European Commission

Model Grant Agreement

FINANCIAL ISSUES

Research and Innovation

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Disclaimer: Information not legally binding

Background: FP7 Information Campaign

Objectives

Improve reliability of ex ante certificates

Improve the quality of cost reporting

Contribute to error free financial statements

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Background: FP7 Information Campaign

- ⇨ ***24 events with overall 3100 participants***
- ⇨ ***Participant portal now regrouping all guidance***
- ⇨ ***Distribution, end of 2014, of the guidance on the 10 most common errors to all 23 000 FP7 participants***
- ⇨ ***Very positive feedback***

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H2020 Information Campaign

- ⇨ ***Built on the experience in FP7***
- ⇨ ***Part of the ex-ante advice to be provided by the Commission services***
- ⇨ ***Targets the same main objective:***
  → error free financial statements
- ⇨ ***Starts in the earliest possible stage of H2020***

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Background: FP7 10 most common errors

1. Costs claimed are not substantiated or not linked to the project
2. Third parties and subcontracting costs not properly reported
3. Depreciation costs not correctly charged to the project
4. Indirect costs model not properly reflecting the entity's reality
5. Indirect costs – ineligible costs included

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Background: FP7 10 most common errors

6. Personnel costs – calculation of productive hours

7. Personnel costs – charging of hours worked on the project

8. Personnel costs – use of average personnel costs

9. Payment of salaries to owner/managers of SME

10. VAT

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Background: H2020 vs. FP7 – What changed?

Main changes (1)

- **Single reimbursement rate**
- **More flexible rules for third parties and subcontracting costs**
- **Differentiation between contracts and subcontracts**
- **Unique flat rate of 25% for indirect costs**
- **Introduction of the concept of Large Research Infrastructure**

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Background: H2020 vs. FP7 – What changed?

Main changes (2)

- 3 options for determining annual productive hours
- Clearer and simpler obligations on time records
- More flexibility for average personnel costs
- Provisions on additional remuneration
- Eligibility of non-deductible VAT
- Common Support Centre (CSC)

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Why auditing is so important → DG Declaration of Assurance

I, the undersigned Director-General, declare that the information contained in this report gives a true and fair view [1].

I state that I have reasonable assurance [...] which is based on my own judgement and on the information at my disposal [...]

However the following reservation should be noted:

> *Reservation concerning the rate of residual errors with regard to the accuracy of financial statements in the Seventh Framework Programme (FP7) grants.*

Brussels, 31 March 2014
"Signed"
The Director-General

[1]→True and fair in this context means a reliable, complete and correct view on the state of affairs in the service.

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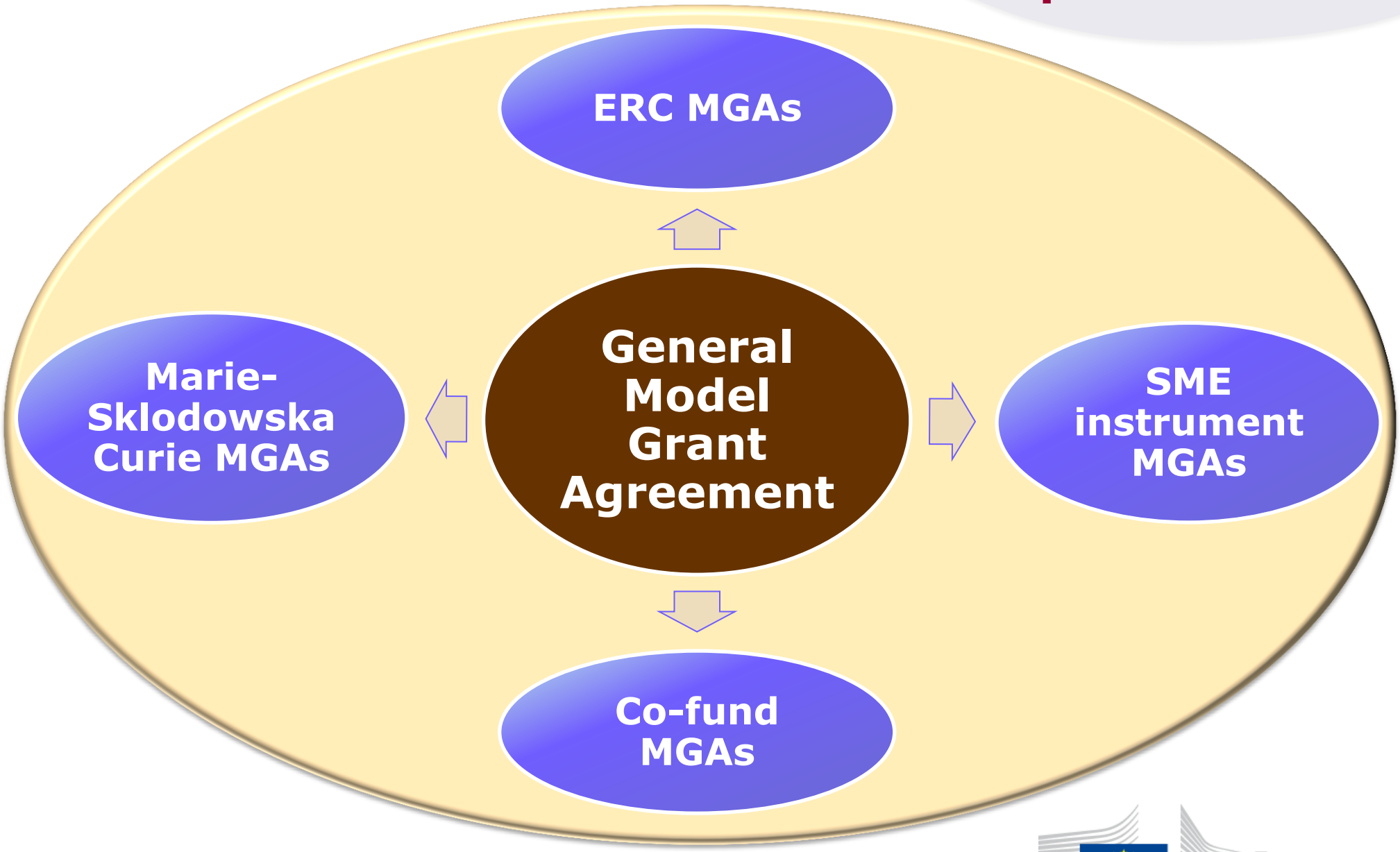
Horizon 2020 Model Grant Agreement

