LEGAL ASPECTS

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THE GRANT AGREEMENT CONCEPT

YOUR RIGHTS

- To receive EU funding, under the terms and conditions defined in the grant agreement,
- To own the results of the project that you have generated
- To ask for amendments of the grant agreement (if something needs to be changed)

YOUR OBLIGATIONS

- To Implement the project as planned in the description of the action (Annex 1 to the grant agreement)
- Submit reports at the time and for the periods defined in the grant agreement
- Display the EU emblem and reference to Horizon Europe funding (e.g. information material, equipment funded by the grant, major results)

HOW MUCH MONEY YOU CAN GET

Overall, the granting authority can never pay more than the maximum grant amount fixed in the grant agreement.

But: it may pay less; e.g. if the project costs at the end are less than budgeted
TYPES OF PARTICIPATION

Beneficiary
- Signs the project
- Has all rights and obligations

Affiliated entity
- With a legal or capital link with the beneficiary
- Does work and may declare costs

Associated partner
- Does work but can NOT declare costs

Third party providing contributions
- Does NOT do work just give in-kind contributions
- The beneficiary may declare the costs of the contributions

Subcontractor
- Does work and invoices the beneficiary
- The beneficiary may declare the invoice
Affiliated entities

Article 187 (1)(b) of the EU Financial Regulation:

Entities ‘that have a link with the beneficiary, in particular a legal or capital link, which is neither limited to the action nor established for the sole purpose of its implementation’.

Affiliated entities in Horizon Europe = Linked third parties in Horizon 2020

(alignment of labelling/definition in the corporate context)
Associated Partner (AP)

- Inherited and derived from the ‘International partner’ status in H2020 MGA

- **Corporate terminology** and status with the following features:
  - AP does work but cannot declare costs
  - AP can be linked:
    - either to one or more beneficiaries
    - or with the whole consortium

- The beneficiaries must ensure that some of MGA obligations also applied to AP
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  - either to one or more beneficiaries
  - or with the whole consortium

- The beneficiaries must ensure that some of MGA obligations also applied to AP (i.e. Articles 11 (proper implementation), 12 (conflict of interests), 13 (confidentiality and security), 14 (ethics), 17.2 (visibility), 18 (specific rules for carrying out action), 19 (information) and 20 (record-keeping)
THE E-GRANT. STRUCTURE

**e-GRANT**

- The Horizon Europe grant agreement and its management are fully electronic.
- This is from the signature of the grant until its end, all actions and communications will flow via the Funding & Tenders Portal (‘the Portal’).

**CORPORATE STRUCTURE**

- The Horizon Europe grant agreement is based on a Commission-wide model (so-called ‘Corporate Model Grant Agreement’).

**SPECIFIC ANNEX 5**

Some important Horizon Europe specific rights and obligations are part of this annex 5, like:

- Security
- Ethics
- Values (i.e. gender mainstreaming)
- IPR
- Communication & Dissemination
- Open Science
- Visibility etc
DATA SHEET = SUMMARY OF DATA
ARTICLES = GROUPED IN CHAPTERS
ANNEXES TO THE GRANT!
Annex 5 – Special Rules

STRUCTURE OF THE GRANT
**MGA – ENABLER FOR SYNERGIES**

**HE online consultation – MGA and synergies**

*Horizon Europe Co-design – all respondents*

**SYNERGIES?**

- Bringing together money from different EU programmes in the same project
- Providing funding from alternative sources for successful proposals which could not be funded due to insufficient call budgets
- Funding complementary or successive projects

**A UNIFORM CONTRACT THROUGHOUT ALL EU FUNDING PROGRAMMES**
SYNERGIES – BASIC RULES

• “The Programme shall be implemented in synergy with other Union programmes” [Article 15 (1) HE]

• 3 legal limitations
  1. Non-profit rules
  2. State aid rules: national rules apply
  3. Rules on combination of EU funding

• Rules on combination of funding:
  a. “An action that has received a contribution from another Union programme may also receive a contribution under the Programme, provided that the contributions do not cover the same costs. “(…)
  b. “The cumulative financing shall not exceed the total eligible costs of the action.”

[Article 15(4) HE]
Find more info at:

1. Funding and tenders opportunities portal, under section “Reference Documents”

   https://www.youtube.com/watch?v=wZPjoan9Ido

3. HE Presentation: The rules of the game - the Model Grant Agreement

4. Open Science:
Questions?
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