



# Model Grant Agreement vs Consortium Agreement and Nature of the Framework Partnership Agreement (teaming)

WORKSHOP ON LEGAL AND FINANCIAL  
ASPECTS

Seville 3rd March 2016

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# TOPICS TO BE COVERED

- MGA vs CA
- CA generally
- MGA generally
- MGA – Amendment
- FPAs generally
- FPAs on teaming activities

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# Model Grant Agreement vs Consortium Agreement

GA and CA are different documents,  
But they are very related and somehow should tend to be mimetic



# Model Grant Agreement vs Consortium Agreement

## Internal arrangements between beneficiaries — Consortium agreement

The beneficiaries must have internal arrangements regarding their operation and coordination to ensure that the action is implemented properly. These internal arrangements must be set out in a written ‘consortium agreement’ between the beneficiaries, which may cover:

- internal organization of the consortium;
- management of access to the electronic exchange system;
- distribution of EU funding;
- additional rules on rights and obligations related to background and results
- settlement of internal disputes;
- liability, indemnification and confidentiality arrangements between the beneficiaries.

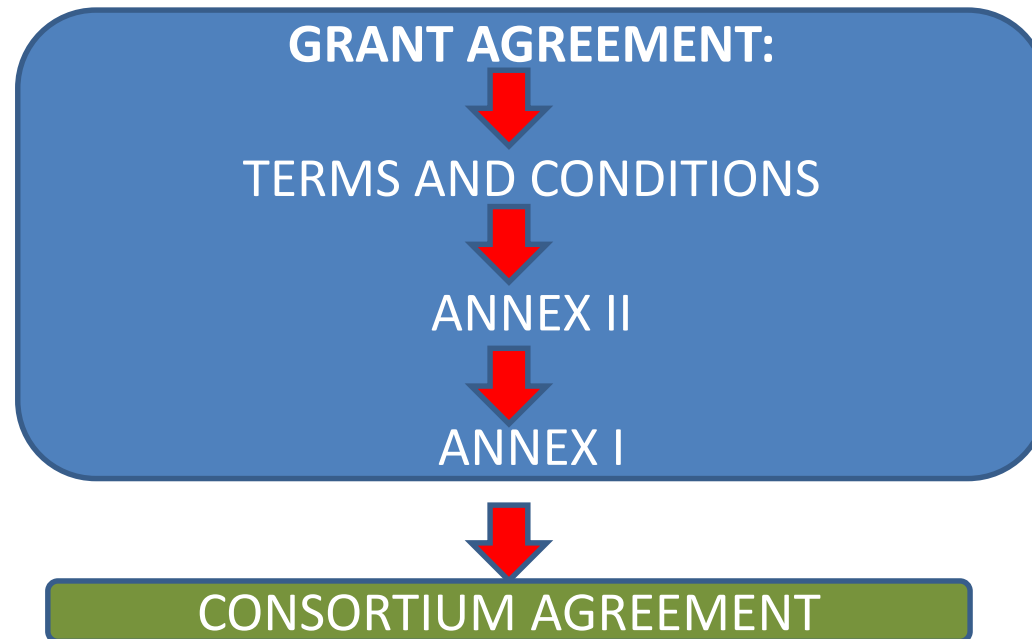
**Art 41.3 MGA**

The consortium agreement must not contain any provision contrary to the Agreement.

