

**DEADLINE TO SUBMIT PROPOSAL**  
**23 JUNE 2016**

**DEADLINE TO ASK FOR CLARIFICATIONS IS**  
**15 JUNE 2016**

# FREQUENTLY ASKED QUESTIONS

Please note this document includes

Q&A 1, 2, 3, 4, 5, 6, 7 and 8

The new Q&As are highlighted in yellow

## **QUESTION N. 1**

We are looking for partners in order to apply for the EDA Call for Proposal regarding the Pilot Project on defence research. Can the EDA assist with this?

### **ANSWER N. 1**

No, EDA does not assist with the search of consortium partners.

## **QUESTION N. 2**

Could you please put me in touch or provide me with the contacts of the technical and contact points in charge of the project?

### **ANSWER N. 2**

No, EDA cannot give the contact details of the project officers involved. As stated in *Annex 3* of the Call for Proposal (*Procedure for submission to the Call*), contacts between EDA and applicants are prohibited throughout the procedure save in exceptional circumstances and under some conditions. For more information, please refer to Annex 3, Procedure for submission to the Call, page 21.

## **QUESTION N. 3**

Has the funding for the topic PP-15-INR-02 been approved? Are this funding depending on the other two topics awarded proposals?

### **ANSWER N. 3**

No, the funding has not yet been approved. This funding does not depend on the other two topics.

## **CALL FOR PROPOSAL**

### **QUESTION N. 1**

The Call mentions, in section ‘3.2.- *Eligibility check*’, that an eligibility criteria is to be in possession of the necessary accreditation to handle classified information. There is no mention in the call text about the security clearance level required for each Pilot Project topics. Could you please give us an idea about the required accreditation level?

### **ANSWER N. 1**

The required accreditation level will depend on the level of classified data which is intended to be used and/or produced.

If the overall classification of the project proposal is unclassified there is no need to present security clearances.

### **QUESTION N. 2**

If the eligibility criteria requests consortium members to demonstrate their accreditation level to handle classified information, the follow sentence in page 12 is confusing “...*they shall be able to produce a security clearance at the appropriate level obtained from their National Security Authority*”. Could you please clarify whether the clearance is requested in any or all of the Pilot Project topics?

### **ANSWER N. 2**

The level of security depends on the specific project proposal. If the specific project proposal indicates in the submission form that there is as security level, then the necessary security clearances should be provided. In the item of the submission form (‘*security*’) you should indicate whether security issues apply; if so, you should thus provide the appropriate forms.

### **QUESTION N. 3**

In case the accreditation to handle classified information is needed, should our National Security Authority inform EDA directly?

### **ANSWER N. 3**

In case of Facility Security Clearances (FSC), Yes. EDA security shall have received confirmation from the relevant National Security Authorities/Designated Security Authorities (NSA/DSA) that an appropriate FSC has been issued.

In case a project indicates that there is classified information, Personnel Security Clearances (PSC) need to be provided.

### **QUESTION N. 4**

Is this accreditation requested for the whole consortium or only for the coordinator and/or specific partners?

### **ANSWER N. 4**

This depends on the project proposal and if all deliverables and staff involved have a need-to-know.

**QUESTION N. 5**

The call for proposal states that participants can be public authorities, industrial organisations, public and private (including SMEs), higher education institutions and research organisations. Does the category of public authorities include the one of military public authorities?

**ANSWER N. 5**

Yes, they are. The text mainly refers to Military or defence research institutes that are funded by from public finances.

**QUESTION N. 6**

Are the indicative budgets the maximum budget by topic? Is the amount including or excluding VAT?

**ANSWER N. 6**

The indicative budget is the maximum amount available per topic. In other words, any budget below or equal to the indicative budget is acceptable.

The project is VAT exempt.

**QUESTION N. 7**

Could you please confirm if the rule of participation of minimum three organisations from three different member states applies for this Call?