Specific models



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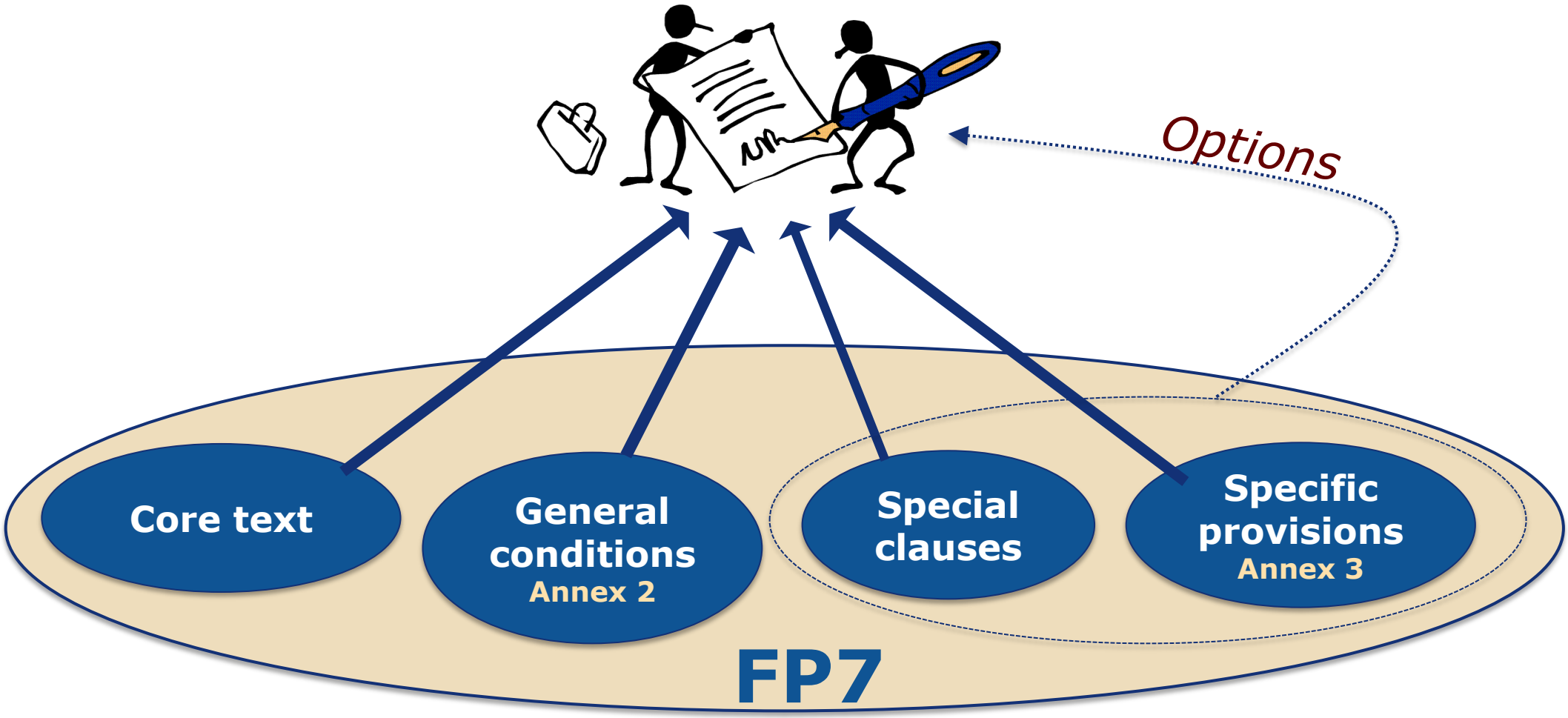
Horizon 2020 Model Grant Agreement

A single document with all provisions



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Horizon 2020 Model Grant Agreement

Annexes to the grant

Annex 1: **Description of the action**

Annex 2: **Estimated budget**

Annex 3: **Accession Forms, 3a & 3b**

Annex 4: **Financial statements**

Annex 5: **Certificate on the financial statements**

Annex 6: **Certificate on the methodology**

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Forms of costs

Actual costs

- Costs actually incurred, identifiable and verifiable, recorded in the accounts, etc.

  NEW: non-deductible VAT paid is also eligible

Unit costs

- A fixed amount per unit determined by the Commission
  Example: SME owners' unit cost
- For average personnel cost (based on the usual accounting practices – with or without COMUC)

Lump sum

- A global amount to cover one or several cost categories
  Example: Phase 1 of the SME instrument

Flat rate

- A percentage to be calculated on the eligible costs
  Example: 25 % flat rate for indirect costs

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Budget categories and Forms of costs

FORMS OF COSTS	BUDGET CATEGORIES					
	DIRECT COSTS				INDIRECT COSTS	SPECIFIC CATEGORIES OF COSTS
	Personnel	Subcontracting	Financial support to 3rd parties	Other		
Actual costs	✓	✓	✓	✓	✗	✗
Unit costs	**Yes for** - Average personnel costs - SME owners & natural persons without a salary	✗	✗	✗	✗	**Yes if** foreseen by Comm. Decision
Flat-rate costs	✗	✗	✗	✗	✓	✗
Lump sum costs	✗	✗	✗	✗	✗	**Yes if** foreseen by Comm. Decision

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Budget categories: budget transfers

Budget transfers and re-allocation	Amendment needed?
From one beneficiary to another	**NO**
From one budget category to another	**NO**
Re-allocation of Annex 1 tasks	**YES**
Transfers between forms of costs (actual costs, unit costs, etc.)	**YES** if no budget was foreseen for the 'form' receiving the transfer
New subcontracts	**YES** (strongly advised)

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Budget categories: budget transfers (example)

	Estimated eligible* costs (per budget category)						
	A. Direct personnel costs				**B. Direct costs of subcontracting**	***[C. Direct costs of fin. support]***	**D. Other direct costs**
	A.1 Personnel A.2 Natural persons under direct contract A.3 Seconded persons *[A.6 Personnel for providing access to research infrastructure]*		A.4 SME owners without salary A.5 Beneficiaries that are natural persons without salary				D.1 Travel D.2 Equipment D.3 Other goods and services D.4 Costs of large research infrastructure
Form of costs****	Actual	Unit •	Unit ☐ XX EUR/hour		Actual	Actual	Actual
	(a)	Total (b)	No hours	Total (c)	(d)	(e)	(f)
Beneficiary 1	500.000	0	100	3.213	150.000	0	325.000
Beneficiary 2	0	300.000	0	0	0	0	125.000

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Classifying workforce contracts

Is it the only contract with the person or are there several contracts?

Is it an employment contract or another type of contract?

Does the contract establish the working time conditions?

Is the contract concluded with a person or with a company?

And what about 'consultants'?

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What contract under what budget category

A. Direct personnel costs			B. Direct costs of subcontracting	[C. Direct costs of fin. support]	D. Other direct costs	E. Indirect costs[2]
A.1 Employees (or equivalent) A.2 Natural persons under direct contract A.3 Seconded persons *[A.6 Personnel for providing access to research infrastructure]*		A.4 SME owners without salary A.5 Beneficiaries that are natural persons without salary			D.1 Travel D.2 Equipment D.3 Other goods and services *[D.4 Costs of large research infrastructure]*	
Actual	Unit[7]	Unit[8]	Actual	Actual	Actual	Flat-rate[9]

Workforce costs

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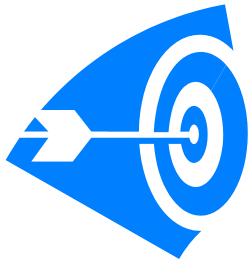
What contract under what budget category

What workforce contracts can you declare under personnel costs?



Standard case: persons hired by the beneficiary via an *employment contract*

(qualified as such under national law; and for whom the hiring entity pays social security contributions)

Other cases:

→ Employees of a third party seconded to the beneficiary (must be set in Annex 1!)

→ Natural persons hired directly via a contract other than an employment contract **if**:

- They work under hierarchical dependence within the beneficiary structure and (in general) work at the beneficiary's premises
- The result of the work belongs to the beneficiary
- The costs are similar than those of an employee of the beneficiary with similar tasks

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What contract under what budget category

What you can NOT declare under personnel costs?

