

# Current status: legal documentation, governance, and funding mechanism

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- The legal and governance scheme for a joint programming will derive from the expected type of activities and their level of definition
- An exercise is currently carried out to establish which topics could receive the most support from all WMOs/REs/TSOs. The exercise will allow to adjust the balance between the activities of :
  - ✓ High interest for 2019-2024
  - ✓ Interest beyond 2024
  - ✓ Networking/Benchmarking activities on methodologies / strategies/ tools
  - ✓ Exchange of good practices/ Mutual understanding
- The following presents the case where technical and support activities could be defined for the majority of the topics, with a level of detail requested for developing a current EU Technical Project or Coordination and Support Action



## *EJP in H2020 – Policy preconditions:*

- A publicly funded research community that already collaborates well together and intends to engage in a complex and coherent *programme* of joint activities beyond standard projects
- Ambitious overall budget (**e.g.** minimum EUR20-50 million EU contribution leveraged at 50% funding) with clear commitment by MS
- A (pre-)agreed roadmap, or at least a clear goal- / project-oriented approach with clear objectives
- Strong quasi-permanent management and internal programme monitoring structures
- Possibly, and where the sector allows it, long-term ambition to create permanent transnational legal structures i.e. beyond a grant-based framework, possibility of Art. 185 (where the Treaties allow it)

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# Legal documentation

- The Joint Programming will be set up after a “call” (EURATOM WP 20XX)
  - ✓ A “Proposal” should be prepared by “Beneficiaries”
  - ✓ This Proposal will go through the selection process of EU projects
- The legal documentation necessary for an EJP is:
  - ✓ A Grant Agreement between the Beneficiaries and the European Commission
    - [http://ec.europa.eu/research/participants/data/ref/h2020/mga/pcp\\_pi/h2020-mga-ejp-cofund-multi\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/mga/pcp_pi/h2020-mga-ejp-cofund-multi_en.pdf)
  - ✓ A Consortium Agreement
    - [http://www.desca-2020.eu/fileadmin/content/Desca\\_2020\\_1.2/DESCA2020\\_v1.2\\_March\\_2016\\_with\\_elucidations.pdf](http://www.desca-2020.eu/fileadmin/content/Desca_2020_1.2/DESCA2020_v1.2_March_2016_with_elucidations.pdf)
- Additional agreements
  - ✓ Needed between beneficiaries, their third parties and/or linked third parties

# EJP Participants

- **Beneficiaries** to the EJP are Mandated Actors financing and operating Research Demonstration and Development in the field of Radioactive Waste Management
  - ✓ They have a mandate from their political authorities
    - The mandate is given only for the duration of the project and for a limited domain of Activities
    - It doesn't mention or imply any responsibility in the national research policy of the member states
  - ✓ The mandate is given by the highest governmental body in charge of the implementation of the EC Waste Directive
    - It demonstrates that the “Activities” where an organisation is involved correspond to actual needs for implementation of the “National Programme”
      - This will be in most cases a ministry or a regional authority. Other cases possible to be discussed with EC
  - ✓ RD&D operators acting in the domain and who are not (or can't be) “mandated” will participate as **Third Parties (Affiliated or Linked Third Parties)** of a “Mandated Actor”

# EJP Participants (Cont.)

- The Work Programme mention that :*“Other legal entities may participate if justified by the nature of the action, in particular entities created to coordinate or integrate transnational research efforts, grouping funding from both national and private sources”*
  - **Not for profit association could be direct beneficiary**

New participant can join the Consortium (either as a Beneficiary or as a Third Party) after the signature of the Grant Agreement through amendment

- **“linked third parties”**
  - ❑ Third party with a legal link to a beneficiary’ is any legal entity which has a legal link to the beneficiary implying collaboration that is not limited to the action.
- **They must be identified in the Grant Agreement**