**ANSWER N. 7**

Annex I of the Call for proposals, Article 2.2, indicates the minimum number of participants: *'projects shall be carried out by a consortium of at least three independent legal entities from three different Member States.'*

**QUESTION N. 8**

Paragraph 4 of section I.1 of the Call for Proposal states that 'Project duration shall not exceed 18 months'. However, at the end of the description of topic PP-15-INR-01 (page 5) and topic PP-15-INR-02 (page 6), it is written that 'The work has to be planned over a period of 12 months'. Which one is correct, 12 or 18 months?

**ANSWER N. 8**

The project duration of PP-15-INR-01 is 12 months (see page 5).

The project duration of PP-15-INR-02 is 12 months (see page 7).

The project duration of PP-15-STAN-CERT-01 is 18 months (see page 8).

**QUESTION N. 9**

The existence of a ‘reserve list of proposals’ (section 4.2 of the Call for Proposal) kept in reserve to allow for ‘[...] savings to be made during grant negotiations’, suggests that more than one proposal could be contracted for each topic. Is this correct?

**ANSWER N. 9**

It is foreseen that one project per topic will be awarded a grant agreement. A reserve list, with a number of proposals, is established indeed for the cases (article 4.2 of the Call for Proposal) of failure of negotiations, withdrawal of proposals and/or savings.

**QUESTION N. 10**

A clearly defined page limit of 70 pages is given for sections 1, 2 and 3 of part B of the proposal. Does this mean that section 4 (information on Participants and Security) is excluded from the page limit?

**ANSWER N. 10**

Yes. The cover page and section 1, 2 and 3 together should not be longer than 70 pages.

**QUESTION N. 11**

The selection criteria (section 1.3, p 19 of the Call for proposals) states that applicants must provide the appropriate documents attesting to operational and technical competencies and capacities required to complete the proposed activities. Please advise on how this should be accomplished (e.g. separate documents or reference lists in section 4 of Part B of the proposal, or otherwise).

**ANSWER N. 11**

Experts will have to be able to attest the operational/technical capacity of the participants. This criteria can be met either submitting some documents such as organisation activity reports, proof of experience in carrying out equivalent actions in related fields, or:

- a description of the legal entity and its main tasks, with an explanation of how its profile matches the tasks in the proposal;
- a curriculum vitae or description of the profile of the persons, including their gender, who will be primarily responsible for carrying out the proposed research and/or innovation activities;
- a list of up to 5 relevant publications, and/or products, services (including widely-used datasets or software), or other achievements relevant to the call content;
- a list of up to 5 relevant previous projects or activities, connected to the subject of this proposal;
- a description of any significant infrastructure and/or any major items of technical equipment, relevant to the proposed work;
- [any other supporting documents specified in the work programme for this call.]

(please refer to section 4 of the Proposal Submission Form).

**QUESTION N. 12**

Annex 3 of the Call for proposals (p 20) states that “Proposals must be signed by the applicant(s)”. Does this mean that authorized signatures from all organizations participating in the proposal are

required? Or is this considered to be covered by item 1) under the heading “Declarations” in Part A, section 1 of the proposal?

**ANSWER N. 12**

The Declaration has to be signed by the consortium leader only.

Participants will have to sign the mandate - Annex IV of the Model Grant Agreement (please refer also to Q&A 16 below).

**QUESTION N. 13**

It is our understanding that the following documents are required to be submitted in the envelope to constitute an eligible proposal. Please advise if our understanding is not correct.

-Proposal

--Administrative form (Part A)

--Research proposal (Part B)

-Exclusion criteria documents (certifying that Participants are not in any of the situations listed in page 18 of Call for proposals)

-Supporting documents on financial capacity

-Appropriate documents attesting the operational capacity

**ANSWER N. 13**

Yes, it is correct.

You will have to add the necessary accreditation to handle classified information, if necessary.

Please also refer to Annex III of the Call for proposal.

You can also add the budget table indicated in the section below: *PROPOSAL SUBMISSION FORM, question & answer n. 4*

**QUESTION N. 14**

I would like to request additional information on the topic *PP-15-INTR-01: Unmanned Heterogeneous Swarm of Sensor Platforms*.

In the call text for this topic the following is stated: The project should demonstrate, through a live experimentation (...). However in the expected output and objectives a first level description and specification is asked.