- ☒ Contracts with companies (e.g. temporary work agencies) to provide staff
- ☒ Natural persons (e.g. consultants) not fulfilling any of the conditions mentioned in the previous slide.

  e.g. working autonomously on the tasks assigned to them
- ☒ Natural persons (e.g. consultants) paid *for deliverables* rather than for *working time*

In the cases above the costs may be eligible under 'Other goods and services' or under 'Subcontracting' but never as personnel costs

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Personnel costs: Calculation

Hours worked ✖ **Hourly rate** (**EUR**/hour) + **Additional remuneration**

Only eligible for non-profit legal entities

Time records

Formula for actual costs & specific unit costs

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Personnel costs: hours worked for the action

Only the hours actually worked on the action can be charged.

- Think of how **you** follow different projects

You cannot declare:

→ Budgeted time (what you indicated for the budget)

→ Estimated time (e.g. person 'guessing' at the end of the year)

→ Time allocation (e.g. x % of the contractual time of the person)

Hours declared to the action must be supported by reliable records and documentation !

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Time records: supporting documents

⇨ **Depend if the person works exclusively on a H2020 action or not**

↳ For this purpose, "*working exclusively*" refers to an uninterrupted period of at least one full calendar month during which all the hours worked by the employee for the beneficiary were dedicated to the H2020 action.

Working exclusively	Records	Conditions (full details available in the AGA; page 160)
YES	**Declaration on exclusive work for the action**	→ only one per reporting period (per person) → covering one uninterrupted period of exclusive dedication of at least one calendar month
NO	**Time records** (i.e. timesheets)	→ dated and signed at least monthly by the person and his/her supervisor → minimum conditions and information needed are detailed in the AGA

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Declaration for persons working exclusively on the action:

Model available in the AGA (version 19/12/2014)

☐ the whole reporting period

☐ from ……/……/…… [3] until ……/……/…… [4]
(This period must cover at least one full natural month) [5]

Version 1.1 – December 2014

Declaration on a person working exclusively on a H2020 action

Action			
Title of the action (acronym)		Grant Agreement number	

Beneficiary's/linked third party's name	

Reporting period covered by this declaration[1]		
Reporting period number	from (date)	to (date)

This document certifies that ……[2] has worked for the beneficiary/linked third party exclusively on the above-mentioned H2020 action during (chose one below):

☐ the whole reporting period

☐ from ……/……/…… [3] until ……/……/…… [4]
(This period must cover at least one full natural month) [5]

Short description of the activities carried out during the period covered by this declaration	
Reference (e.g. work package)	Activities

SIGNATURES

For the beneficiary/linked third party (supervisor)	For the person working exclusively on the action
Name:……	
Date: ……/……/……	Date: ……/……/……
Signature:	Signature:

[1] Only one declaration can be made per reporting period for each person working in the action.
[2] Insert name of the person.
[3] Insert date.
[4] Insert date.
[5] The person must keep timesheets for any hours worked for the action outside the period indicated herein.

Only one declaration can be made per reporting period for each person

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Exercise

TIMESHEET

Monday ..... 4 hours
Tuesday .....4 hours
Thursday.....
Friday.....2 hours

Monday .....8 hours
Tuesday .....8 hours
Friday.....4 hours

Monday ..... 4 hours
Tuesday .....3 hours
Wednesday.....8 hours
Thursday.....8 hours
Friday.....2 hours

Total month .....57 hours

What information is missing in this timesheet?

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Time recording: common errors

- Inconsistency with HR records
- Time sheets not properly dated or signed
- More than full time employment charged among different projects → double funding!
- Poor or limited information captured

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Timesheet: template available in the AGA (version 19/12/2014)

TIME RECORDING FOR A HORIZON 2020 ACTION	Month:		Year:	

Title of the action (acronym):		Grant Agreement No:	
Beneficiary´s / linked third party's name:			
Name of the person working on the action:		Type of personnel (see Art. 6.2.A Grant Agreement)	

DAY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total
Reference e.g. work package																																
Total Hours																																

Short description of the activities carried out in the month:	
Signed (name of the person working for the action): **Date:**	**Signed** (name of the supervisor): **Date:**

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Personnel costs: hourly rate

How to determine the Hourly Rate

A: general case

Hourly rate calculated as defined in the model GA

B: if you use average personnel costs:

Hourly rate calculated by the beneficiary in accordance to its usual accounting practices

C: if you are a SME owner without a salary or a natural person without a salary

Hourly rate formula fixed by the Commission

ACTUAL COSTS

UNIT COSTS

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Personnel costs: hourly rate

C: if you are a SME owner without a salary or a natural person without a salary

WP

Costs must be declared on the basis of the unit cost (hourly rate) fixed by Commission Decision C(2013) 8197 and indicated in Annexes 2 and 2a of the GA.

In practice: SYGMA calculates the hourly rate for you by using the formula:

$$\frac{\text{Monthly living allowance for experienced researchers under the IF actions}}{143} \times \text{Country correction coefficient}$$

The SME owner or natural person may be remunerated by dividends, service contracts between the company and the owner, etc. **Still, unit costs are to be declared**

If the remuneration status of the SME owner changes **-> The GA should be amended to change the form of costs**

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Personnel costs: hourly rate

B: if you use average personnel costs

You calculate the hourly rate according to your usual practice provided that:

- *You applied it in a consistent manner, based on objective criteria, and regardless of the source of funding*
- *You calculate the hourly rate using the actual personnel costs recorded in your accounts, excluding ineligible cost or costs included in other budget categories*
- *You use one of the options of the Grant Agreement to determine the annual productive hours*

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Personnel costs: hourly rate

A: General case

$$Hourly\ rate = \frac{Annual\ personnel\ costs}{Annual\ productive\ hours}$$

Annual personnel costs

- **Include:**
  - ✓ *Salaries (basic remuneration)*
  - ✓ *Social security contributions (employers' and employees')*
  - ✓ *Taxes and other costs included in the remuneration if they arise from national law or the employment contract*

- **Do not include:**
  - ✗ *Any ineligible item (article 6.5)*
  - ✗ *Any costs included in other budget categories (e.g. indirect costs)*
  - ✗ *Any part of the personnel costs that qualifies as **additional remuneration***

Disclaimer: Information not legally binding

Personnel costs: hourly rate

A: General case

$$Hourly\ rate = \frac{Annual\ personnel\ costs}{Annual\ productive\ hours}$$

Annual productive hours

Advice

1720 hours

⚠ you must use this option if the employment contract does not specify the working time conditions or if the "annual workable hours" cannot be determined

Individual annual productive hours

- Formula: annual workable hours + overtime - absences

Standard annual productive hours

- According to the beneficiary's usual accounting practices. Minimum threshold: annual productive hours ≥ 90 % of the standard annual workable hours

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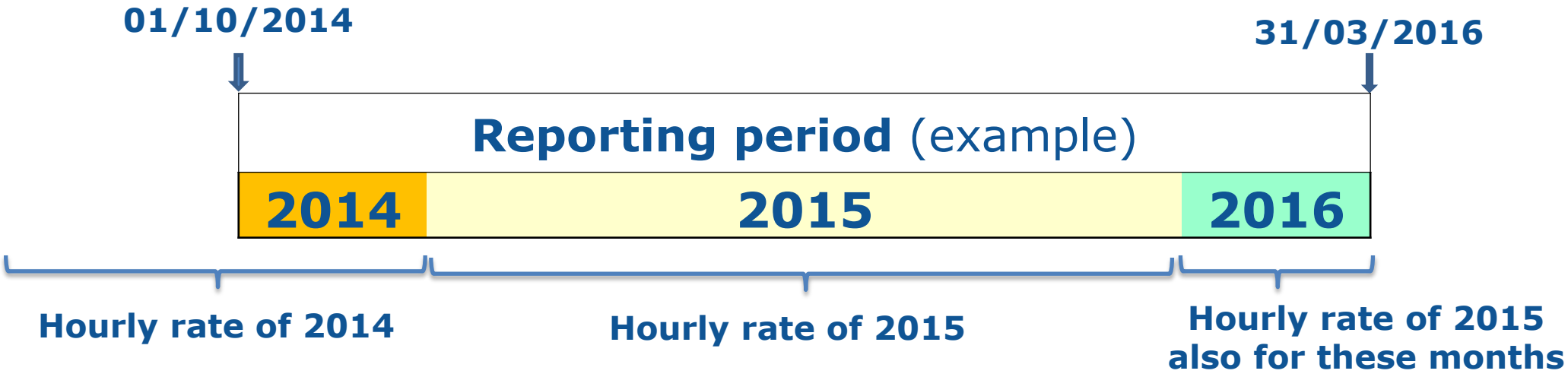
Personnel costs: hourly rate