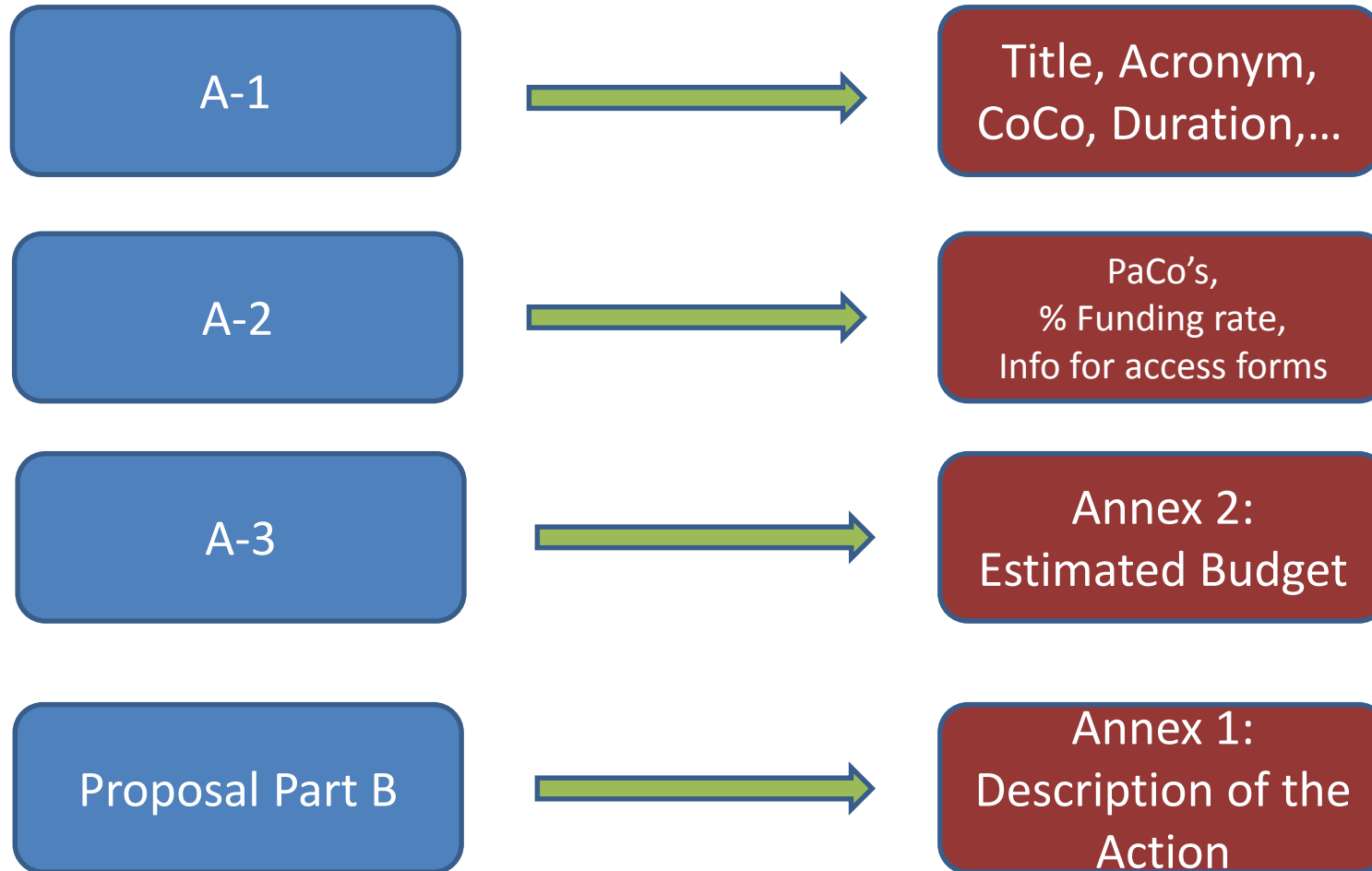
# GA prevails over the CA

In case of discrepancy GA clauses prevails over the CA articles.