Can you please clarify if there needs to be a live experimentation or only a paper study (first level description and specification)?

**ANSWER N. 14**

The expected output can't be a live demonstration as such, but the study should contain experiments. The output will be based on paper studies and an assessment (through Roadmaps, SWOT, specifications, ...) of real/simulated (or Live-Virtual) experimentation of solutions/architectures. The experiments are to highlight the gaps to fill, to investigate the interest/danger of such or such architecture, but it has not to be considered as an output.

The output will be based on the evaluation of theoretical and practical assessments.

**QUESTION N. 15**

I would like to request additional information on the topic *PP-15-INTR-01: Unmanned Heterogeneous Swarm of Sensor Platforms*. Should we include an impact section that addresses dissemination and exploitation or just a relevant task in the description of the implementation?

**ANSWER N. 15**

The description of the implementation is mandatory, but all relevant complementary approach e.g. on the impact of Architecture or Technologies, could be appreciated if that enable to better stimulate their development.

**QUESTION N. 16**

The call specifically mentions that *‘Proposals must be signed by the applicant(s) or its duly authorized representative and must be perfectly legible so that there can be no doubt as to words and figures’*. As project coordinator, should the proposal be signed by our director or by the researcher that will be employed as project manager? And where exactly should the signature be placed?

**ANSWER N. 16**

The Declaration has to be signed by the consortium leader only, under *‘Proposal Submission Form - PART A – Administrative Form, 1- General Information - signature by the consortium leader’*. The Call for proposals and the Proposal Submission Form have been modified accordingly. The proposal has to be signed by the consortium leader or its legal representative. Is the responsibility of each entity to decide who can sign on its behalf. Participants will have to sign the mandate - Annex IV of the Model Grant Agreement.

**QUESTION N. 17**

In Annex 2, under paragraph 1.1 “Exclusion Criteria” of the Call (page 18) is written *“Applicants must provide documents certifying that they are not in any of the situations listed below: [...]”*. What kind of documents should be provided? Would it be enough to sign a “Declaration of honour on exclusion criteria and absence of conflict of interest”?

**ANSWER N. 17**

Applicants must provide any document that appropriately certifies that they are not in one of the situation described in paragraph 1.1 of Annex 2 (please also refer to Q&A N. 20 below).

**QUESTION N. 18**

Can you please clarify whether VAT is considered as an eligible cost?

**ANSWER N. 18**

As described under III. Overview of Budget of the Call for Proposals text, VAT paid by beneficiaries of grants awarded following this call for proposals is eligible except:

- deductible VAT (VAT paid by the beneficiary for the implementation of taxed activities or exempt activities with right of deduction);

- VAT paid for the implementation of activities engaged in as a public authority by the beneficiary where it is a Member State, regional or local government authority of a Member State or another body governed by public law of a Member State. Considering that beneficiaries that are public bodies of Member States are expected to carry out activities as public authorities (to exercise prerogatives of public powers), VAT paid by beneficiaries that are public bodies established in Member States is, in principle, ineligible.

#### **QUESTION N. 19**

In the Call for Proposal at the Chapter 1.2-Selection Criteria – Financial Capacity is stated that the financial capacity of the participants will be assessed. This requirement does not apply to Member States, public bodies established in the EU/EEA countries, international organisations, European Economic Interest Groupings (EEIG)<sup>11</sup> which are 50% owned by public body(ies), and affiliated entities unless the applicant relies fully on them for implementing the action.”

Every single applicant (referred also do Industries), belonging to one of the Member States, doesn't need to demonstrate its financial capacity?

#### **ANSWER N. 19**

No. Any legal entity that is not included in the exception mention in the call for proposal text is subject to the financial control.

The exception applies only to:

Member States

Public Bodies established in the EU/EEA countries

International organisations

European Economic Interest Groupings (EEIG) which are 50% owned by public body(ies), and affiliated entities unless the applicant relies fully on them for implementing the action.

#### **QUESTION N. 20**

Do the supporting documents described by the exclusion criteria need to be submitted in original copy and sent with the submission form? Is an electronic copy enough?

