EARMA Annual Conference
2017 - MALTA
Track 2
LERU and BAK Template for MSCA ITN (ETN) Actions

Christian Jäger
Senior Legal Counsel | Head of EU Office
Freiburg Research Services
University of Freiburg, Germany
Content

1. LERU Legal Experts Working Group/BAK Working Group Law

2. DESCA Consortium Agreement – Legal Background

3. Mission & Consolidation

4. The Template

5. Questions and Discussion
LERU – League of European Research Universities

The League of European Research Universities (LERU) is an association of 23 leading research-intensive universities that share the values of high-quality teaching within an environment of internationally competitive research.

LERU advocates:

- education through an awareness of the frontiers of human understanding;
- the creation of new knowledge through basic research, which is the ultimate source of innovation in society;
- and the promotion of research across a broad front in partnership with industry and society at large.
LERU Expert Groups (EGs) are established with a limited task and for a limited time to provide **expertise to an existing LERU representative body** (European Research Project Managers).
The BAK

- is a network of EU funding advisors at German universities and colleges.
- consists of up to two representatives from each of the 16 federal states.
- reaches over 200 experts on EU funding issues at the universities and colleges.

- Working Group Law established in 2013 to advise on legal questions
Content

1. LERU Legal Experts Working Group/BAK Working Group Law

2. DESCA Consortium Agreement – Legal Background

3. Mission & Consolidation

4. The Draft Template

5. Questions and Discussion
DESCA Consortium Agreement
Legal Background

- Simplified: Reduced to the necessary minimum, limit „legalese“
- Balanced: Respects the interest of research and industry, big and small
- Single: One balanced core text where possible
- Modular: Options where necessary
  - alternative modules for large and small projects
  - optional module for projects with a software focus
  - optional clauses in the IPR section
- Transparent: Explanatory texts to illustrate and explain clauses and options, examples for different project types
- Continuously adapted and further developed
DESCA Consortium Agreement
Legal Background
The H2020 MGA MSC-ITN deviates from the General MGA as follows:

- Article 4.2 (MSC-ITN specific conditions for budget transfers)
- Article 5.2 (specific reimbursement rate and form of costs)
- Article 5.3 (no Step 3 (reduction due to the no-profit rule))
- Article 6 (specific conditions for eligibility of costs)
- Articles 8-16, 41.4 and 41.5 (not applicable)
- Article 18.1.2 (record keeping only for number of units declared and amounts paid to researchers)
- Article 19 (MSC-ITN specific deliverables)
- Articles 20.4 (no certificate)
- Article 20.5 (currency for financial statement)
- Article 21.7 (option for periodic instalments for distribution of payments by coordinator)
- Article 25.5 and 31.6 (access rights for researchers)
- Articles 27.3, 28.2, 29.2, 29.4 and 38.1.2 (reference to MSC funding)
- Article 32 (specific obligations for recruitment and working conditions)
- Article 38.1.1 (reference to ‘mainstream media coverage’)
- Annex 2 Model for the estimated budget for the action
- Annex 4 Model for the financial statement
- Annexes 5 and 6 (not applicable)
DESCA Consortium Agreement
Legal Background

Partner Organisation(s)

Grant Agreement

Beneficiary 1
(Coordinator)

Beneficiary 2

Beneficiary 3

Beneficiary n

Consortium Agreement (CA)

Mandatory!

EU Commission /Agency
DESCA Consortium Agreement
Legal Background

GENERAL ISSUES
- Responsibilities
- Liability

GOVERNANCE
- Consortium Bodies
- Decision making
- Dissemination
- Access Rights

FINANCE
- Budgeting
- Payments

IPR

Template for MSCA ITN (ETN) Actions
Content

1. LERU Legal Experts Working Group/BAK Working Group Law

2. DESCa Consortium Agreement – Legal Background

3. Mission & Consolidation

4. The Template

5. Questions and Discussion
MSCA Draft DESCA model
Mission and Consolidation

Background: the re-launch of the DESCA Consortium Agreement template (DESCA H2020 again does not provide for the special requirements in Marie-Skłodowska-Curie-Actions (MSCA))