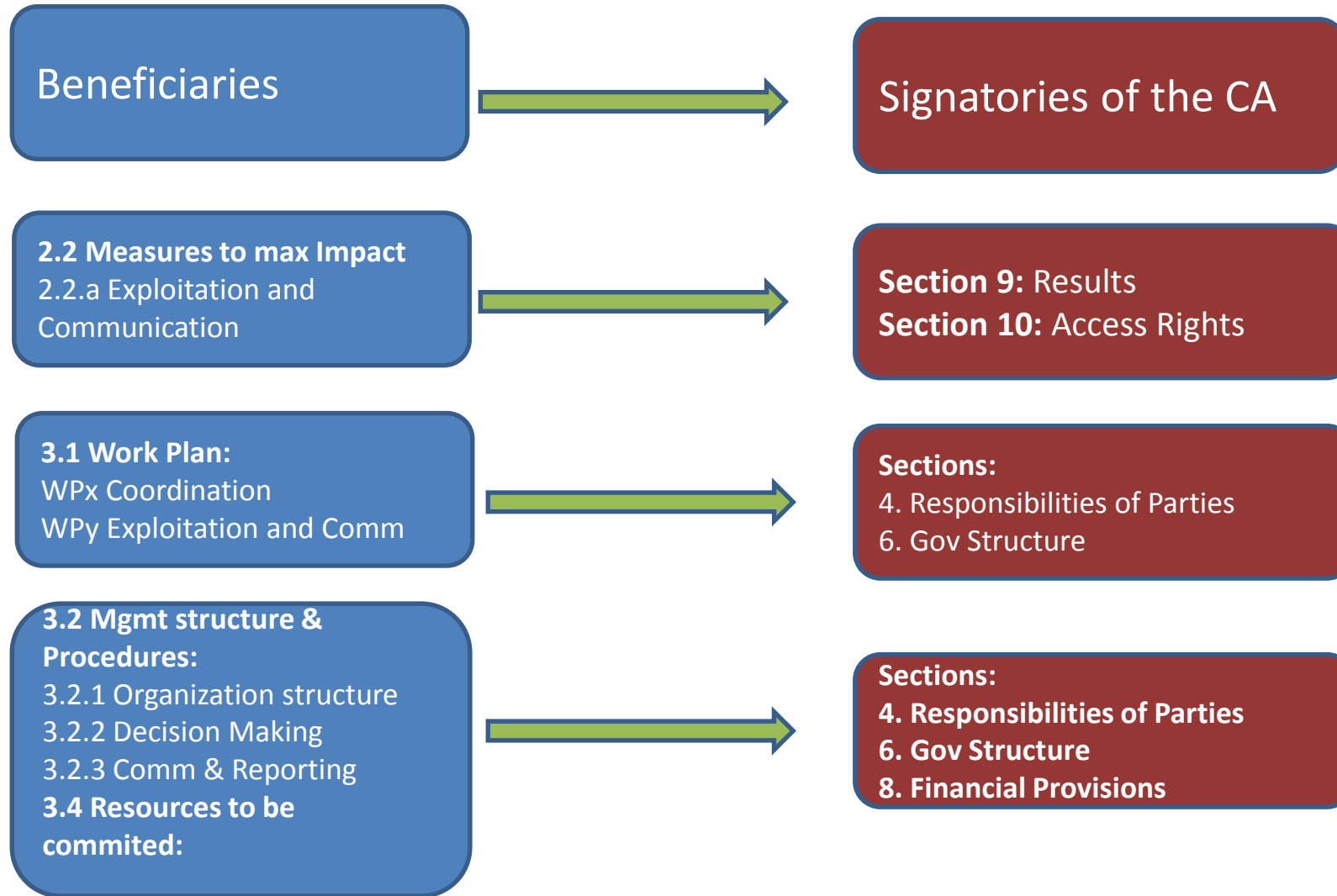
Within the GA the prevalence order is:



# From the Proposal to the GA



# From the GA to CA





# TOPICS TO BE COVERED

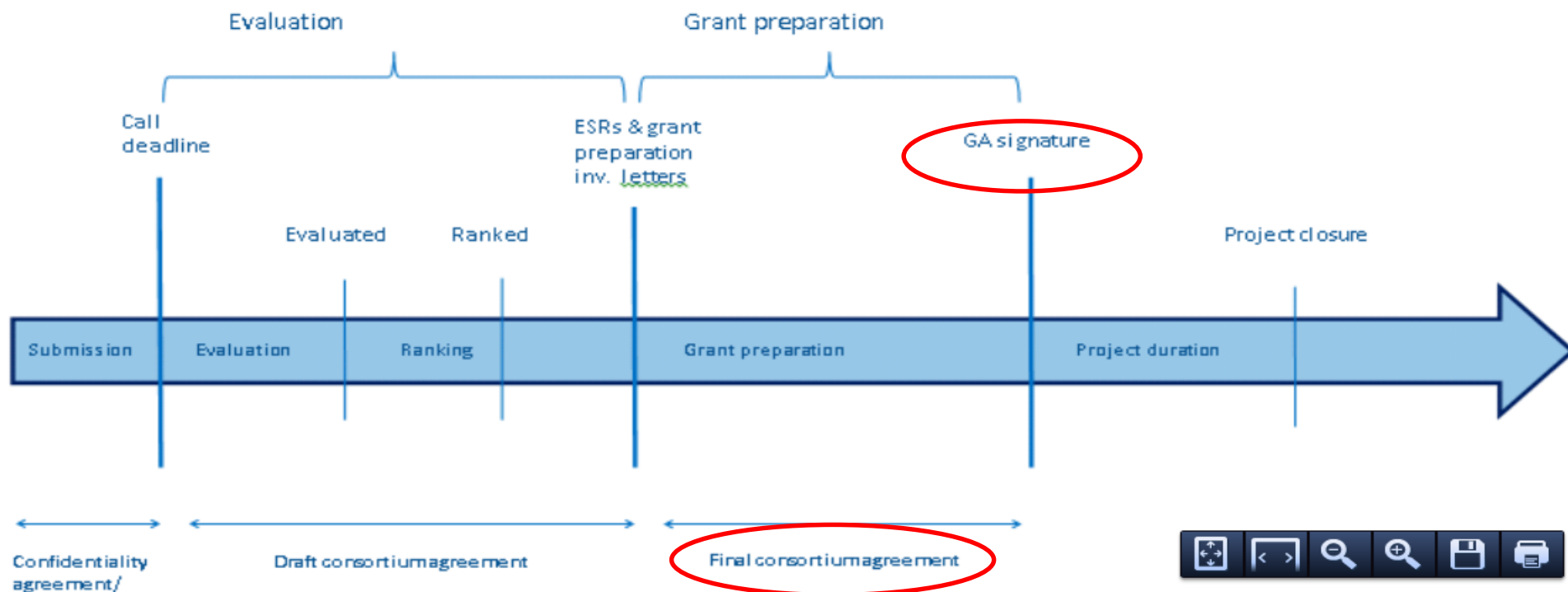
- MGA vs CA
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# Consortium Agreement

