

# Project Coordinators' Information Day

## National and JU Grant Agreements



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# Overview

- ▶ Next steps after negotiation
  - ▷ Signature of National Grant Agreements
  - ▷ Signature of the JU GA
    - ▶ Content of the JU GA (Core and Annexes)
  - ▷ Accession of the other partners to the JU GA
- ▶ Note on Project Agreement
- ▶ Changes on the contract - Amendments

# Next steps after end of negotiations

## Clarification



- ▶ There are different type of partners that can participate on the ARTEMIS projects:
  - ▷ ARTEMIS Members States partners from countries which have concluded an administrative agreement with the ARTEMIS JU.
    - ▶ They need to conclude a national grant agreement prior to the accession to the JU GA
    - ▶ They receive funding from the national funding authorities and from the JU
    - ▶ Currently **22 countries**: Austria, Belgium, Cyprus, Czech Republic, Denmark, Spain, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Hungary, Latvia, the Netherlands, Norway, Portugal, Romania, Slovenia, Sweden and the United Kingdom
  - ▷ Non ARTEMIS Members States partners: they do not need to conclude any prior national agreement
    - ▶ Associated countries to the FP7 (Turkey, Switzerland...)
      - ▷ They receive only JU funding
    - ▶ Non-associated countries to the FP7 (USA...)
      - ▷ They can participate but they do not receive any funding
- ▶ This presentation refers to ARTEMIS Member States partners (unless explicitly mentioned otherwise)



# Next steps after end of negotiations

## Step 1 - Signature of National Grant Agreements (NGAs) for ARTEMIS Members States

- ▶ Non ARTEMIS Members States partners access directly to the Joint Undertaking Grant Agreement (**A2 Form**)

## Step 2 - Signature of the Joint Undertaking Grant Agreement (JU GA) by the coordinator and by the ARTEMIS Joint Undertaking

- ▶ Content of the JU GA

## Step 3 - Accession of the other partners to the JU GA

- ▶ Project enters into force

**Very Important! : Projects should already start** if the official starting date for the project has already been reached. They **DO NOT need to wait** for the national and JU contracts to be signed.

# Step 1 - Signature of National Grant Agreements by ARTEMIS Member States beneficiaries



- ▶ The establishment of a National Grant Agreement (NGA) is a pre-requisite to accede to the JU Grant Agreement and funding.

## Process:

- ▶ At the end of the negotiations the ARTEMIS JU sends to the relevant National Funding Authorities the following documents:
  - ▷ the approved Technical Annex
  - ▷ the Negotiation summary with the eligible costs, the JU and national contribution (totals and per partner)
  - ▷ a number of templates including the “Declaration of the signature of a NGA: **A3 Form**” and “Certification of payment of pre-financing under a NGA”
- ▶ This is the trigger for National Funding Authorities (NFAs) to start with the signing of the National Grant Agreements.
  - ▷ The national contracts will have as starting date the official starting date of the project agreed during negotiations.
- ▶ The NFA officially notifies the ARTEMIS JU after completion of the signature of the NGAs using the provided forms. Payments by the National Funding Authorities can already start.

# Step 2 - Signature of the Joint Undertaking Grant Agreement (JU GA)



- ▶ Once the Grant-agreement Preparation Forms (GPFs) are received , the ARTEMIS JU prepares the JU GA
- ▶ The JU GA is sent to the coordinator for its signature after receiving the declaration of signature of the National Grant Agreement for the coordinator
  
- ▶ Content of the JU Grant Agreement:
  - ▷ Template document: ARTEMIS-GB-2011-D.15
  - ▷ Content: Core contract (articles 1 to 11) + Annexes

## Step 2 – JU GA



Annex I	Technical Annex
Annex II	General Conditions applicable to all beneficiaries
Annex III	Specific conditions applicable to beneficiaries <u>having concluded</u> a corresponding national grant agreement (= from an ARTEMIS Member State)
Annex IV	Specific conditions applicable to beneficiaries <u>not having concluded</u> a corresponding NGA
Annex V	<b>Form A1</b> – Accession Form of the coordinator
Annex VI	<b>Form A2</b> – Accession Form of beneficiaries with no NGA
Annex VII	<b>Form A3</b> – Accession Form of beneficiaries with an NGA
Annex VIII	<b>Form B</b> – Request for accession of a new beneficiary
Annex IX	<b>Form C</b> – Financial statement (only non ARTEMIS members)
Annex X	<b>Form D</b> – Terms of reference for the certificate on the financial statements (only non ARTEMIS members)