Mission: A DESCA-based template providing for the special requirements in MSCA (focus on ETN)

Use: Internal: unified starting point for MSCA CAs at the 23 LERU Universities/the German Universities
External: Template for broad use by presenting it to the DESCA group and the EU (REA) for making it publicly available.
MSCA Draft DESCA model
Mission and Consolidation

Core Group LERU coordinated by Karl Kerschbaum, University of Zurich

Core Group BAK coordinated by Christian Jäger, University of Freiburg

First Draft:
Annotated Grant Agreement AGA (634 pages)
Already existing templates at Partner Universities

Approach: Leave the DESCA Model template as untouched as possible, add / change only when directly related to MCSA requirements.
MSCA Draft DESCA model
Mission and Consolidation

1. Review Round Oct 2014
   Consolidation

2. Review Round
   Consolidation

3. Review Round
   Consolidation

4. Final version
   (end Mar 2015)
LE Group – MSCA Draft DESCA model
Mission and Consolidation

GENERAL ISSUES
- Responsibilities
- Liability
- Consortium Bodies
- Budgeting
- Payments
- Dissemination
- Access Rights
- IPR

GOVERNANCE
- Decision making

FINANCE
Content

1. LERU Legal Experts Working Group/BAK Working Group Law

2. DESCA Consortium Agreement – Legal Background

3. Mission & Consolidation

4. The Template

5. Questions and Discussion
# CONSORTIUM AGREEMENT for a Marie-Skłodowska-Curie European Training Network (ETN) - LERU Template

## Section 1: Definitions

## Section 2: Purpose

## Section 3: Entry into force, duration and termination

## Section 4: Responsibilities of Parties

## Section 5: Liability towards each other

## Section 6: Governance structure

## Section 7: Financial provisions

## Section 8: Results

## Section 9: Access Rights

## Section 10: Non-disclosure of information

## Section 11: Miscellaneous

## Section 12: Signatures

### Attachments

- Attachment 1: Background included
- Attachment 2: Accession document
- Attachment 3: List of Third Parties for simplified transfer according to Section 8.2.2.
- Attachment 4: Identified Affiliated Entities according to Section 9.5
- Option Attachment 5: Template for Career Development Plan
- Option Attachment 6: Commitment of the Partner Organisation
- Attachment 7: Template Secondment Agreement
- Attachment 8: Consortium Plan Budget and Coordination costs
- [MODULE IPR SC] Specific Software provisions
LERU Template
Section 6: Governance structure

Funding Body

Coord inator

General Assembly

Supervisory Board

EEAB

50%+1

2/3

Partner Organisations

Management Support Team

optional

ESR Supervisors

ESR Representatives

Training Coordinator

Research Coordinator

ESR

ESR

ESR

ESR

Template for MSCA ITN (ETN) Actions
LERU Template
6.3.1 General Assembly

The General Assembly shall be free to act on its own initiative to formulate proposals and take decisions in accordance with the procedures set out herein. In addition, all proposals made by the Supervisory Board shall also be considered and decided upon by the General Assembly.

The following decisions shall be taken by the General Assembly:

• Content, finances and intellectual property rights
• Proposals for changes to Annexes 1 and 2 of the Grant Agreement to be agreed by the Funding Authority
• Changes to the Consortium Plan
• Modifications to Attachment 1 (Background Included) according to 9.1.2
• Additions to Attachment 3 (List of Third Parties for simplified transfer according to Section 8.2.2)
• Additions to Attachment 4 (Identified Affiliated Entities)
• Modifications to Attachment 8 (Consortium Plan Budget)
LERU Template
6.3.1 General Assembly