- **WHAT**
  - Written contract among beneficiaries to cover internal arrangements regarding action operation and coordination
- **WHY**
  - MGA requires – art. 41.3
  - Exception – otherwise stipulated in the WP
- **WHEN**
  - Should be before the signature of the GA

Figure 1 — consortium agreement time-line diagram

## Consortium agreement



- **WHEN**
  - Should be before the signature of the GA

# Consortium Agreement

- **WHAT**
  - Written contract among beneficiaries to cover internal arrangements regarding action operation and coordination
- **WHY**
  - MGA requires – art. 41.3
  - Exception – otherwise stipulated in the WP
- **WHEN**
  - Should be before the signature of the GA
- **HOW**
  - Paper version, not via PP
  - Using **models** is possible

# Consortium Agreement Models

- DESCA
- MCARD
- EUCAR



**EUCAR Model Consortium Agreement Horizon 2020**

**EUCAR Model Consortium Agreement for the Horizon 2020 Framework Programme for  
Research and Innovation  
(Funding Scheme Collaborative Projects)**

**[Action Title]([Project Short Title])**

**Consortium Agreement**

Ref No: \_\_\_\_\_

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**MODEL CONSORTIUM AGREEMENT**

**FOR RESEARCH, DEVELOPMENT AND INNOVATION ACTIONS**

**UNDER HORIZON 2020**

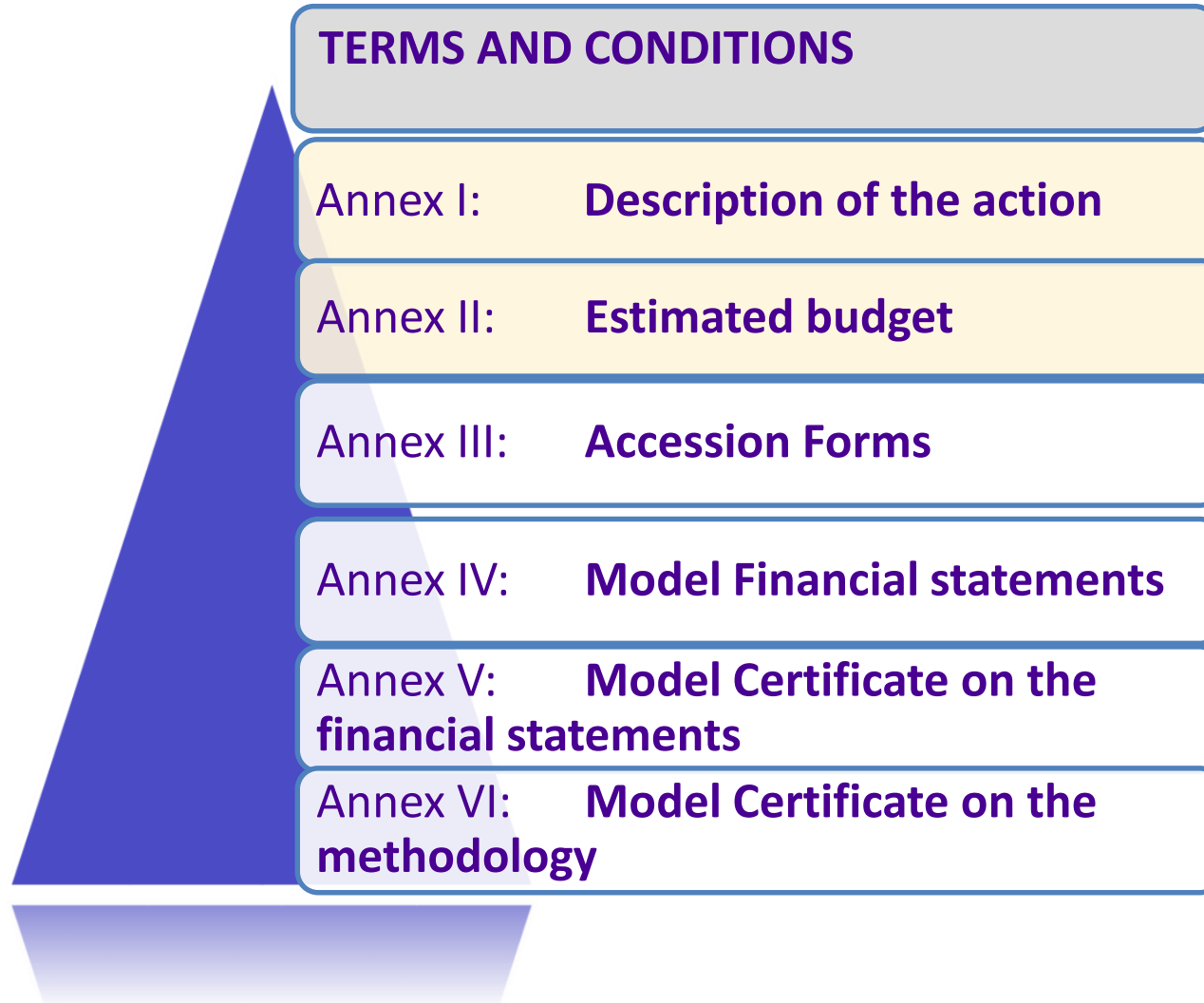
**MCARD-2020**

(developed by DIGITALEUROPE)

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# Grant Agreement Main Structure



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## TERMS AND CONDITIONS

There is not any longer special clauses to add, but:

- Different MGAs, IE: RIAs & IAs, FPAs, PCP&PCI, SME Instrument (linked to the topic)
- Some specific articles/clauses are activated (action needed during the grant preparation!)

Annex VI: **Model Certificate on the methodology**



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# Amendments to the GA



Article 55 MGA

What ?

An amendment to the grant agreement is necessary to **change the GA** (e.g. its **terms and conditions** (only specific data and options), and **Annexes**)

Consequences

The amended provisions **become an integral part of the GA**

All other provisions remain unchanged and have full effect