## Step 2 – JU GA

- ▶ The JU GA for ARTEMIS Members States includes:
  - ▶ The core agreement
  - ▶ Annex I: Technical Annex
  - ▶ Annex II: General Conditions applicable to all beneficiaries
  - ▶ Annex III: Specific conditions applicable to beneficiaries having concluded a corresponding national grant agreement
  - ▶ Annex V: Form A1 – Accession form for the coordinator
  - ▶ Annex VII: Forms A3 - Accession forms for the rest of the partners
  - ▶ Annex VIII: Form B – Request for accession of a new beneficiary to the GA
- ▶ As a general rule, the non ARTEMIS Members States partners follow the FP7 rules



## Step 2 – JU GA

- ▶ As FP7 model grant agreement
- ▶ To be ***signed only by the coordinator and the JU***; the other partners accede to the JU GA through the relevant Form
- ▶ The ***JU financial contribution is paid directly to each beneficiary*** (not through the coordinator) for its participation in the implementation of the Project *provided the JU GA is entered into force*
- ▶ Upper limit for Pre-financing (applicable to all beneficiaries): 80% of the total amount of the grant
- ▶ Same bank account for national/JU grant agreement

## Step 2 – JU GA



- ▶ Annex II: General Conditions applicable to all beneficiaries
  - ▶ Role of coordinator: *intermediary for any communication between the JU and any beneficiary regarding technical issues.*
  - ▶ Consortium obligations
  - ▶ Technical reporting (Reports and deliverables)
  - ▶ Suspension of the Project
  - ▶ Confidentiality, Personal data processing
  - ▶ Upper funding limits
  - ▶ Recovery, financial/technical audits and controls/reviews
  - ▶ Intellectual property arrangements in compliance with the provisions of the Council Regulation establishing the JU (in the Project agreement)
  - ▶ Termination of the grant agreement, force majeure, liability

## Step 2 – JU GA

- ▶ Annex III: Specific conditions applicable to beneficiaries having concluded a corresponding national grant agreement
  - ▶ Specific performance obligations of beneficiaries
  - ▶ Payment modalities: payment by the JU following notification of corresponding certificate by the national funding authority
  - ▶ Subcontracting: reference to the provisions of the NGA
  - ▶ Eligible costs: reference to the provisions of the NGA
  - ▶ VAT not eligible
  - ▶ Amendment of the JU grant agreement: in some cases it may imply an amendment of the National Grant Agreement (see later)



## Step 2 – JU GA

- ▶ Annex V: **Form A1** – Accession form for the coordinator
- ▶ Annex VII: **Form A3** - Accession forms for the rest of the beneficiaries
- ▶ Annex VIII: **Form B** – Request for accession of a new beneficiary to the GA (through an amendment)

## Step 2 – JU GA



- ▶ The JU GA is sent to the coordinator for its signature after receiving the declaration of signature of the National Grant Agreement for the coordinator.
- ▶ Upon reception of the JU GA, the coordinator:
  - ▷ Signs two originals of the JU GA and sends them to the JU together with:
    - ▶ Form A1 (Annex V of the JU GA – Accession form for the coordinator).
    - ▶ Accompanying letter stating that no modification has been made to the text of the JU Grant Agreement.
  - ▷ The JU will return one original to the coordinator duly signed by ARTEMIS JU Executive Director



## Step 3 – Accession of the other beneficiaries to the JU GA

- ▶ Upon reception of the JU GA, the coordinator shall:
  - ▷ **Distribute** the accession forms A2 and A3 to the beneficiaries who must sign 3 copies of the A2/A3 forms to accede to the JU GA and send them to the coordinator

*!! ARTEMIS Member States beneficiaries must sign their national grant agreements before sending the A3 Form*

- ▷ **Sign** the received 3 copies of A2/A3 Forms and:
  - ▶ Send one to the JU
  - ▶ Send one to the beneficiary
  - ▶ Keep one