- CHAIR
- Coordinator

- Representative of Party 1
- Representative of Party 2
- Representative of Party 3
- Representative of Party 4
- Representative of Party 5

optional
agree on the Members of the Management Support Team, upon a proposal by the Coordinator

support the Coordinator in preparing meetings with the Funding Authority and in preparing related data and deliverables

prepare the content and timing of press releases and joint publications by the consortium or proposed by the Funding Authority in respect of the procedures of the Grant Agreement Article 29

oversee the quality of the research training programme and ensure an adequate balance between scientific/technological and transferable skills training

ensure that the skills acquired by ESRs fulfil the needs of both academia and the non-academic sector in order to enhance the intersectoral employability of the ESRs

establish an active and continuous communication and exchange of best practice among the Parties, Partner Organisations, ESR and any stakeholders involved in the Project to maximise the benefits of the partnership

oversee the quality and quantity of supervision of the ESRs

review the training and research plan every 6 months

evaluate and explore possible Intellectual Property commercial exploitation

set procedures for the dealing with cases of scientific misconduct
LERU Template

6.3.2 Supervisory Board

- CHAIR Coordinator
- Representative of Party 1
- Representative of Party 2
- Representative of Party 3
- Representative of Partner 1
- Representative of Partner 2
- Representative of Partner 3
- ESR Representative
- Other Stakeholder/s
- optional
6.4 Coordinator

**monitors** compliance by the Parties with their obligations

**keeps** the address list of Members and other contact persons updated and available

**collects, reviews** to verify consistency and submitting reports, other deliverables (including financial statements and related certifications) and specific requested documents to the Funding Authority

**transmits** documents and information connected with the Project to any other Parties concerned

**administers** the financial contribution of the Funding Authority and fulfills the financial tasks described in Section 7.3

**provides**, upon request, the Parties with official copies or originals of documents which are in the sole possession of the Coordinator when such copies or originals are necessary for the Parties to present claims.
LERU Template
6.5 Training Coordinator

is appointed by the General Assembly

**responsible** for the success of the training activities and the communication among all ESRs about training needs

**lead respective actions** in the Supervisory Board meetings.

**liaise** with the ESR representatives, individual supervisors, industrial partners and the local workshop planning committee to adjust the training strategy and the network meetings.
appointed by the General Assembly

**reference** for research issues,

**monitors** the scientific progress in each work package
group and ensures integration across different research
themes and work packages

**can suggest new activities** for network meetings or for
online content and set the agenda for the research-
related discussion at the Supervisory Board meetings.
in charge of recruitment and selection of the ESRs

meet regularly with the ESR to discuss progress and provide scientific guidance and training

assist the ESRs in drawing up a Career Development Plan

monitor their training progress
LERU Template
6.8 ESR Representative

elected by and among the ESRs by simple majority (50%+1) for a period of 12 months after such period, a new election will take place.

acts on behalf of the ESRs at Supervisory Board level (entitled to one vote)
LERU Template
Option: 6.9 Management Support Team

proposed by the Coordinator, appointed by the Supervisory Board

assist and facilitate the work of the Supervisory Board and the Coordinator for executing the decisions of the General Assembly

day-to-day management of the Project
appointed and steered by the Supervisory Board

assist and facilitate the decisions made by the General Assembly - the Coordinator is authorized to execute with each member of the EEAB a non-disclosure agreement, which terms shall be not less stringent than those stipulated in this Consortium Agreement, no later than 30 calendar days after their nomination or before any confidential information will be exchanged, whichever date is earlier.

Coordinator shall write the minutes of the EEAB meetings and prepare the implementation of the EEAB's suggestions.

EEAB members shall be allowed to participate in General Assembly meetings upon invitation but have not any voting rights.
LERU Template
Section 7: Financial provisions

7.1.1 Distribution of Financial Contribution (AGA)

- the Consortium Plan
- the approval of reports by the Funding Authority
- the provisions of payment in Section 7.3.
The Parties agree that the estimated budget for the Project as indicated in Annex 2 does not apply. Instead, the Coordinator will retain 50% (%..., €... per eligible person month) of the other Parties’ Total amount of category B.2, Management and indirect costs in order to cover the cost of the Management Support Team. The estimated budget for the Project as indicated in Attachment 8 shall apply.