If we have recently provided EDA with the same documents, do we have to send them again?

#### **ANSWER N. 20**

Yes, the original document should be submitted with the submission form. As stated in Annex 3 of the Call for Proposal (page 21) ‘*Proposal must be complete and must include the completed Application form (including all annexes) in 1 original paper version and 1 electronic containing the complete set of documents as submitted on paper. This electronic version must be identical to the paper version*’.

EDA may waive the obligation of an applicant to submit the documentary evidence relating to the exclusion criteria if such supporting evidence has already been submitted to it for the purposes of another procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided to EDA in a previous procedure and confirm that



no changes in his situation have occurred. He shall indicate in its proposal all the references necessary to allow EDA services to check this evidence.

**QUESTION N. 21**

Applicants for Horizon 2020 are already registered with a PIC no. to participate in Horizon 2020 proposals. With respect to this PIC number the conformance with the eligibility criteria and the non exclusion criteria are already filed in the data base of the European Commission.

Would it be acceptable for EDA that the applicants in a proposal supply the PIC number instead of the requested documentation?

**ANSWER N. 21**

No.

**QUESTION N. 22**

Can Swiss entities participate in European Economic Interest Grouping?

**ANSWER N. 22**

Please refer to ANNEX 1, point 2-PARTICIPATION, 2.1-General Principles and 2.2-Minimum number of participants of the Call for proposal text.

**QUESTION N. 23**

Question relating to Pilot Project on defence research - PP-15-INR-01: Unmanned Heterogeneous Swarm of Sensor Platforms.

In the paragraph entitled ‘Expected Output’ it states that ‘The project is expected to deliver a first level description’. What is meant by the term ‘first level description’, does it relate to NATO Architecture Framework or some other technical framework?

**ANSWER N. 23**

“First level description”, in that sentence can relate both to the NAF V3 views but also on a more generic point of view on the technical, operational and organisational requirements of the system of systems. This description should be “high level enough” to cope with the different national military organization.

**QUESTION N.24**

Do we need to submit the Mandate (ANNEX IV of submission form) with the offer or can we submit it later when the contract will be signed (in case our offer is accepted).

**ANSWER N. 24**

As described in the Call for proposals, Annex 3 – Procedure for submission to the Call, ‘...proposals must be complete and must include the completed Application form (including all annexes)...’.

Please also refer to Q&A n. 20 above.

**QUESTION N. 25**

In accordance with Corrigendum No 1, can you confirm that the change of "applicant(s)" into "consortium leader" applies also to Annex 2 "Requirements for participation to the Call"? In other words, can you confirm that the proof of the "exclusion Criteria" and "Financial Capacity" must be provided by the Consortium Leader only, whilst the "operational Capacity" must be proved by the Consortium members, as a whole?

**ANSWER N. 25**

No. The proof of the 'Exclusion Criteria', 'Financial Capacity' and 'Operational Capacity' have to be proved by all the applicants.

Corrigendum N. 1 refers only to a modification at page 20 of the Call text.

**QUESTION N. 26**

We would also like to know where do SRL levels mentioned referred to? As there are many references we would like to know in which mapping are you referring to?

**ANSWER N. 26****Technology readiness levels (TRL)**

Where a topic description refers to a TRL, the following definitions apply, unless otherwise specified:

- TRL 1 – basic principles observed
- TRL 2 – technology concept formulated
- TRL 3 – experimental proof of concept
- TRL 4 – technology validated in lab
- TRL 5 – technology validated in relevant environment (industrially relevant environment in the case of key enabling technologies)
- TRL 6 – technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies)
- TRL 7 – system prototype demonstration in operational environment
- TRL 8 – system complete and qualified
- TRL 9 – actual system proven in operational environment (competitive manufacturing in the case of key enabling technologies; or in space)

**QUESTION N. 27**

Are the universities considered as a Public Body?

**ANSWER N. 27**

A university can be a public entity or a private entity. It depends on the specific legal status of the university itself.