# Amendment conditions

- Amendments may **not** result in changes that — if known before awarding the grant — would have had an impact on the decision to award it.
- Those are mostly changes that:
  - ✓ may have had an impact on the **assessment of the applicant** with regard to the **eligibility and selection criteria**
  - ✓ breach the principle of **equal treatment** of applicants
  - ✓ involve modifications in the action and/or budget which may have affected the assessment with regard to the **award criteria** established in the call
  - ✓ do not comply with the **FR, RAP, RforP**, or provisions of **the GA itself**

# Amendments (more)

- **When?** Generally before the end of the action
- **Who?** Generally the Coordinator
- **How?** Through the Part. Portal

# Typical Cases that need an Amendment

- **Removal of a beneficiary** whose participation is terminated
- **Adding** a new beneficiary
- **Change of beneficiary** due to a partial takeover
- **Removal or addition** of a linked **third party**
- **Coordinator changes:** Coord, bank data, Auth to administer, ..
- **(Substantial) Change** in Action Implementation: Annex 1, Title, Starting, Duration, progress reports, ...
- **(Substantial) Budget Changes:** Form of Costs, Significant budget shifts

# Typical Cases that do not need an Amendment

- Budget transfers amongst beneficiaries and cost categories (1) (2)
  - Name or address of Coord/beneficiary
  - Changes due to an UTRO (except Coordinator)
  - Some bank details (name, address, Acc holders)
- (1) Without changing the nature of the action
- (2) If they do not imply change of costs model (ie actual costs to unit costs)

# Typical Cases that do not need an Amendment

- Budget transfers amongst beneficiaries and cost categories (1) (2)
- New beneficiary
- Change of beneficiary (coordinator)
- Social Security (address, Acc holders)

As far as changes are bigger, the recommendation to inform/check with the PO is stronger

- (1) Without changing the nature of the action
- (2) If they do not imply change of costs model (ie actual costs to unit costs)

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# What is FPA and SGA?