A: General case

$$Hourly\ rate = \frac{Annual\ personnel\ costs}{Annual\ productive\ hours}$$

The hourly rate is to be calculated **per financial year**

If the financial year is not closed at the time of reporting, the beneficiary must use the hourly rate of the *last closed financial year available*.



Advantages

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Exercise: General calculation of personnel costs

Ms R. has worked in 2015 and 2016 for the H2020 action whose reporting period runs from 01/10/14 to 31/03/16.

How do we calculate the personnel costs to be charged to the action?

Step 1 **Calculate the hourly rate**

Step 2 **Identify the hours worked for the action**

Step 3 **Multiply the hours worked for the action by the hourly rate**

Disclaimer: Information not legally binding

Exercise: General calculation of personnel costs

$$Cost = Hours\ worked\ for\ the\ action \times \underbrace{\frac{Annual\ personnel\ costs}{Annual\ productive\ hours}}_{Hourly\ rate}$$

Step 1.a **Calculate the hourly rate:** annual personnel costs

⚠ *As 2016 is on-going at the end of the reporting period, the 2015 hourly rate will apply also for the 2016 months of the reporting period*

Ms R. has a gross monthly salary of 2 500 EUR and the employer pays 30 % on top as social security

Annual personnel costs =

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Exercise: General calculation of personnel costs

$$Cost = Hours\ worked\ for\ the\ action \times \frac{Annual\ personnel\ costs}{Annual\ productive\ hours}$$

Step 1.b **Calculate the hourly rate:** annual productive hours

Out of the three options offered by the H2020 grant agreement:

i. **Fixed hours**
ii. **Individual annual productive hours**
iii. **Standard annual productive hours**

The beneficiary applies option 1 for all its staff

Annual productive hours of Ms R. =

? What if Ms R. would be a part time employee?

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Exercise: General calculation of personnel costs

$$Cost = Hours\ worked\ for\ the\ action \times \frac{Annual\ personnel\ costs}{Annual\ productive\ hours}$$

Step 2

Identify the hours worked for the action

*Ms R. worked some hours in December **2015** (registered in a timesheet):*

DAY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total
Reference e.g. work package																																
WP 2		8	8	8			4	8	8	8	8				8	8	8															84

*And in **2016** she signed a declaration of exclusive work in the action covering the period:*

☒ from 01/01/2016 [3] until 15/02/2016[4]
(This period must cover at least one full natural month) [5]

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Exercise: General calculation of personnel costs

$$Cost = Hours\ worked\ for\ the\ action \times \frac{Annual\ personnel\ costs}{Annual\ productive\ hours}$$

Step 3 **Multiply the hours worked for the action by the hourly rate**

Cost 2015 =

As 2016 is on-going, the 2015 hourly rate will apply also for the 2016 months of the reporting period

Cost 2016 =

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Exercise: Individual annual productive hours

The beneficiary has chosen option 2, individual annual productive hours:

annual workable hours + overtime - absences

Ms R. contract stipulates that she works 8 hours per day from Monday to Friday (the year has 52 weeks). She has 22 working days of annual leave + eight days of public holidays.

In 2015 she worked 29 hours of overtime and was on sick leave for five days.

Annual productive hours =

Annual workable hours =

Disclaimer: Information not legally binding

Personnel costs: additional remuneration

The remuneration of Ms R. is composed of:

Gross annual salary fixed by contract: 20 000 EUR
+ the following complements fixed in the collective labour agreement:

- *Hazard pay for working with radioactive materials: 500 EUR/month*
- *Family allowance: 100 EUR/month*
- *Transportation allowance: 2 EUR/day*

Basic Remuneration

In addition, she may receive a variable 'extra'.

Depending on its characteristics, this extra will be:

(also) **Basic Remuneration**

Additional Remuneration

Ineligible

Disclaimer: Information not legally binding

Personnel costs: additional remuneration

Ineligible

- Arbitrary bonus
- Bonus based on commercial targets (e.g. sales target), fund raising targets or representing profit distribution (dividends)
- Bonus applied only to EU actions

Additional Remuneration

- Triggered by specific projects
- Paid for additional work or expertise
- Part of the usual remuneration practices of the entity
- Determined using objective criteria established in the internal rules
- ⚠ Eligible only for non-profit legal entities

(also) **Basic Remuneration**

- If not triggered by specific projects
- Under a scheme authorised by law, collective agreement of contract
- Determined using objective criteria established in the internal rules

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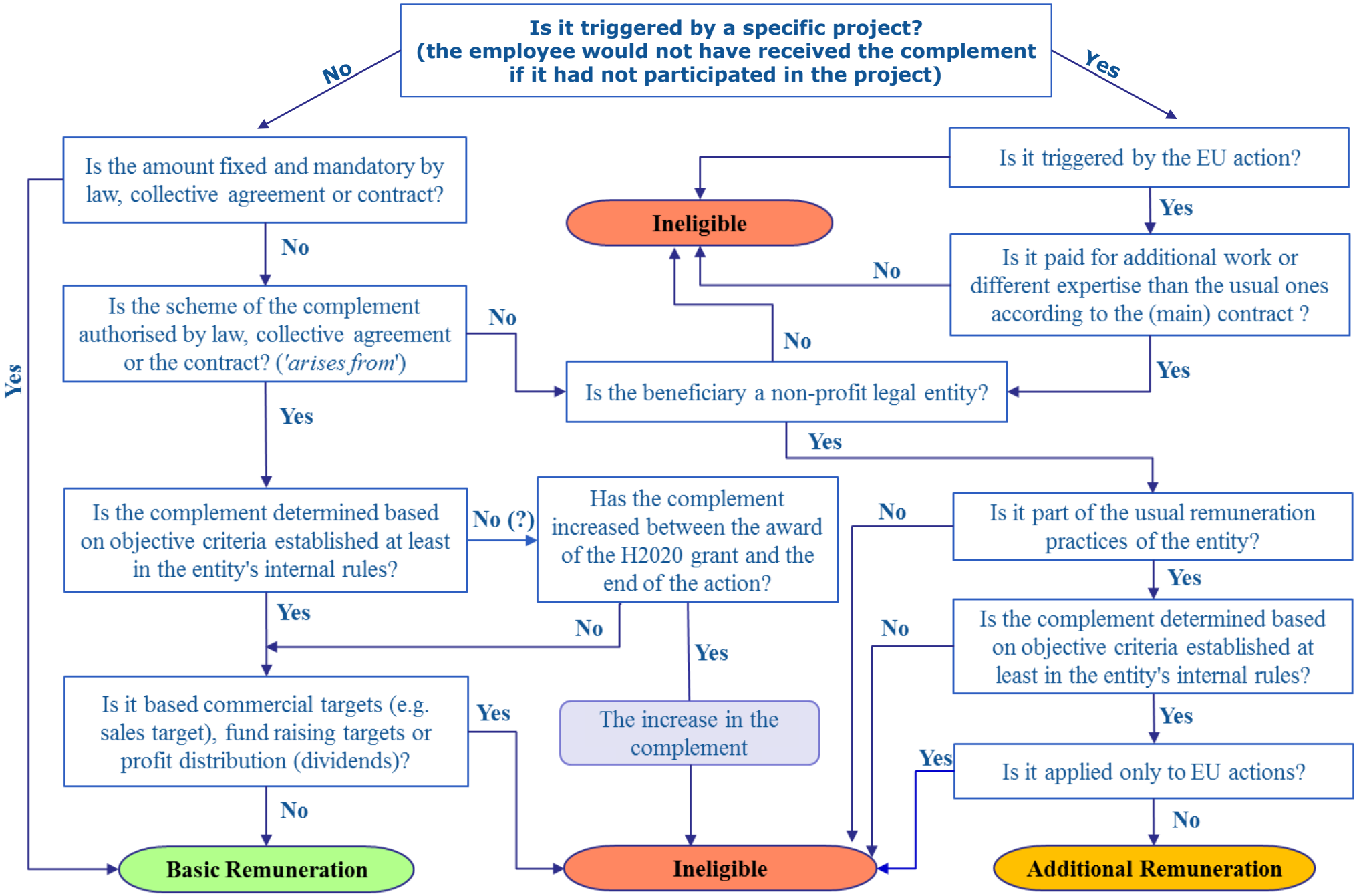
Salary complement or supplementary contract resulting in a higher hourly rate



