation** of results either directly or indirectly

Exploitation :

- in future research activities
- commercialization and marketing of a product
- providing a service
- standardization

**Novelty HE: If despite efforts the results are not used within 1 year, then they must be made visible on HORIZON RESULTS PLATFORM**

# IPR – Most Common forms of exploitation by 3rd parties

---

1. **Transfer of Ownership (Assignment)** – the equivalent to a “sale” of the IP rights, immediate cash flow, no further responsibilities for the initial owner, but of course no further use of IP right as from the moment of ownership transfer
2. **Licensing** – may be non-exclusive, or exclusive. Under non-exclusive, the licensor may continue to use the license, or may regain full control. For exclusive licences special rules if the 3<sup>rd</sup> party non EU/AC country
3. **Spin-offs/joint ventures** – the IP contribution may be in-kind via the PI knowledge, or by licensing from previous owner, e.g. HI

**ATTN** : EU/ERCEA have the right to oppose to a transfer of ownership or exclusive license if **(i)** the results generated received EU funding; **(ii)** the legal entity to which the transfer/exclusive license is done is in non EU/AC; **(iii)** the EU/ERC considers that the transfer/licenses are not in line with EU interests. This right (art 16) is transferable with future owners/licences

# PI Rights and obligations

---



European Research Council  
Established by the European Commission



# PI/PI obligations - Social Package H2020

---

## 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

# PI/HI obligations - Social Package HE

---

- **ARTICLE 18**

- The beneficiaries **must** take all measures to implement the principles set out in the Commission Recommendation on the **European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers**, in particular regarding:
  - ✓ - working conditions
  - ✓ - transparent recruitment processes based on merit, and
  - ✓ - career development.

- **ARTICLE 14 Gender mainstreaming**

- The beneficiaries must take all measures to **promote equal opportunities between men and women** in the implementation of the action and, where applicable, in line with the **gender equality plan**. They must aim, to the extent possible, for a gender balance at all levels of personnel assigned to the action, including at supervisory and managerial level.

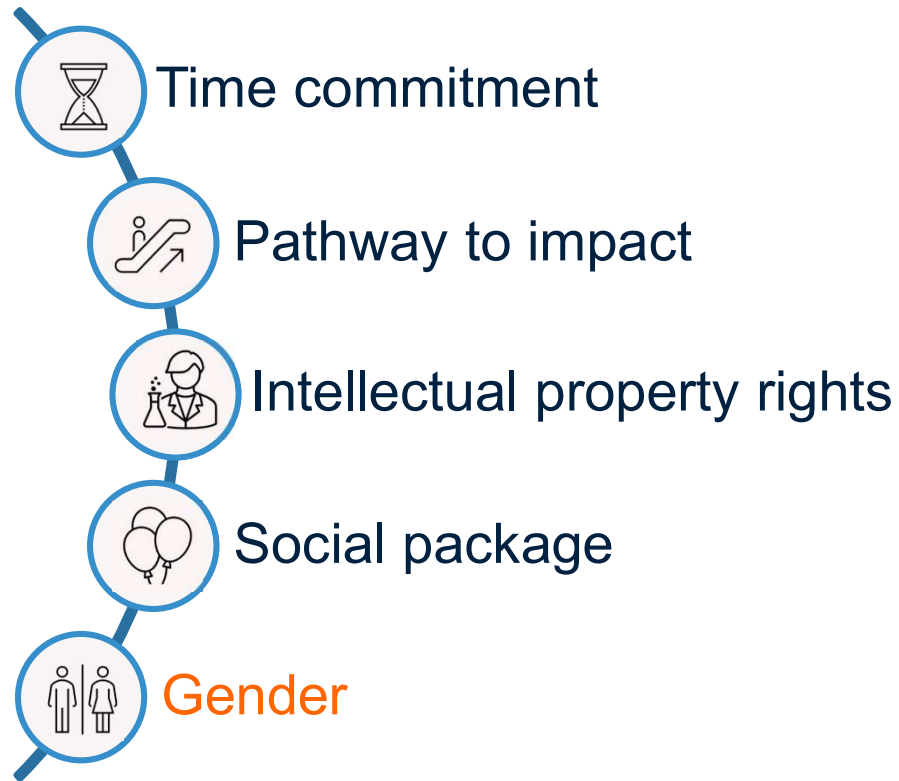
- **ARTICLE 14.2 Values**

- The beneficiaries must **commit to and ensure the respect of basic EU values** (such as respect for human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of minorities).



# PI Rights and obligations

---



European Research Council  
Established by the European Commission



# PI/HI obligations - Gender Equality Strategy - HE

---

- Having a Gender Equality Plan becomes an eligibility criteria for financing under HE for certain entities
- Integration by default of the gender dimension in research, unless the topic explicitly specifies otherwise
- Increasing gender balance to a target of 50% women in HE across all its project an institutional aspects such as scientific boards/experts' panels/ research teams, etc.