# Project's Consortium Agreement (PCA)

- ▶ The PCA is a **legally binding agreement among the beneficiaries** of the project which terms can not contradict or attempt to negate the provisions of the JU GA.
- ▶ It usually contains terms and conditions for IPRs, treatment of information, access rights to background and foreground, etc.)
- ▶ The PCA **should be signed before the JU GA is signed** → by signing the JU GA, the coordinator declares that the PCA is signed (article 1.4)
- ▶ The ARTEMIS Joint Undertaking is neither party to the Project Agreement nor checks/verifies it.
- ▶ ARTEMIS-IA provides a template PCA (ARTEMIS-IA Project Consortium Agreement)

[http://www.artemis-ia.eu/apca\\_v10](http://www.artemis-ia.eu/apca_v10)



## Project's entry into force

- ▶ Article 11 of the JU Grant Agreement
  - After signature by the coordinator and the JU
  - When at least 3 beneficiaries from 3 different ARTEMIS Member States have sent their A3 Form

→ *No payment can be done until this moment!*



# Amendments to the JU GA

- ▶ In case of changes on the project, the coordinator must inform the JU as soon as possible by means of an official request (i.e. signed letter).
- ▶ In case these changes affect any contractual items (changes on the Consortium, in the Technical Annex, etc.) an amendment needs to be requested by the coordinator on behalf of the Consortium.
- ▶ In case of termination of one or more beneficiaries, the request needs to include:
  - ▷ The reason for requesting the amendment
  - ▷ The Consortium's proposal for reallocation of tasks and budget
  - ▷ An updated version of the Technical Annex reflecting these changes
- ▶ The amendment needs to be approved/rejected by the ARTEMIS JU within 45 days of its receipt (if no reply = rejection)
- ▶ If approved, the new Technical Annex will be officially communicated to the relevant National Funding Authorities.

# Amendments to the JU GA



- ▶ **The request** may come from the Coordinator acting on behalf of all beneficiaries (in most of the cases) or from the JU.
- ▶ Formal characteristics (JU GA art.II.18)
  - ▷ The **coordinator** shall:
    - Send to the JU an amendment request letter (signed) on behalf of the consortium + supporting documents
    - Check with the concerned NFA if their involvement is required
  - The **ARTEMIS JU** shall:
    - Process the amendment if all data are present (If any supporting document is missing, the JU will consider the request as invalid)
    - Send an acceptance letter of the proposed amendment

# Amendments to the JU GA



Example of supporting documents:

Amendment request	Documents to be provided
<b>Changes concerning a beneficiary</b>	
New beneficiary	<ul style="list-style-type: none"> <li>- Letter from the coordinator</li> <li>- Agreement of the concerned NFA(s)</li> <li>- Updated TA with tasks allocation and budget</li> <li>- Form B</li> <li>- GPF, LEF, BAF</li> </ul>
Change of coordinator	<ul style="list-style-type: none"> <li>- Letter signed by the old and new coordinator <i>or</i>, if change without agreement of the coordinator, request from all beneficiaries or one of them</li> <li>- Opinion letter of the old coordinator (in case of change without his agreement)</li> <li>- Agreement of the concerned NFA (if needed)</li> <li>- Form B (in case of a new beneficiary)</li> <li>- <i>If new beneficiary</i>: GPF, LEF, BA</li> <li>- Updated TA</li> </ul>



# Amendments to the JU GA

- ▶ The amendment enters into force at the date the letter is signed by the Executive Director (unless in cases where the date is provided by the coordinator, for instance for the termination of participation of a beneficiary);
- ▶ The approval letter is sent **to the coordinator** who receives it on behalf of the consortium: it is his responsibility to inform the members of the consortium. In case of *termination of the participation of a beneficiary*, a copy of the letter should be sent to him.
- ▶ The **NFAs** concerned are always put **in copy** of the amendment: it is their responsibility to implement the amendment where necessary.



## Useful information

- ▶ Negotiation Guidelines (ARTEMIS-ED-28/08)
- ▶ Guide to Financial Issues (ARTEMIS-ED-11/09)
- ▶ Model grant agreement (ARTEMIS-GB-2010.D.15)