Article 185 of the TFEU – Main features

Content of the Presentation

- Definition
- Criteria and Rules for participation
- Actions for the implementation

Public-public Partnerships in H2020

Public sector bodies commit with EU to jointly support development and implementation of R&I programmes or activities

Increase efficiency
Reduce fragmentation
Avoid duplication

*"Horizon 2020 shall contribute to the strengthening of public-public partnerships where actions at regional, national or international level are jointly implemented within the Union. Particular attention shall be paid to joint programming initiatives between MS."**

Public-public partnerships may be supported … in particular through:

- ✓ an **ERA-NET** instrument
- ✓ Union participation in programmes undertaken by several Member States in accordance with **Article 185** TFEU.

*Commission proposal for a Regulation of the European Parliament and the Council establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) – Art.20

The Art. 185 Instrument

Definition*:

"In implementing the multiannual framework programme, the Union may make provision, in agreement with the Member States concerned, for participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes".

The Community provides financial support to the joint research programme, by co-funding the efforts from national/regional budgets/ programmes.

*Treaty on the Functioning of the European Union (TFEU)

Toward the Integration

ART 185

Scientific integration

Existence of national programmes or activities

Joint scientific programme

Selection of proposals based on scientific excellence (single intern. Peer review)

Management integration

Independent joint management structure (D.I.S.)

Well defined governance – legal body and role as D.I.S.

Clear roles and responsibilities between MS/D.I.S. and EC

Financial integration

Strong political/financial commitment by MS

Pre-allocated budget/year

Content of the Presentation

- Definition
- Criteria and Rules for participation

Requirements and Prerequisites for…
Art. 185 TFEU in Horizon 2020

- **high level of commitment** towards the **integration at scientific, management and financial levels**;
  - **need for a Dedicated Implementation Structure (DIS)**;
    - **pre-existing basis** (existing or envisaged research programmes or national/regional budgets that can be committed)
      - clear definition of the objectives to be pursued and their relevance with respect to those of **Horizon 2020** (no overlap of the specific actions!);
        - **clear financial commitments** (pooling national and/or regional investments);
          - **efficiency of the Article 185** instrument as the **most appropriate means** for achieving the objectives;
            - **critical mass** (size and number of programmes involved);
              - **added value**.

Art. 20

Art. 185 in Horizon 2020

*Commitment of the participating countries to the **three levels of integration** is the essential pre-condition for future proposals for Art. 185 initiatives*

- *Commission Communication "Partnering in Research and Innovation" (September 2011)*
- *Council "Conclusions on Partnering in Research and Innovation" (December 2011)*

*Art. 20 spells out the needed **three integration levels** for using the instrument of Art. 185.*

- *Commission proposal for a Regulation of the European Parliament and of the Council establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020), (November 2011)*

*Art. 1 states that the **Rules for Participation** of the FP will apply to Art. 185 initiatives (with the possibility for justified derogations).*

- *Commission Proposal for a Regulation of the European Parliament and Council laying down the rules for the participation and dissemination in Horizon 2020 (November 2011)*

What's new?

Three levels of integration

Rules for Participation

Rules for Participation in H2020

Rules for Participation in H2020

1. A single set of rules for the whole Programme
   - Adapted for the whole research and innovation cycle
   - Covering all research programmes and funding bodies
   - Aligned to the Financial Regulation, coherent with other new EU Programmes
2. One project – one funding rate
   - Maximum of 100% of the total eligible costs (except for actions close to market, where a 70% maximum will apply) (Art. 22)
   - Indirect eligible costs: a flat rate of 20% of direct eligible costs (Art.24)
3. Simple evaluation criteria (Art.14)
   - Excellence – Impact – Quality and efficiency of the implementation (Excellence only, for the ERC)
4. New forms of funding aimed at innovation: **pre-commercial procurement**, inducement prizes, dedicated loan and equity instruments
5. International participation: facilitated but better protecting EU interests

* Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down the rules for the participation and dissemination in 'Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020); Brussels, 30.11.2011 COM(2011) 810 final 2011/0399 (COD)

Rules for Participation in H2020

6. Simpler rules for grants: broader acceptance of participants accounting practices for direct costs, flat rate for indirect costs, no time-sheets for personnel working full time on a project, possibility of output-based grants

7. Fewer, better targeted controls and audits
   - Lowest possible level of requirements for submission of audit certificates without undermining sound financial management
   - Audit strategy focused on risk and fraud prevention

8. Improved rules on intellectual property
   - Balance between legal security and flexibility
   - Tailor-made IPR provisions for new forms of funding
   - A new emphasis on open access to research publications

Beyond the Rules: further simplified provisions in the Grant Agreement and implementing procedures to facilitate access to Horizon 2020 (e.g. common IT platform).

* Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down the rules for the participation and dissemination in 'Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020); Brussels, 30.11.2011 COM(2011) 810 final 2011/0399 (COD)

Content of the Presentation

- Criteria and Rules for participation
- Actions for the implementation

Actions

Preparatory phase

- Establishment of the **D.I.S.**
- **Joint Programme**

  Stock-taking and analysis of national research programmes to **focus** and identify potential common interests, gaps and **specific thematic areas** on the basis of mutual interests;

  Common **Strategic Research Agenda** and activities' definition

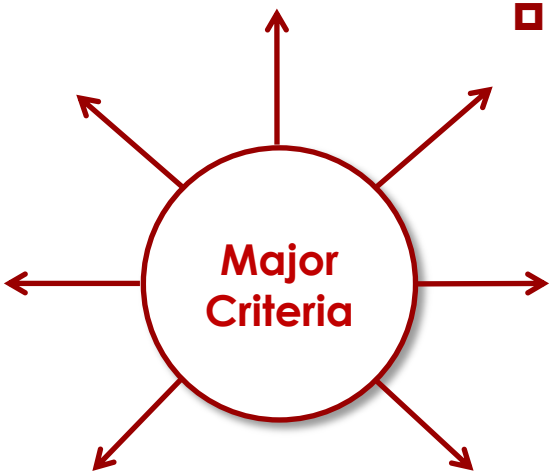
- **Submission** of the Joint Programme **to the EC**

Implementation phase

Starts **after the Decision** of the European Parliament and the Council.