**QUESTINO N. 28**

With reference to the FAQ 25 (see above), in general, each participants in addition to the consortium Leader has to provide the proof of the ‘Exclusion Criteria’ and ‘Financial Capacity’. Could you confirm that this condition is not applicable for public university (intended as Non-profit organization, Public body, Research organization, Higher or secondary education establishment)?

**ANSWER N. 28**

Yes, this requirements does not apply to Member States, public bodies established in the EU/EEA countries, international organisations, European Economic Interest Groupings (EEIG) which are 50% owned by public body(ies), and affiliated entities unless the applicant relies fully on them for implementing the action.

**QUESTION N. 29**

We kindly would like to ask you for clarification of the Annex 2 Requirements for participation to the Call 1.1 Exclusion Criteria Applicants. We understand that to comply with the requirements we should provide you declaration of honour on exclusion criteria.

In addition for situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance. If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

**ANSWER N. 29**

As stated in Annex 2 Requirements for participation to the Call 1.1 Exclusion Criteria, applicants must provide documents certifying that they are not in any of the situations listed in the article.

The documents that you have mentioned are examples of documents that can be submitted to demonstrate that the requirements are satisfied. The list is not exhaustive.

## **PROPOSAL SUBMISSION FORM**

### **QUESTION N. 1**

It seems that some basic administrative information (such as legal name, registration number, etc) on participating organizations (other than the coordinating organization), should not be provided in Part A of the proposal. It seems that this information is neither to be provided in section 4 (Members of the consortium), of Part B. Is this correct?

### **ANSWER N. 1**

Yes. For the consortium participant, you will have to fill in the information below.

[Consortium participant 1](#)

Title:

First name

Family name:

E-mail:

Contact number:

Organisation:

Position:

Department:

Please indicate next to ‘Consortium participant’ the legal name of your entity.

### **QUESTION N. 2**

In section 4 of the Proposal Submission Form (Members of the consortium), the following instruction is given under the heading ‘Participants (applicants)’: ‘Please provide, for each participant (outlined at page 6), the following (if available)’. What information the reference to page 6 refers to?

### **ANSWER N. 2**

For each participant listed under section 2 – ‘Administrative data of participating organisations’, the proposal has to describe the following (if available):

- a description of the legal entity and its main tasks, with an explanation of how its profile matches the tasks in the proposal;
- a curriculum vitae or description of the profile of the persons, including their gender, who will be primarily responsible for carrying out the proposed research and/or innovation activities;
- a list of up to 5 relevant publications, and/or products, services (including widely-used datasets or software), or other achievements relevant to the call content;
- a list of up to 5 relevant previous projects or activities, connected to the subject of this proposal;
- a description of any significant infrastructure and/or any major items of technical equipment, relevant to the proposed work;
- [any other supporting documents specified in the work programme for this call.]

### QUESTION N. 3

In section 4 of the Proposal Submission Form (Members of the consortium), a heading “Security” gives the option to answer “Yes/No” to two questions. Is a Yes/No-answer sufficient to cover these issues adequately in the proposal?

#### ANSWER N. 3

Yes, it is sufficient.

However, if you tick the box ‘yes’ you should provide the appropriate forms.

### QUESTION n. 4

Although the submission form reflects the resources to be committed to the project (tables F and G), it does not seem to include the total cost of the project. Is this correct? Should we include the total cost of the project in any of the sections of the Submission Form?

#### ANSWER N. 4

Yes. Please add to the Submission Form the following tables:

#### Budget Table

Please indicate the planned budget for each consortium participant, as well as for the consortium as a whole.