Additional remuneration ceiling

Additional Remuneration

Eligible additional remuneration is subject to a eligibility ceiling fixed at EUR 8 000 for a full-time employee working exclusively for the action during the entire year.

Occupation	Contract	
	hired full time during the entire year	NOT hired full time during the entire year
working exclusively for the EU action during the entire year	**EUR 8 000**	pro-rata amount of EUR 8 000
NOT working exclusively for the EU action during the entire year	{8 000 / annual productive hours FTE} * hours worked for the action over the year	

The ceiling covers the additional salary + all additional taxes, costs and social security contributions triggered by the additional salary.

Disclaimer: Information not legally binding

Direct costs for the action

Direct costs are costs that are directly linked to the action's implementation and can be attributed to it directly. They must not include any indirect costs

Direct costs are:

- costs that have been caused in full by the action
- or costs that have been caused in full by several actions and the attribution to a single action can, and has been, directly measured (e.g. not allocated via cost drivers)

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Direct costs for the action

- Must be justified by sufficient persuasive evidence showing the direct link to the action
- Must be properly recorded in order to allow direct measurement of the use for the action and to ensure auditability
- The measurement system used by the beneficiary must accurately quantify the cost
- Direct measurement of costs does not mean fair apportionment of costs through proxies, cost drivers or allocation keys. Once you use them, it's indirect cost!
- In principle, what was considered direct/indirect in FP7 remains the same in H2020 **But** Now, it is even more important because Indirect Cost is calculated at 25% flat rate

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Examples (1)

A beneficiary uses a x-ray machine for the action for few hours and for the rest of the time the x-ray machine is used for other activities. The beneficiary charges the full depreciation costs for the period in the cost statement of the action.

NOT ALLOWED!

The allocation of the part of the annual depreciation to the H2020 action must be calculated based on the number of hours/days/months of actual use of equipment for the action as a part of its full capacity. The actual use should be directly measured (logbook, etc.).

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Examples (2)

The total consumables costs are charged as direct costs on the H2020 action as proportion of the action hours to total worked hours in the laboratory.

NOT ALLOWED!

Even if the usual accounting practice of a beneficiary is to consider laboratory consumables as direct costs.

The costs of other goods and services should be declared as actual costs e.g. direct consumption for the action should be measured.

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Third parties

Article 23.3
H2020 Rules for Participation

They [the participants] shall have the appropriate resources as and when needed for carrying out the action.

However, where it is necessary for the action, the participants may:

- award subcontracts for carrying out certain elements of the action
- call upon linked third parties to carry out work under the action
- use resources made available by third parties

… ***according to the conditions set out in the grant agreement***.

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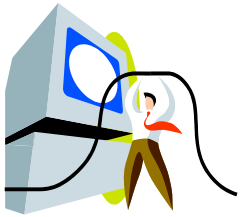
Third parties: basics

⇨ What is a third party?

A legal entity which carries out work of the action, supplies goods or provide services for the action, but which <u>did not sign the grant agreement</u>

⇨ What types of third parties?

1. Third parties directly carrying out part of the work described in Annex 1



2. Other third parties: providing resources, goods or services to the beneficiaries for them to carry out the work described in Annex 1

3. Third parties receiving financial support (money) from the beneficiary as part of the action. <u>Only when authorised in the call</u>

Disclaimer: Information not legally binding

1. Third parties carrying out work in the action

Beneficiary

Linked third parties

Affiliated entities

Third parties with a legal link

Affiliated entity

- Under the direct or indirect control of the beneficiary
- Under the same direct or indirect control as the beneficiary
- Directly or indirectly controlling the beneficiary

'control' = >50 % shares or majority voting rights or decision-making powers

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1. Third parties carrying out work in the action

Beneficiary

Linked third parties

Affiliated entities

Third parties with a legal link

- Similar to FP7 Special Clause 10
- Must be identified in the GA
- Same cost eligibility criteria than for beneficiaries
- ⚠ **NEW**: COM or Agency may request them to accept joint and several liability for their EU contribution

Legal link

A legally established relationship **not** specifically created for the Grant Agreement.

It may be in the framework of a legal structure (e.g. the relationship between an association and its members) or through an agreement or contract (not limited to the action).