The Parties agree to contribute according to their budget share, as indicated in the table in Attachment 8.
CONSORTIUM AGREEMENT for a Marie-Skłodowska-Curie European Training Network (ETN) - LERU

Section 1: Definitions
Section 2: Purpose
Section 3: Entry into force, duration and termination
Section 4: Responsibilities of Parties
Section 5: Liability towards each other
Section 6: Governance structure
Section 7: Financial provisions
Section 8: Results
Section 9: Access Rights
Section 10: Non-disclosure of information
Section 11: Miscellaneous
Section 12: Signatures

Attachment 1: Background included
Attachment 2: Accession document
Attachment 3: List of Third Parties for simplified transfer according to Section 8.2.2.
Attachment 4: Identified Affiliated Entities according to Section 9.5
Option Attachment 5: Template for Career Development Plan
Option Attachment 6: Commitment of the Partner Organisation
Attachment 7: Template Secondment Agreement
Attachment 8: Consortium Plan Budget and Coordination costs

[MODULE IPR SC] Specific Software provisions
LERU Template
Option Attachment 5:
Template for Career Development Plan

Art. 32 I lit. I Grant Agreement: “ensure that a career development plan is established and support its implementation”

Content:

- Long- and short term Career Objectives, covering:
  - Goals
  - Needed training
  - Anticipated Results
  - Anticipated Publications

PLUS: Career Development Plan Guidance on some of the competencies expected
LERU Template
Option Attachment 6:
Commitment of the Partner Organisation

Following the Annotation to Art. 8 H2020 MGA MSC-ITN
“Best practice”: In order to be able to fulfil this obligation, beneficiaries should establish internal arrangements (e.g. partnership agreements) with partner organisations.

Coordinator signs with every PO on behalf of the consortium.

-> ensures same conditions within the whole ETN
LERU Template
Attachment 7:
Template Secondment Agreement

Following the Annotation to Art. 32 H2020 MGA MSC-ITN:
Secondments may be either to another beneficiary within the consortium or to a partner organisation and must involve research training activities.

Secondments follow the same standard throughout the whole ETN consortium.
LERU Template  
Attachment 8:  
Consortium Plan Budget and Coordination costs  
Annex 2 redistribution of category B.2 Management and Indirect Costs

<table>
<thead>
<tr>
<th>Beneficiary</th>
<th>#Units</th>
<th>Researcher unit cost</th>
<th>Institutional unit cost</th>
<th>Total Costs</th>
<th>Reimbursement rate</th>
<th>Max EU Contribution</th>
<th>Max EU Grant Amount</th>
<th>B.2.1 (management presumed to be 50% of total 1200 unit cost for B.2)</th>
<th>B.2.2 (indirect presumed to be 50% of total 1200 unit cost for B.2)</th>
<th>Max EU Grant Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Coordinator)</td>
<td>12</td>
<td>3110 600 250 1800</td>
<td>600 600</td>
<td>83520</td>
<td>100%</td>
<td>83520</td>
<td>83520</td>
<td>90720</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>6</td>
<td>3110 600 250 1800</td>
<td>600 600</td>
<td>41760</td>
<td>100%</td>
<td>41760</td>
<td>41760</td>
<td>38160</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>3110 600 250 1800</td>
<td>600 600</td>
<td>41760</td>
<td>100%</td>
<td>41760</td>
<td>41760</td>
<td>38160</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>24</td>
<td>14400</td>
<td></td>
<td>167400</td>
<td></td>
<td>167400</td>
<td>167400</td>
<td>167400</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(\text{where A.1 = Living Allowance; A.2 = Mobility Allowance; A.3 = Family Allowance; B.1 = Research, training and networking costs; B.2 = Management and indirect costs})
Outlook

Positive Feedback from DESCA Core Group for LERU and BAK Templates

Only minor differences

Discussions on merging the templates of LERU and BAK ongoing
LERU Template:

BAK Template:
http://www.uni-giessen.de/bak/recht
questions & discussion