#### Consortium participant 1

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<u>Participant Number/Short Name</u>	€
<b>Direct costs</b>	
Personnel	
Subcontracting	
Other direct costs	
<b><u>Total direct costs</u></b>	
<b>Total indirect costs</b>	
<b><u>-out of which 25%</u></b>	
<b><u>Total costs</u></b>	
<b><u>Requested EU contribution</u></b>	

- **Total indirect costs:** the indirect costs according to the company accounting system;
- **out of which 25%:** (indirect costs of the project) flat rate of 25% of direct eligible costs (as defined in Article II.20 of the Model Grant Agreement);
- **Total costs:** total direct costs + 25% of direct eligible costs;

- **Travel costs:** can be included under other direct costs

The Maximum reimbursement rates of actual eligible costs	EU funding
Direct Costs	100% of eligible costs (as defined in Article II.20 of the Model Grant Agreement)
Indirect costs	Flat rate of 25% of direct eligible costs ((as defined in Article II.20 of the Model Grant Agreement)

## Consortium participant 2

<u>Participant Number/Short Name</u>	€
<b>Direct costs</b>	
Personnel	
Subcontracting	
Other direct costs	
<b><u>Total direct costs</u></b>	
<b>Total indirect costs</b>	
<b><u>-out of which 25%</u></b>	
<b><u>Total costs</u></b>	
<b><u>Requested EU contribution</u></b>	

Please reproduce these tables according to the number of participants in your consortium.

## Consortium Total Budget

Participant Number/Short Name	Estimated eligible costs			Requested EU contribution
	100% Direct costs	25% Indirect costs	Total eligible costs	
1				
2				
<b>TOTAL</b>				

Note that the budget mentioned in this table is the total budget requested by the beneficiaries for the whole duration of the project

Note that the maximum amount for the requested EU contribution depends on the budget stated in the Call for Proposals.

**QUESTION N. 5**

In the Proposal Submission Form, the ‘Part A – Administrative Part – 2 – Administrative data of participating organisations’ seems to refer only to the organisation that leads the consortium. Is this interpretation correct?

**ANSWER N. 5**

Yes, you have to fill in the table ‘*Organisation carrying out the proposed work*’ with the information related to the consortium leader.

Details for the consortium participants must be filled in on the next page (table ‘Consortium Participant (Legal name of organisation)’).

Please reproduce this table according to the number of participants in your consortium.

**QUESTION N. 6**

Apparently, except for the consortium leader, there is no need to fill in the detailed data (address, registration number, legal status) of the other organizations that are part of the consortium, as only the data of the consortium leader of these organisations are required. Is this interpretation correct?

**ANSWER N. 6**

Yes.

**QUESTION N. 7**

Under the Part B of the Proposal Submission Form, Section 1 (1. List of participants), it is requested to indicate the list of participants again. This information has already been included in Part A, section 2. Why this information is requested again?

**ANSWER N. 7**

The table ‘List of Participants’ under Part B of the Proposal Submission Form gives a quick overview of the all members of the consortium.

**QUESTION N. 8**

Table G (page 16) of the Proposal Submission Form should reflect travel, equipment and other goods and services, where these costs exceeds 15% of the personnel cost. Where should these eligible costs be included if they do not exceed 15% of the personnel cost?

**ANSWER N. 8**

The Table G is an informative table which gives us an idea of how costs are shared.



## **MODEL GRANT AGREEMENT**

### **QUESTION N. 1**

In Article II.8.1 references are made to Article I.8.1. Should this be Article I.7.1?

### **ANSWER N. 1**

Yes.

### **QUESTION N. 2**

In Article I.7.1 reference is made to Article II.7. Should this be Article II.8?

### **ANSWER N. 2**

Yes

### **QUESTION N. 3**

Is there a Security Aspect Letter template?

### **ANSWER N. 3**

The Security Aspect Letter will be added to the draft contract in case the project is decided to be at determined classification level.

### **QUESTION N. 4**

In the Model Grant Agreement (MGA), Article II.7, references are made to Annex I and Annex 1, respectively.

It is our understanding that Annex I refers to the Description of the Action (in principle the Proposal submitted in accordance with the Submission form). Is this correct?

### **ANSWER N. 4**

Yes. The reference should be only to Annex I (Description of the Action). The reference will be modified.

### **QUESTION N. 5**

Article II.7.2 states that the security requirements in the Security Classification Guide (SCG) are set out in Annex 1. Is this referring to the Commissions provisions on security mentioned under 2.1. General principles in Annex 1? Please advise.