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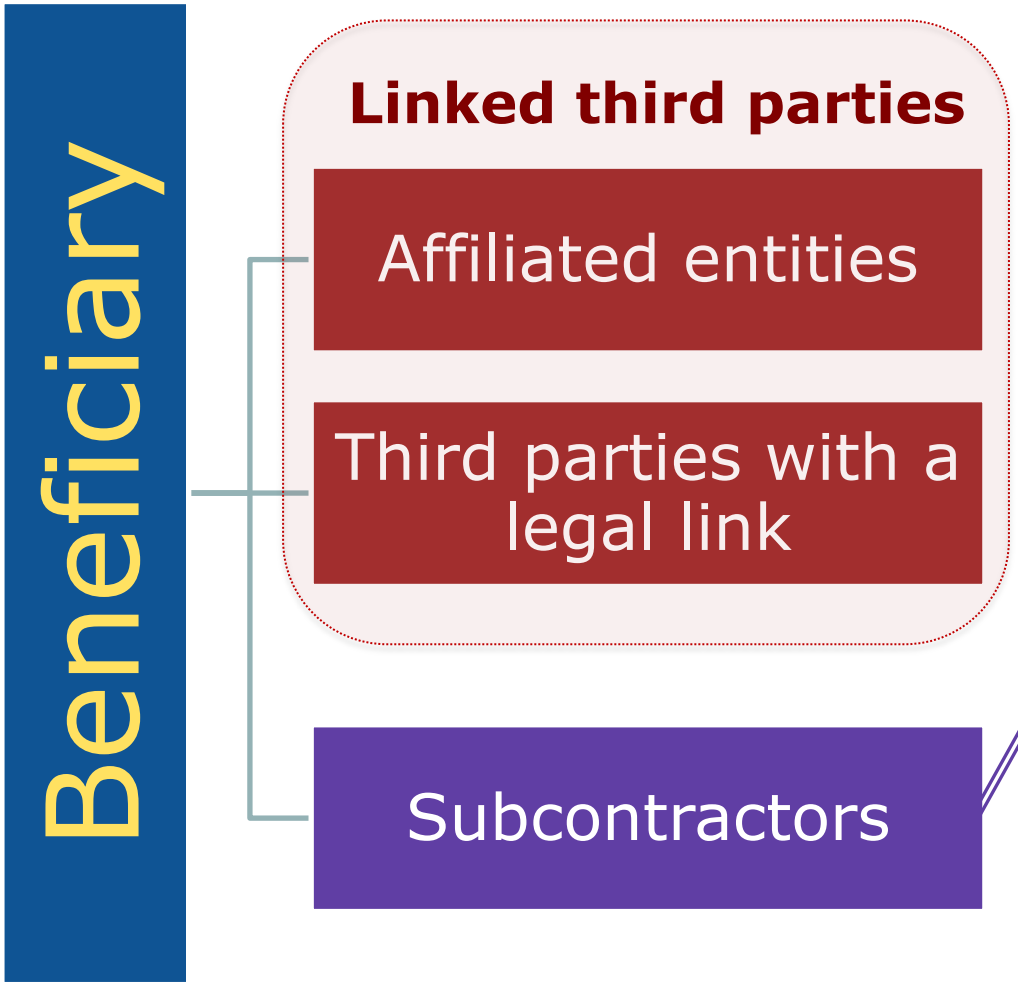
1. Third parties carrying out work in the action



- Ensure best value for money and avoid conflict of interests
- ⚠ Subcontracting between beneficiaries is **not allowed.** Subcontracting to affiliates is generally not allowed either
- Estimated costs and tasks must be identified in the budget and in Annex 1
- **NEW**: if not identified in Annex 1, Commission may still approve them (beneficiary bears the risk of rejection)
- E.g.: Testing described in Annex 1 as action task

Disclaimer: Information not legally binding

2. Other third parties

Beneficiary

Contracts necessary for the implementation

- For the purchase of goods, works or services
- Ensure **best value for money** and avoid any **conflict of interests**
- E.g.: CFS, supply of consumables, etc.

In- kind contributions

- Free of charge or against payment
- ⚠ Only the actual eligible costs of the third party may be charged
- Must be set out in Annex 1
- **NEW**: if not identified in Annex 1, Commission may still approve them (beneficiary bears the risk of rejection)
- E.g.: seconded staff, use of equipment

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3. Financial support to third parties

Beneficiary

Financial support to third parties

- **'Cascading grants'**: Equivalent to FP7 Special Clause 42
- **Prizes**: awarded by the beneficiary as part of the action
- Option to be used ONLY if foreseen in the Work Programme
- Conditions set out in Annex 1
- E.g.: users, experimenters and suppliers for which financial support is granted (call: H2020-ICT-2015)

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Third parties: summary

Types of third parties	CHARACTERISTICS						
	Does work of the action	Provides resources or services	What is eligible?	Must be indicated in Annex 1	Indirect costs	Selecting the third party	Articles
Linked third party	**YES**	**NO**	**Costs**	**YES**	**YES**	Must be affiliated or have a legal link	**Article 14**
Subcontractors	**YES**	**NO**	**Price**	**YES**	**NO**	Best value for money, avoid conflict of interest	**Article 13**
Third party providing in-kind contributions	**NO**	**YES**	**Costs**	**YES**	**YES**	Not used to circumvent the rules	**Articles 11 and 12**
Contractors	**NO**	**YES**	**Price**	**NO**	**YES**	Best value for money, avoid conflict of interest	**Article 10**
Financial support to third parties	**Only if allowed in the call** The beneficiaries' activity consists in providing financial support to the target population			**YES**	**NO**	According to the conditions in Annex 1	**Article 15**

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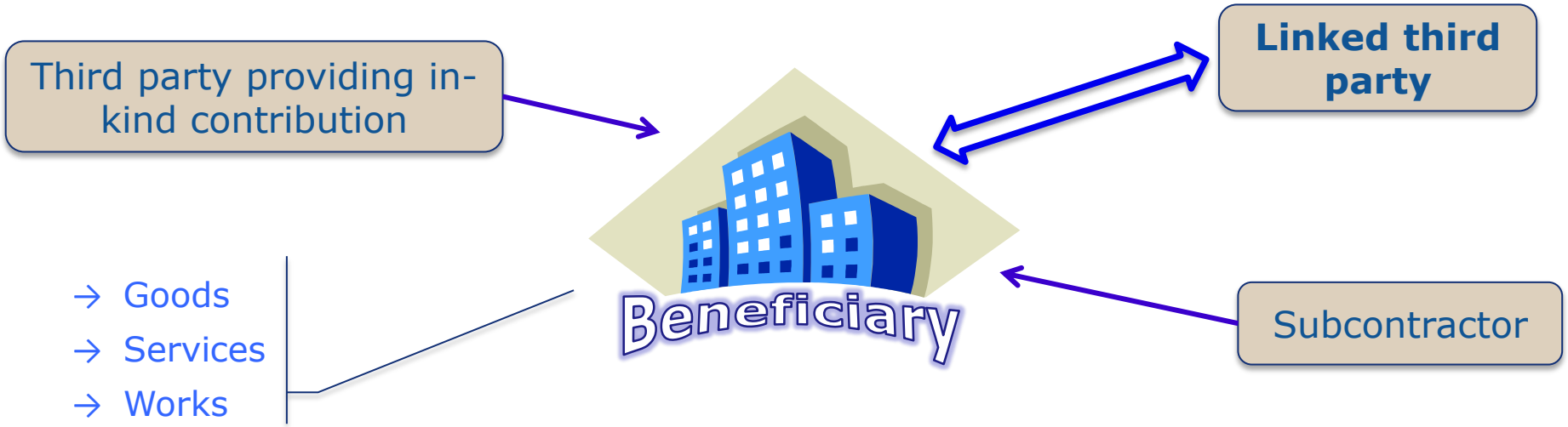
Third parties: Warnings !



The beneficiary retains the sole responsibility for the work and the costs declared !

If something goes wrong with the third party, the beneficiary will be responsible

The beneficiary must ensure that Commission, OLAF and European Court of Auditors can audit its third parties including subcontractors and providers

In case of an audit to a 3rd party, the beneficiary is also in copy of all relevant communications (announcement of the audit, audit report, etc.)

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Subcontracts vs. Contracts

Article 10 Contracts to purchase goods, works or services	Article 13 Subcontracts
These contracts do not cover the implementation of action tasks, but they are necessary to implement action tasks by beneficiaries.	Subcontracts concern the implementation of action tasks; they imply the implementation of specific tasks which are part of the action and are described in Annex 1.
Do not have to be indicated in Annex 1.	Must be indicated in Annex 1.
The price for these contracts will be declared as 'other direct costs' — column D in Annex 2 — in the financial statement; they will be taken into account for the application of the flat-rate for indirect costs.	The price for the subcontracts will be declared as 'direct costs of subcontracting' — column B in Annex 2 — in the financial statement; they will not be taken into account for the application of the flat-rate for indirect costs.