European Research Council  
Established by the European Commission





# HI obligations - Gender Equality Plan

## Mandatory GEP process requirements



### Public document

- Formal document
- Signed by top management
- Published on the institution's website
- Disseminated through institution



### Dedicated resources

- Funding for gender equality positions or teams
- Reserved time for others to work on gender equality



### Data collection and monitoring

- Data on sex or gender of staff across roles and leadership
- Annual reports and evaluation of progress and outcomes



### Training and capacity building

- Whole organisation engagement
- Tackle gender biases of people and decisions
- Joint action on specific topics



# HI obligations - Gender Equality Plan

## Developing a GEP

---



# Agenda

---



# HI – Rights & Obligations H2020 & HE



## Main rights

Be reimbursed for the incurred costs

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

- *Implementation; PI's guidance; reports;*
- *Inform ERCEA;*
- *Keep records;*
- *Ensure 'exploitation' and dissemination of results*
- *Ensure Open Access.*

Guarantee PI's scientific independence

Provide research & administrative support

Provide appropriate and competitive social rights

# Agenda

---



European Research Council  
Established by the European Commission



# ERCEA – Rights & Obligations H2020 & HE



## Main rights

Carry out checks, reviews, audits, investigations

Evaluate the **impact** of the action

Assume ownership to ensure the **protection of the results** if the HI fails to protect them.

Object to a transfer of ownership or the exclusive licensing of results



## Main obligations

Support PIs and HIs

**Assess** financial and scientific reports in due time

**Reimburse** the HI for the costs incurred

Give a (pro-active) reasonable reply time

Ensure a **fair and non-discriminatory treatment** among all the beneficiaries

Process any personal data under the relevant GDPR | 30

# Agenda

---



European Research Council  
Established by the European Commission



# Consequences of non-compliance

---

## ➤ Any breach of the HI / PI obligations may lead to:

- ✓ Rejection of costs – e.g. costs not linked to the action, or encountered by a party not foreseen in the DoA
- ✓ Reduction of the grant – e.g. PI leaving the grant before the end date
- ✓ Recovery orders – e.g. triggered by ex-post audit
- ✓ Sanctions – e.g. exclusion from EU awards due to professional misconduct
- ✓ Damages – e.g. caused to the granting authority due to negligence
- ✓ Suspension – e.g. if exceptional circumstances impact the implementation
- ✓ Termination – e.g. infringement of eligibility criteria, serious breaches





# Checks and Audits

---

- ERCEA promote a **trust-based** project policy;
- The **checks** can have **different forms** and importance:
  - ❑ Scientific visits;
  - ❑ Request to provide supporting documents or alternative evidence (in AMD,RP or grant implementation);
  - ❑ The right of the bodies (e.g. granting authority, OLAF, Court of Auditors (ECA), etc..) to exercise their rights also towards the principal investigator”. This right is also foreseen in the template HE ERC Supplementary agreement under ‘ARTICLE 3 - BASIC OBLIGATIONS OF THE PRINCIPAL INVESTIGATOR’.



# EU limitations and sanctions

---

Sometimes political circumstances may impact/limit the implementation of ERC grants.  
Examples:

- UK – Brexit - Till an agreement with UK be reached, in situation of signature of a new GA, the PI will be invited to consider portability, if this fails then the grant cannot be signed. Portability from and towards UK, for grants H2020 always eligible
- Russia – Participation of Russian entities is subject to restrictive measures (09/04/2022). A series of entities are formally banned from being present in the grant under any form (beneficiary, third party, etc.). Immediate termination. Exception : grants with humanitarian purposes
- Hungary - for new granting only : “ no legal commitments shall be entered into with any public interest trust established on the basis of the Hungarian Act IX of 2021 or any entity maintained by such a public interest trust .



European Research Council  
Established by the European Commission



# ERC services focused on the PI

- ✓ Daily support (procedures, communication, and dissemination)
- ✓ Support to communication & dissemination activity
- ✓ Simplified & pre-filled templates (H2020 and HE– all info in Portal)
  - Scientific reporting
  - Financial reporting
  - Amendment request
  - Data Management Plan
- FAQs
- Outreach events for PIs

Main contact

PO

SO

EO

Lawyer

Auditor

Communication team



# Useful links & contacts

---

- Funding and tenders opportunities portal

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

- Centralised Amendment mailbox:

[ERC-C2-amendments@ec.europa.eu](mailto:ERC-C2-amendments@ec.europa.eu)

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

[Name.Surname@ec.europa.eu](mailto:Name.Surname@ec.europa.eu)



European Research Council  
Established by the European Commission



# Thank You!

More Information: [erc.europa.eu](http://erc.europa.eu)

National Contact Point: [erc.europa.eu/national-contact-points](http://erc.europa.eu/national-contact-points)

Sign. up for news alerts: [erc.europa.eu/keep-updated-erc](http://erc.europa.eu/keep-updated-erc)

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

Follow us on



[www.facebook.com/EuropeanResearchCouncil](http://www.facebook.com/EuropeanResearchCouncil)



[twitter.com/ERC\\_Research](https://twitter.com/ERC_Research)



[www.linkedin.com/company/european-research-council](http://www.linkedin.com/company/european-research-council)



<https://www.youtube.com/c/EuropeanResearchCouncil>



European Research Council  
Established by the European Commission