### **ANSWER N. 5**

No. The article should be read:

*'...Activities related to 'classified results' (see Annex I) must comply with the 'security requirements' (Security Aspect Letter (SAL) and the Security Classification Guide (SCG)) set out in Annex I until they are declassified...'*

**QUESTION N. 6**

Article II.7.2 – Classified results, states “Activities related to ‘classified results’ (see Annex I)”. It is not clear to us what the reference to Annex I means in this context, other than the “Y/N” indication under the heading “Security” of section 4 in the Submission Form. Please advise.

**ANSWER N. 6**

If you indicated in section 4 of the Proposal Submission Form that your proposal will involve activities or result raising security issues or ‘EU classified information’ as background or results, you should make reference of this in the Description of the Action (Annex I).

Annex I, Description of the Action, will include the final version of the proposal as result of the negotiation phase.

**QUESTION N. 7**

We understand that the Model Grant Agreement states (page 9, para 1.3.5) that the grant must not produce a profit.

We are seeking clarification on the following: if we use our normal commercial rates for our consultants, partners and services, this will be considered as a ‘profit’?

**ANSWER N. 7**

It is correct to say that grants shall not have the purpose or effect of producing a profit within the framework of the action of the beneficiary ('no-profit principle').

Please refer to article I.3.6 of the Model Grant Agreement for the definition of receipts.

You should also refer to article II.20 (II.20.1 and II.20.2) of the Model Grant Agreement for the financial provisions on the eligibility of costs.

**QUESTION N. 8**

Do we have to include in our proposal legal entity form?

**ANSWER N. 8**

No

## **IPR**

### **QUESTION N. 1**

Please confirm that the non acceptance of the general framework for the IPR arrangement described in the Rules for Participation and in the Model Grant Agreement will not be a reason for exclusion of a proposal.

### **ANSWER N. 1**

The exclusion criteria for a proposal are listed in Annex 2 of the Call. Annex 3 of the Call provides that *‘Submission of a proposal implies acceptance of all the terms and conditions set out in the present call for proposals and draft grant agreement and, where appropriate, waiver of the applicant’s own general or specific terms and conditions.’* The general framework for the IPR arrangement expressly foresees (if deemed necessary) a case by case approach as explained in point a).

### **QUESTION N. 2**

Article 7.3 of the Rules for participation establishes that *‘a case by case approach shall be adopted with negotiations with the participants taking place before award’*. That seems in contradiction with Annex 3 (Procedure for submission to the call) which implies *‘acceptance of all the terms and conditions set out in the Call and grant agreement’*.

Do the acceptance of all the terms and conditions set out in the Call and grant agreement allow the negotiation case by case about the IPR?

### **ANSWER N. 2**

In the frame of the present Call for Proposals, participants must accept all the terms and conditions set out in the Call and Model Grant Agreement.

Please note that this is in line with Article 7.3 of the Rules for participation (providing that *‘a case by case approach shall be adopted with negotiations with the participants taking place before award’*) and Annex 3 (Procedure for submission to the call - which implies *‘acceptance of all the terms and conditions set out in the Call and grant agreement’*).

Terms and conditions set out in the Call and grant agreement foresee that *‘regarding the IPR arrangements of the projects a case by case approach shall be adopted with negotiations with the participants taking place before the award’*. As a results, the acceptance of this terms and conditions includes if necessary the possibility for a case by case approach.

A general framework for the IPR arrangement is described in the Rules for Participation and in the Model Grant Agreement.

### **QUESTION N. 3**

Please clarify the distinction between “background” and “pre-existing rights”?

### **ANSWER N. 3**

The definition of the terms is provided in the MGA, article II.1. ‘Background’ is *‘any data, know-how or information whatever its form or nature, tangible or intangible, including any rights such as intellectual property rights, which is; (i) held by participants prior to their accession to the*

*action and (ii) needed for carrying out the Action or for exploiting the results of the Action.*’ ‘Pre-existing rights’ are industrial or intellectual property rights on this background.

**QUESTION N. 4**

Please confirm that the access to background for EDA, EC, institutions and Member States goes beyond the provisions of H2020 and, if so, explain the reasons for this?