**Framework Partnership Agreement (FPA)** is an alternative instrument used by EC for long-term cooperation with partners that 'might be' grant beneficiaries, subject to posterior **Specific Grant Awards (SGA)**

## Main characteristics:

- Mutual Interest and common goals on union policy
- Actions defined and agreed jointly based in common objectives
- Ongoing and formalized arrangements to implement potential actions (SGA)

# FPA and SGA Implementation

<p>1st level-</p> <p><b>Framework Partnership Agreement (FPA)</b></p>	<ul style="list-style-type: none"><li>• Establishing the partnership on the basis of an action plan and jointly agreed general objectives</li><li>• Setting out rules governing the award of grants to partners for implementing actions <u>NO OBLIGATION TO AWARD GRANTS</u></li><li>• <u>NO FINANCIAL COMMITMENT</u></li></ul>
<p>2<sup>nd</sup> level-</p> <p><b>Specific Grant Agreement (SGA)</b></p>	<p>leads to a Union grant for an action and sets out purely specific provisions governing the subject of the grant – <u>need of budget appropriations in the Work Programme</u></p>

# FPA and SGA Selection of Partners

## Selection of partners

FRAMEWORK PARTNERSHIP AGREEMENT	SPECIFIC GRANT AGREEMENT
<p><i>Announced in the Work Programme with no budget appropriation but only a general indication</i></p>	<p><i>Announced in the Work Programme with the budget commitment and on the basis of the action plan jointly agreed in FPA</i></p>
<p><i>Calls for proposals</i></p> <p><b>EXCEPTION ALLOWED (art.190 RAP)</b> <i>But must be duly justified</i></p>	<p>1- Call for proposals 1a open to all applicants 1b restricted to some applicant</p> <p>2- Invitation to submit a proposal (only in specific cases)</p> <p>3- Submission of the proposals within a certain date</p>

# FPA and SGA MGA Contents

FPA MGA	SGA MGA
Partnership Description (arts 1-6)	<b>TERMS AND CONDITIONS</b>
General conditions applicable to all SGAs (arts 7-57)	Annex I: <b>Description of the action</b>
FPA and SGA Common Provisions (arts 58-64)	Annex II: <b>Estimated budget</b>
	Annex III: <b>Accession Forms</b>
	Annex IV: <b>Model Financial statements</b>

# FPA and SGA MGA Contents

FPA MGA	SGA MGA
Partnership Descrip	AND CONDITIONS
General condition SGAs (arts 7-57)	tion
FPA and SGA Co (arts 58-64)	
	ments

**REMARKS:**

- FPA < 4 years, although extendable among H2020
- SGA always with the FPA running

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# FPA, SGA and Teaming activities

Within the Widespread programme FPAs and SGAs are used for ‘Teaming activities’

<b>Topic:</b>	WIDESPREAD-1-2014:Teaming	<b>Closed</b>
<b>Publication date:</b>	11 December 2013	
<b>Types of action:</b>	FPA Framework Partnership Agreement, FPA-SGA-CSA Framework Partnership Agreement and Coordination and Support Action funded by a specific grant awarded under the Framework Partnership Agreement, SGA-CSA Specific Grant agreement and Coordination and Support Action	
<b>DeadlineModel:</b>	single-stage	<b>Deadline:</b> 17 September 2014
<b>Opening date:</b>	11 December 2013	17:00:00

- FPA
- FPA:SGA-CSA
- SGA-CSA
- ????????

# Teaming Requirements

Teaming, will involve two (2) parties:

- Coordinator (based in a low performing country)
- An excellent research and/or Innovation centre based in EU or associated country (or a consortia)

## Teaming phases:

Stage I: Business Plan Stage II: Expenses to start-up the centre





# CONCLUSIONS

- Grant Agreement prevails over CA
- CA starts when we draft a proposal (even before)
- FPA prevails over SGA
- Proposal, GA and CA should be very closed documents



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