Joint Programme

- **Relevance to EU objectives**, but also to the regional context;
- Sound and efficient **work plan**
- **Fixed and clear objectives** relevant to the objectives of the Research Framework Programme;
- Presence of **pre-existing or envisaged research programmes**;



- **European added value**
- **Critical mass** in terms of size and number of research programmes involved
- 3 levels of **integration**

Dedicated Implementation Structure

- **recipient of the EU funding**
- **responsible** for the **administrative, financial and contractual management** of the joint research programme
- **legally established before the Decision** is adopted by EP and Council
- Commission concludes a **Delegation Agreement** with the DIS

No specific model is foreseen

Dedicated Implementation Structure

The participating States can:

- foresee the **appropriate legal structure** for implementing the joint programme:
  - opt for an **existing** structure
  - set up a **specific** structure
- decide on the **modalities of the functioning** of the structure;
- leave an open door for **new participation** if foreseen in the Decision.

Models used as the D.I.S. (for EDCTP: common structure) so far:

- **European Economic Interest Grouping** (EEIG) for BONUS-169 and EDCTP
- **Eureka Secretariat** for EUROSTARS
- International **not-for-profit association under Belgian law** (AAL-Association)
- **European Association of National Metrology Institutes** (EURAMET) for EMRP

Governance Structure

As an example we could consider the following structure.

General Assembly

- composed by representatives of all Participants;
- takes the strategic decisions.

Executive Board (and Secretariat)

Scientific Advisory Board

The interaction with stakeholders could be ensured through an *ad-hoc* forum managed by the Executive Secretariat.

Budgetary issues

Funding sources

- **Research programmes** undertaken jointly by several MS
- **Community participation** from FP

Budget size

- EUROSTARS: **maximum of one third of the effective financial contributions from MS**, with a ceiling of 100 M€ for the duration of six years; app. 300 M€ of MS
- AAL: >300 M€; **150 M€ of the Community for the FP7 duration**; at min. 150 M€ of MS
- EDCTP: 600 M€ total in 5 years; **200 M€ from MS, Community, and other sources each**
- BONUS-169: 100 M€ total; **50 M€ of MS and Community each**

Financial Aspects

Commission financial contribution

in-cash (details in the Decision)

MS financial contribution

in-cash

in-kind (contribution made by participating states, other than cash)

Funding Models

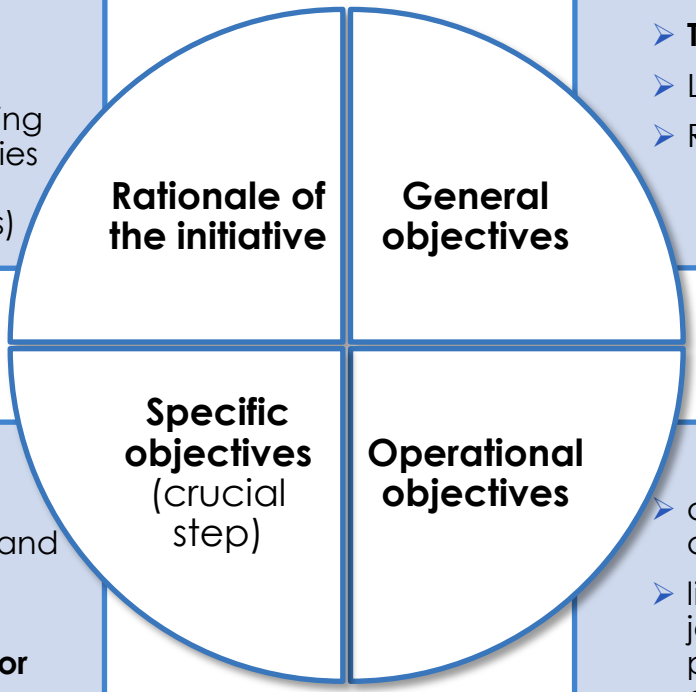
Real common pot

Virtual common pot (restricted or unrestricted)

Impact Assessment

Some core elements

- **why Research and Innovation (R&I) is important**
- key **R&I trends** in the region
- why public **support** is needed **through Art. 185** (e.g. overcoming fragmentation/allowing synergies of public funded research and innovation on specific domains)



- **Treaty based goals**
- Link with the **existing policy setting**
- Related to **impact indicators**

- based on the **specific domain** and particular **nature of the policy intervention**
- correspondent to **result indicator**

- defined in terms of **deliverables** and **specific to policy area**(s)
- link to **output indicators**, including joint calls and outcomes (joint publications, joint university curricula)

Steps for the setting up

- Submission of a **joint programme** to the Commission and identification of the **Dedicated Implementation Structure** (D.I.S.)
- Ex-ante **Impact Assessment** of the Commission
  - Public/Stakeholders consultation, independent expert group to feed the I.A.
- Submission of a **Proposal** to the Council and Parliament by the Commission
- Adoption and publication of Council and Parliament **Decision**
- Contract between Commission and DIS - "**Delegation Agreement**"
- Annual contributions based on annual agreement, report and planning

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Thanks for your attention