# Contractual documents of an EJP

## GRANT AGREEMENT

- The Grant Agreement is produced by EC and is composed of:
  - ✓ Terms and Conditions
  - ✓ Annex 1 – **Description of the Action**
    - objectives, partners, expected impacts and activities (*i.e. work packages*)
  - ✓ Annex 2 – Estimated budget
  - ✓ Annex 3, 4, 5 and 6 : models for the future financial statements
  - ✓ Annex 7 – **Annual Work Plan**
    - is updated every year as a deliverable for the EJP implementation
    - provides a detailed narrative description of the Technical / Horizontal /Networking /Management Activities to be carried out during the next 12-month period of the EJP (incl. contributors, deliverables and specific resources for each Activity)

## CONSORTIUM AGREEMENT

- The Consortium Agreement is a contract between all the Participants of the EJP and is signed by each one of them, it refers to governance scheme, management structures and financial distribution but also concerns confidentiality, liability and Intellectual Property Rights.

# Annual work plan and management of activities

The Annual work plan is a regular deliverable for the implementation of the European Joint Programme ('EJP')

- The programmed Activities are described in the work plan submitted as response to the call
  - Adjustments of the breadth of the Activities can be done every year
  - New partners are included through amendments
- The Annual Work Plan contains the details of the implementation of the Activities
  - Set of Activities
  - Contributors to the Activities
  - Annual deliverables for the EJP and each Activity
  - Specific resources and costs for each Activity
  - Detailed narrative description of the work



# Types of Activities

- **Technical Activities**
  - ✓ Equivalent to technical projects (as know in Horizon2020 but without the horizontal and networking activities)
- **Horizontal Activities**
  - ✓ Education, Training , Strategic Studies , Guidance , Transfer of Knowledge and Dissemination
- **Networking Activities: “Think Tanks” (*Permanent or ad hoc*) i.e.**
  - ✓ Strategic and programmatic activities of Civil Society actors
  - ✓ Strategic and programmatic activities of implementers (“IGD-TP”) or TSOs (“SITEX”) or RE...
  - ✓ Strategic and programmatic activities to address Less Advanced programmes’ needs
  - ✓ ...
- **Management Activity**
  - ✓ Organisational and coordination of the EJP – Secretariat
  - ✓ Technical coordination of the networks

# Governance of the EJP

## ➤ General Assembly

### ✓ Mission:

- Approve the Annual Work Plan
- Approve the evolution of the EJP, incl. the entry of a new EJP Participant

## ➤ Executive Board

### ✓ Comprises sub boards (Technical/horizontal/Ethical and Social advisory boards)

### ✓ Mission:

- Manage, organise and evaluate the activities
- Propose to the General Assembly the activities to be included in the Annual Work Plan

## ➤ Coordinator

### ✓ Mission:

- Coordinate the Project
- Manage the Secretariat of the project

- Submit the Annual Work Plan to the General Assembly
  - ✓ Assessment of the work and outcomes for each Activity
    - Assessment prepared by the sub-boards
    - Contain technical and financial information for periodic report
  - ✓ Description of the Activities including
    - Proposal for annual budget
      - annual use of resources
      - amendment for existing activity
- Select new Participants (Activities where the participants are not determined in the Work plan)
- Manage the relations with other Technology Platforms and Fora (SNETP, NEA, IAEA...)

# Technical and Horizontal boards

- Evaluate the activities
  - ✓ Prepare the assessment (scientific and technical aspects) report of the activities to the Executive Board
- Evaluate the request for amendment of Activities (from Activities coordinators - additional funding) to be submitted to the Executive Board
  - ✓ Propose new participants
  - ✓ Prepare its contribution to the Annual work plan
- Propose evolution towards new activities and following programmes
  - ✓ Prepare the contribution to potential future Joint Programming

# “Ethic and Social advisory board”

- Express the views of the Civil Society
  - ✓ Prepare an assessment (Position of the Civil Society) of the activities to the Executive Board
  - ✓ Prepare the contribution to the Annual Work Plan
- Propose evolution of governance for the on-going and following EJP
  - ✓ Prepare the contribution to potential future Joint Programming

# Management structure and Activities of an EJP

General Assembly

Management Activity  
Secretariat

Executive Board

“Scientific and Technical  
development board”

“Horizontal activities  
development board”

“Ethic and Social advisory  
board”