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Contracts in H200 vs. FP7: What changed?

The following are considered as contracts:

(if not specifically mentioned in Annex 1 as action tasks)

- Certificate on the financial statements
- Catering for meetings
- Translation services
- Setting up and maintenance of a project website

To be reported as other direct costs

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Subcontracting: characteristics

- Based on business conditions (includes profit)
- No hierarchical subordination, no direct supervision
- Responsibilities lie with the beneficiary
- No rights and obligations vs. the Commission/Agency or the other beneficiaries
- BUT the beneficiary must ensure that its subcontractors can be audited by the Commission/Agency, OLAF and the ECA
- Beneficiaries that are 'contracting authorities' must comply with applicable national law on public procurement

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Subcontracting: additional eligibility conditions

- Tasks and estimated costs should be set in Annex 1 for each subcontract
- Total costs per beneficiary should be set in Annex 2
- The need for a subcontract should be clearly justified in Annex 1
- Existing framework subcontracts are acceptable: in such cases the name of the subcontractor may be indicated in Annex 1

These conditions do not lift the obligation to ensure best value for money!

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Subcontracting in H2020 vs. FP7: what changed?

Subcontracts not set out in Annexes 1 & 2 are not eligible but the Commission/Agency may approve these costs without an amendment:

- On its own discretion
- If costs are duly justified in the periodic technical report
- If there is no breach of principle of equal treatment of applicants
- If this does not entail changes to the Grant Agreement which would call into question the decision awarding the grant

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Best Practice

- Do not wait for an audit!

- At grant signature:
  Foresee and justify all subcontracts in Annexes 1 & 2

- During the grant execution:
  - Ask for amendment to include subcontracts
  - Justify subcontracts in the technical reports
  - Communicate clearly and in writting with the project officers

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Conflict of interests

Avoid conflict of interests

(Art.35 of the MGA)

*'The beneficiaries must take all measures to prevent any situation where the impartial and objective implementation of the action is compromised for reasons involving economic interest, political or national affinity, family or emotional ties or any other shared interest (‘**conflict of interests**’).'*

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Conflict of interests

Avoid conflict of interests
(Art.35 of the MGA)

The beneficiaries must formally notify the EC/Agency without delay any situation constituting or likely to lead to a conflict of interests and immediately take all the necessary steps to rectify this situation.

Non-compliance may have consequences (reduction of grant, termination).

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Best Practice

You must demonstrate **'best value for money'** both, in sub-contracting and in purchases of goods

- Some level of tendering to demonstrate 'best value' – e.g. tender, three offers, market survey, etc.
- Naming the supplier in the grant does not mean that you do not have to demonstrate best value
- We will normally accept your standard practices, when properly used

But...

Your accounting practices are not panacea!
(e.g. cash basis depreciation is not automatically accepted even if it is in line with your accounting practices)

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Common errors

- 'Best value' not demonstrated
  – no tender, no offers, no market survey
- Participants' own usual practices
  and procedures not applied
- Subcontracting between participants
- No documentation kept
- Public entities not applying public procurement rules
- Too high thresholds foreseen in the rules of the
  participant

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Example (1)

Beneficiary A lacks resources and subcontracts action tasks to Beneficiary B. The subcontracting costs are declared by Beneficiary A.

NOT ALLOWED!

The subcontracting between beneficiaries in the same grant agreement is not allowed under any circumstances. In the above case, the tasks should be allocated to Beneficiary B and the costs should be declared by Beneficiary B (at cost basis).

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Example (2)

Beneficiary A is the consortium's coordinator and subcontracts coordinator's tasks.

NOT ALLOWED!

The coordinator's tasks listed in Article 41.2.b cannot be subcontracted.

(e.g. monitor proper implementation, act as intermediary for communication, request and review documents, submit deliverables, ensure payments, produce funds distribution report).

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Synergies: Objective

The EC aims at ensuring coordination, synergies and complementarities between actions funded by the European Structural and Investment Funds (ESIFs), Horizon 2020 and other EU directly managed programmes in the area of research, innovation and competitiveness.

ESIFs are:

ERDF – European Regional Development Fund, Cohesion Fund

ESF – European Social Fund

EAFRD – European Agricultural Fund for Rural Development

EMFF – European Maritime and Fisheries Fund

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Synergies: H2020

Article 37, H2020 Rules for Participation:

*"Cumulative funding: An **action** for which a **grant** from the Union budget has been awarded may also give rise to the award of a grant on the basis of H2020 provided that the grant does not cover the same **cost items**."*

A **cost item** is the amount declared as eligible for Union funding under a **budget category** which may be defined by activity (training, work package) **or** by nature (personnel costs, consumables, etc.) **or** by combination of activity and nature.

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Example

A beneficiary can be entitled to receive H2020 funding for the reimbursement of personnel costs (if they fulfil the cost eligibility conditions under H2020 rules) and to receive at the same time ESIF funding for the other costs (if they fulfil the cost eligibility conditions under ESIF rules), provided that personnel costs are not declared as eligible under the ESIF grant and that the other costs are not declared as eligible under the H2020 grant.

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Other issues

- Consortium Agreement
- Controls and audits
- Exchange rates

- Final grant amount
- Payments
- Receipts

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Additional info

Participant Portal

At: http://ec.europa.eu/research/participants/portal/desktop/en/home.html

Horizon 2020 Annotated Grant Agreement

http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/amga/h2020-amga_en.pdf

Horizon 2020 On-line Manual

http://ec.europa.eu/research/participants/portal/desktop/en/funding/guide.html#

Questions? *Research Enquiry Service*

http://ec.europa.eu/research/enquiries

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European Commission

Thank you for your attention!

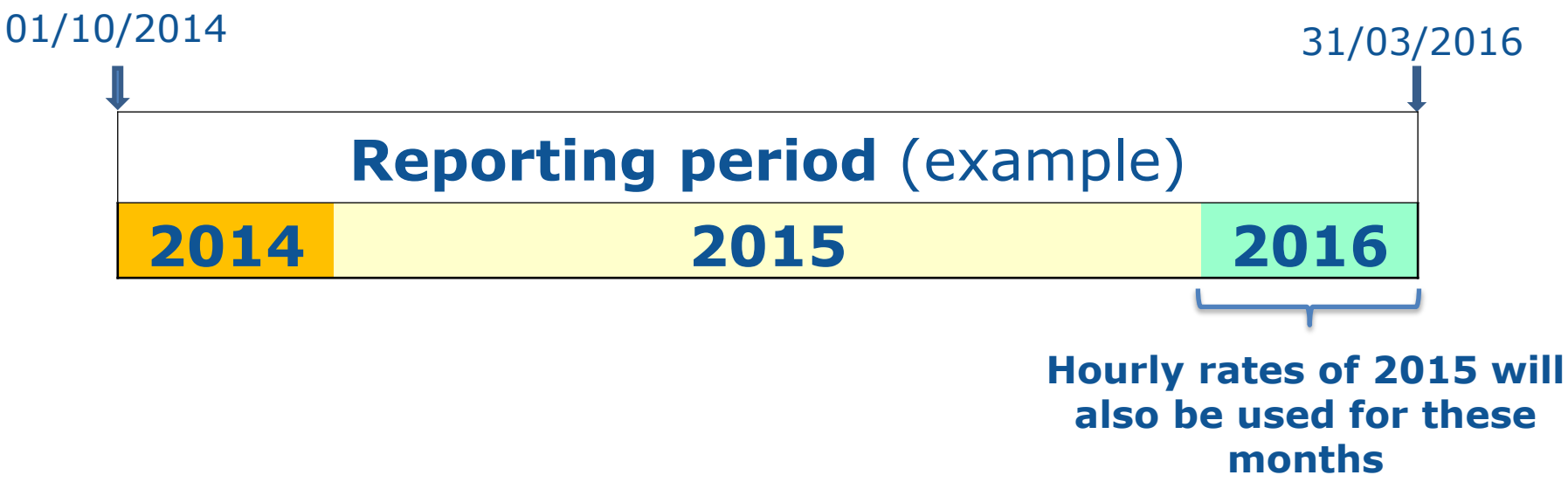
Find out more:

http://ec.europa.eu/programmes/horizon2020/

Research and Innovation

Use of the last closed financial year

ADVANTAGES FOR THE BENEFICIARIES



- NO ADJUSTMENTS TO BE DECLARED IN THE NEXT PERIOD
- LEGAL CERTAINTY: NO DOUBTS ABOUT WHAT PERIOD AND WHAT DATA MUST BE USED FOR THE CALCULATION
- REMOVES ERRORS DUE TO INCORRECT CALCULATIONS FOR FRACTIONS OF A YEAR

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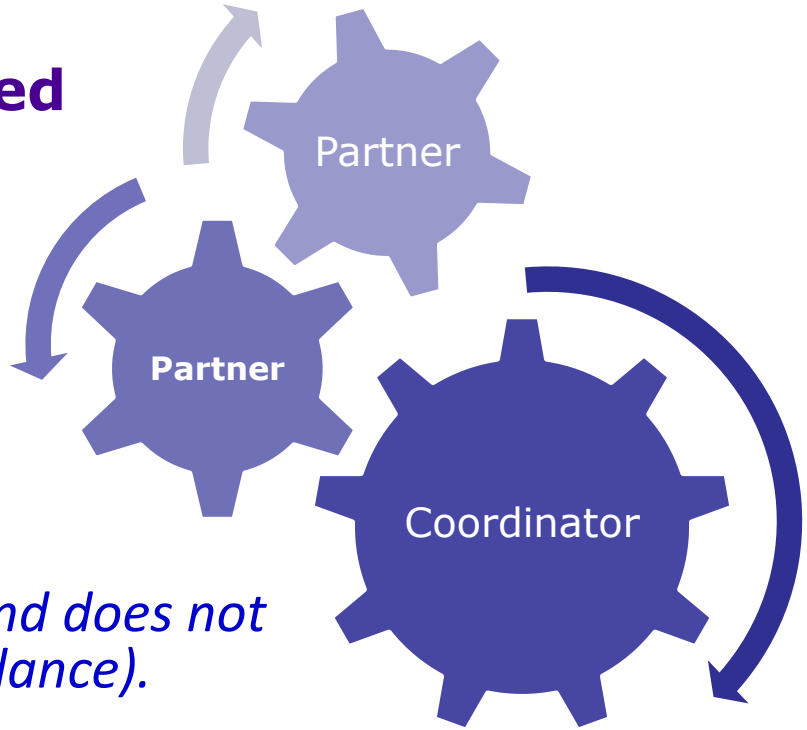
Consortium Agreement (CA)

- **CA is mandatory unless otherwise specified in the work programme**

  Article 41.3 of the H2020 Model Grant Agreement



- **Characteristics**

  - *It is a private agreement between the beneficiaries and does not involve the EC/Agency (which, however, provides guidance).*
  - *Deals with the rights and obligations of the beneficiaries amongst themselves.*

    Examples: internal organisation, distribution of EU funding, additional rules on IPR, settlement of disputes, etc.
  - *In principle to be concluded before signing the Grant Agreement*

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Controls and audits: Ex-ante

Financial viability

- Most beneficiaries exempt from detailed analysis; only systematic check for coordinators when requested EU funding for the action is ≥ EUR 500 000

Certificates

- **Certificate on the financial statements**: Only for final payments when total EU contribution claimed by the beneficiary on the basis of actual costs + unit costs for average personnel ≥ EUR 325.000 (excluding e.g. flat rates !)
- **Certificate on the methodology**: Optional for average personnel costs (now under unit costs)

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Controls and audits: Ex-post

Ex-post audits

- Audits of the Commission limited to **two years** after the payment of the balance

  … but documents must be kept for 5 years

Extension of audit findings

- Former 'extrapolation' (FP7) now included in the MGA
- In the case of systemic or recurrent errors, irregularities, fraud or breach of obligations

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Exchange rates provisions

- **Beneficiary´s accounts in Euro**

  For purchases in other currencies ⇨ conversion into Euro according to its usual accounting practice

- **Beneficiary´s accounts in other currencies**

  Average of the daily exchange rates published in the Official Journal of the EU calculated over the reporting period

Calculation shortcut: you may use the editable charts on the website of the European Central Bank at:

http://www.ecb.europa.eu/stats/exchange/eurofxref/html/index.en.html

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Final grant amount: Calculation

Step 1 — Application of reimbursement rates to eligible costs

Total approved eligible costs *(actual costs, unit costs, flat rate and lump sum costs, if any)* X reimbursement rate *(100 % for research actions, 70% for innovation actions)*

Step 2 — Limit to the maximum grant amount

The grant amount obtained in Step 1 is capped at the maximum grant amount set out in the GA

The grant amount following Steps 1 and 2 is the lower of the two amounts.

Step 3 — Reduction due to the no-profit rule

Profit of the action = Grant amount obtained in Step 2 + Receipts – Total eligible costs of the action

If Profit > 0 → grant amount obtained in Step 2 is reduced

If Profit < or = 0 → grant amount obtained in Step 2 is not reduced

Step 4 — Reduction due to improper implementation or breach of other obligations under the GA at the payment of the balance

Final grant amount is the lower of the following two amounts:

Amount obtained following Steps 1 to 3 ⇔ Amount obtained in Step 4

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Final grant amount: Example

EXAMPLE				
Maximum grant amount	Approved eligible costs	Funding rate	If Receipts	If Reduction
200	**220**	**100%**	**30**	**20**

Step 1 Total approved eligible costs X reimbursement rate

220 * 100 % = 220

Step 2 The lower between Step 1 and the maximum amount of the grant

Lower between (220; 200) = 200

Step 3 Step 2 - profit of the action (Profit (only if positive) = Step 2 + receipts – Eligible cost)

200 – (200 + 30 -220) ⇨ 200 – 10 = 190

Step 4 The lower between Step 3 and the reduced maximum grant amount (if any reduction)

Lower between (190; (200 - 20)) ⇨ Lower between (190; 180) = **180**

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Payments

	Time-to-Pay	From
One Pre-financing	**30** days	From: entry into force or 10 days before the starting date (whichever is the latest)
→ Retention 5 % of maximum grant for the Guarantee Fund		
Interim Payments	**90** days	From reception of periodic report
→ Based on financial statements (EU contribution= eligible costs approved * reimbursement rate) → Limit = 90 % of the maximum grant (Retention 10%)		
Payment of the Balance	**90** days	From reception of final reports

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Receipts

Income generated by the action

(except for action's results)

Income generated from the sale of assets purchased in the GA

Receipts

In-kind contributions:

-specifically for the action
-received free of charge

Financial contributions specifically assigned by the donors to finance the eligible costs

No-profit rule applied at project level, not per beneficiary!

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Thank you for your attention!

Find out more:

http://ec.europa.eu/programmes/horizon2020/

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