**ANSWER N. 4**

The provisions applicable to the present Pilot Project on Defence Research differs from those of H2020.

**QUESTION N. 5**

Please clarify the right to use Pre-existing rights by affiliates?

**ANSWER N. 5**

The right of affiliates entities (as listed in MGA article I.8) to use Pre-existing rights are governed by article II.10.2 of Annex II – General Conditions of the Model Grant Agreement.

**QUESTION N. 6**

Please clarify the conditions for the right of the Commission to object to transfers of ownership or to grant licence or sub-licence?

**ANSWER N. 6**

The Call text, Annex 1, point 7.3 provides that *‘with regard to results generated through Union funding, the Commission may object to transfers of ownership or to grants of a license or sub-license to another entity registered or based outside the EU Member States, if it considers that such action is inconsistent with the interests of the Union or security considerations. In such cases, the transfer or licensing shall not take place unless the Commission is satisfied that appropriate safeguards will be put in place. The Commission is to be notified in advance of any such transfer or licensing.’* Failure to comply with this term will be addressed according to the terms and conditions of the Call and the MGA.

**QUESTION N. 7**

Please clarify the meaning of ‘non-commercial’, ‘non-competitive’, for instance to determine whether or not this includes the granting of access rights for future tenders.

**ANSWER N. 7**

For the present Call for proposals, the meaning of ‘non-commercial’, ‘non-competitive’, does not per se exclude the granting of access rights for future procurement or grants procedures.

**QUESTION N. 8**

Access rights to results by the Union and the Member States include the right to: reproduce the results, communicate to the public, distribute, adapt, modify the results, translate, archive and store, reuse of documents.

**ANSWER N. 8**

The legally prevailing document as concerning ‘access rights’ is the Call text, itself. As provided in Annex 1 of the Call, access rights of the Union and the Member States to the results ‘*shall be limited to non-commercial and non-competitive use*’. Therefore, Union and Member States rights as specified in MGA II.10.3 shall be limited to non-commercial and non-competitive use. Furthermore, confidentiality obligations as provided in MGA II.6 need also to be taken into account. Finally, these rights ‘may be further specified in the Special Conditions’, setting out the specific terms and conditions these rights can be exercised.

**QUESTION N. 9**

Do access rights of Member States extend also to pre-existing rights of a participant?"

**ANSWER N. 9**

The MGA, article II.10.3 provides that "the beneficiaries must ensure that the Union has the right to use any pre-existing rights included in the results of the Action. Unless specified otherwise in the Special Conditions, the pre-existing rights must be used for the same purposes and under the same conditions as applicable to the rights of use of the results of the Action." No access rights to the pre-existing rights of a participant are provided for Member States.

**QUESTION N. 10**

Please clarify if Result of the action, as described in II.10.3 are limited to deliverables or if it includes everything generated (notes from meetings, every print out etc) regardless if delivered or not? If so, what are the beneficiaries’ obligations to make available all these result?

**ANSWER N. 10**

As stated in Annex II, Article II.1 – Definitions, of the Model Grant Agreement, results are ‘*any tangible or intangible output of the Action, such as data, knowledge or information, that is generated in the Action, whatever its form or nature, whether or not it can be protected, as well as any rights attached to it, including intellectual property rights*’.

As general rule, results to be made available by beneficiaries should be limited to the deliverables. However, a technical or even a financial audit could request more information to verify that the deliverables are based on research activities done within the frame of the project. Burden of proof lies with the beneficiaries (Art II.28.1-2).

**QUESTION N. 11**

Please clarify, do the liability includes indirect damages such as loss of image/loss of opportunity?

**ANSWER N. 11**

The liability as stated in Annex II, Article II.4 – Liability for damages refers to ‘*any damage*’.

**QUESTION N. 12**

Please clarify if the liability in II.4.1 in regards to Third Party still applies on Result that the Union and member states have modified according to II.10.3?

**ANSWER N.12**

Article II.19 of the Model Grant Agreement will apply regarding applicable law, interpretation of the Agreement, settlement of disputes and enforceable decision.