Technical Activities

*Technical projects*

Horizontal Activities

*Education, Training ,  
Strategic Studies ,  
Guidance , Transfer of  
Knowledge and  
Dissemination*

Networking activities

*Strategic and programmatic  
activities  
...*

## Funding Principles

- The principle is that participants are those able to direct national funding and/or manage a national research programme – mandated by the government
- The funding
  - ✓ Up to 70% reimbursement rate (To be confirmed in the Work Programme)
  - ✓ All the costs related to an activity incurred by a third party or a linked third party should be declared in the Grant Agreement (If not there is a risk of rejection by EC)
- The funding principles will be explored in details after the Mid-Term Workshop
  - ✓ Responsibility for bearing the cost of affiliated parties or subcontractors if not described in the Work plan
  - ✓ Annual Work plan status (versus Work plan)...

## Funding the activities – case study (1)

### □ The “Activity” is defined in the Description of Action (Annex I to the Grant Agreement)

- ✓ The objectives and scope are entirely described and agreed upon the partners
- ✓ The participants are all beneficiaries or linked third parties
- ✓ The budget and splitting of cost and revenues are provided in the Description of Action

### ➤ In this case

- ✓ The funding of the project is the one accepted in the proposal for EJP
- ✓ No decision is required by the Executive Board unless upon request from the coordinator of the Activity for:
  - Modifying tasks planned and agreed upon in the work plan or the annual work plan
  - Including new partners in the Activity
  - Requesting more financial support
- ✓ The coordinator of the Activity should provide a self assessment of its activities

### ➤ This situation should ideally represent around 80 - 90% of budget involved in the EJP



## Funding the activities – case study (2)

- The “Activity” is partly defined in the Description of Action (Annex I to the Grant Agreement)
  - ✓ The objectives and scope are entirely described and agreed upon the partners
  - ✓ Some tasks are not fully described or should be modified and financed
  - ✓ The list of participants is not finalized
  - ✓ The budget and splitting of cost and revenues are estimated in the proposal for EJP
- In this case
  - ✓ The funding of the project is the one accepted in one of the annual work plan following the acceptance of the proposal
  - ✓ Decision is required by the General Assembly after review from Technical Board and proposal by the Executive Board for:
    - Agreeing upon additional task or modification and the budget associated for including it in the Annual Work plan
    - If necessary make amendment to the Grant Agreement to include new partners in the Activity
- This situation should ideally represent around 10-20% of budget involved in the EJP

## Adding new contributors

- All activities should remain open to new contributors
- In technical activities this will lead to new tasks or subtasks with a request for new allocation of resources
- Some tasks will be not allocated to a participant
- New contributor wishing to take over a task can be included
  - ✓ As “Beneficiary” if they are mandated actors
  - ✓ As “Linked Third Party” if they can’t be mandated
  - ✓ In all case they should cover part of the funding of the activity (finance or in-kind)
    - Risk of rejection of costs if not declared in Annex I
    - Scheme for calling for new participants to be explored
- Amendment of Grant Agreement should be prepared

## Conclusion: Key Points

- An EJP is a large EU Project :
  - ✓ With clear commitment from the programme owners
  - ✓ With specific requirements for participating
  - ✓ Potentially including all research actors involved in the domain of radioactive waste management
  
- The legal form of EJP provides:
  - ✓ A unique and stable legal frame for all the Activities and for the duration of 5 (+1) year
  - ✓ A large breadth of activities in response to strategic needs for countries whatever the stage of development of their National programme
  - ✓ Flexibility in the management of the activities (adjustments of scope and budget possible)

## Conclusion: Key Points (Cont.)

**However, in order to be in position to submit a proposal for an EJP:**

- Each country should be made clear its national organisation of in order:
  - ✓ To reduce the number of beneficiaries and simplify the internal decision process of the EJP
  - ✓ To identify in which Activities a Beneficiary or a Linked third party should be involved
  - ✓ To prepare the funding of Activities (Budget not covered by the EC Grant)
- The programme and the associated budget should brought forward an appropriate level of detail that will allow the technical and financial commitment of the participants