

## **FIT FOR HEALTH 2.0**

### **INTERNATIONAL TRAINING ON GRANT AGREEMENT PREPARATION AND MANAGEMENT**

#### **Consortium Agreement**

Q: How does option 2 of 'Joint Ownership' as suggested by the DESCA model encourage to conclude joint ownership agreements if it is anyway less restrictive than option 1?

A: Option 2 of the DESCA model gives a broad freedom to operate regarding the exploitation of jointly owned results. Still having a joint ownership agreement for the joint owners can be desirable. In fact, for a proper exploitation of joint results it could be necessary for the beneficiary to exploit other results that are not jointly owned. In a joint ownership agreement the parties could clear out which additional not jointly owned results together with the jointly owned results are necessary for the exploitation and determine to which conditions the access to not jointly owned results will be granted. Furthermore, option 2 states: "The joint owners shall agree on all protection measures and the division of related costs in advance". What is going to be the IP protection strategy for jointly owned results? How is it going to be implemented? Which jointly owned results need to be protected and which do not? Who is going to pay for the protection? The answers to those questions should be set forth once and for all through a joint ownership agreement. Ideally, when jointly owned results arise during the project, joint owners should ask themselves if a joint ownership agreement is needed, in order to give a proper answer to those questions. Otherwise the risk disclosing sensible information would dangerously rise, bringing along risk for the whole exploitation strategy of both the single joint owner and the whole consortium.

Q: Is there a standard who should pay bank fees when the pre-financing and all other upcoming payments need to be transferred from the coordinator's to the beneficiaries' bank accounts, especially when option 1 of the 'Payment Schedule' including several instalments (DESCA model) is chosen?

A: There is no standard who should bear the bank fees, but the procedure should be clearly communicated to the consortium before transferring the payments.

#### **Scientific & Financial Management and Reporting**

Q: If a beneficiary does not submit the financial statement for a reporting period in time, the declared costs are zero and may be included in the periodic financial report for the next reporting period. What happens in the last reporting period?

A: If a beneficiary fails to submit its financial statement for the last reporting period in time, the Commission / Agency may suspend the payment deadline ([Annotated Model Grant Agreement](#) / Annotations ref. Article 47, p.168).

Q: A certificate on the financial statement (CFS) is needed if a beneficiary / linked third party requests a total financial contribution of €325,000 or more as reimbursement for actual costs and personnel costs. If the threshold of €325,000 has been already exceeded during the first reporting period which period needs to be covered in the CFS (when the CFS is issued at the end of the project)?

A: Beneficiaries / linked third parties may submit either one CFS per reporting period or a single CFS for the whole action together with the final financial report ([Annotated Model Grant Agreement](#) / Annotations ref. Article 20.4, p.172).

Q: If beneficiaries do not receive EU funding, do they have to submit a financial report when periodic reports have to be submitted to the EC?

A: A beneficiary not receiving EU funding is only obliged to submit financial reports if the beneficiary has linked third parties receiving EU funding or if the beneficiary is the coordinator ([Annotated Model Grant Agreement](#) / Article 9, pp.117 et seq.). Otherwise, the obligation to submit financial reports ([Annotated Model Grant Agreement](#) / Article 20.3(b), p.165.) is not applicable for beneficiaries not receiving EU funding ([Annotated Model Grant Agreement](#) / Article 9, pp.117 et seq.).

### **Audits**

Q: If annual productive hours are calculated, how shall leave days be deducted - on an average or actual basis?

A: Leave days shall be deducted on actual basis.

Q: The coordinating institution (university) has a linked third party (corresponding hospital) to which the entire funding is transferred as the project work is conducted at the linked third parties' institution. If any an audit needs to be conducted (and a CFS has to be submitted), where would the audit take place - at the coordinating institution or at the institution of the linked third party?

A: The legal link between the coordinating institution and the linked third party would be assessed to specify the link between both institutions and its corresponding structure. If the funding is entirely transferred to the linked third party (e.g. salaries are entirely paid at the linked third party institution), the CFS / audit may be carried out at the linked third parties' institution.

### **Clinical trials**

A: The final version of the study protocol is part of the first mandatory deliverable 'First study subject approvals package' in projects with clinical trials. If it is already available before the project starts does it still need to be submitted as deliverable?

Q: It might not be mandatory to submit the protocol as deliverable anymore, but the protocol could just as well be submitted as deliverable on day 1. Check with your Project Officer.

A: In which part of the Description of Action (DoA) shall clinical studies be added while transferring the proposal into the DoA?

Q: Clinical studies shall be added to Part B / 3.1 (Implementation – Work Plan) of the DoA.