



## Questions & Answers

Call for proposals 2022  
HORIZON-ER-JU-2022

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<p>Q 1</p>	<p>Dear Colleagues</p> <p>I would have two initial quick questions regarding the financing and participation rules.</p> <p>Firstly, I assume that the normal Horizon Europe participation rules apply here, namely consortia should include at least three legal entities in different Member States and Associated Countries which are independent of each other and of which at least one legal entity is based in an EU Member State?</p> <p>In addition, if we would decide to submit a project (Topic HORIZON-ER-JU-2022-FA2-01) we would potentially have telematic equipment costs of around one million EUR. Do normal Horizon Europe rules apply here, namely only depreciation rates for equipment can be charged?</p> <p>If the project duration is only two years and the equipment has a ten year depreciation rate and then on top of this max 60% will be funded this will potentially make funding options quite small. For the calls of the Clean Hydrogen Europe Partnership launched last week certain equipment (e.g. electrolyzers) can be charged 100% to the project. Therefore I want to double check this issue.</p> <p>Finally, will you organize a matchmaking event to potentially bring consortia together?</p> <p>Best wishes</p>	<p>1. According to the HE Work Programme 2021-2022 General Annexes, for Innovation Actions, legal entities forming a consortium are eligible to participate in actions provided that the consortium includes:</p> <ul style="list-style-type: none"> <li>- at least one independent legal entity established in a Member State; and</li> <li>- at least two other independent legal entities, each established in different Member States or Associated Countries.</li> </ul> <p>2. The call HORIZON-ER-JU-2022 is a Horizon Europe call under the Lump Sum scheme, which implies that the detailed cost estimation per work package in which you will be involved shall include only costs that would be considered eligible in an actual costs grant, and that the Horizon Europe rules apply. In addition to the general eligibility conditions, the costs must fulfil the conditions set out in Article 6.2.C.2 of the MGA in order to be eligible:</p> <ul style="list-style-type: none"> <li>• only the depreciation costs can be declared;</li> <li>• it must be written off in accordance with the beneficiary's usual accounting practice and international accounting standards;</li> <li>• the depreciable amount must be allocated on a systematic basis over the asset's useful life;</li> <li>• <b>if not used exclusively for the action, only the portion used may be charged</b> and the amount of use must be auditable.</li> </ul> <p>These are the conditions that should be considered for the cost allocation to the project and that could explain why electrolyzers may be charged at 100% in another programme, in case, for instance, it could be justified that it is exclusively used for the action.</p> <p>In particular, <b>the beneficiary should be able to substantiate</b> the period during which the asset is expected to be usable (useful life) and <b>the portion of use devoted to the action (if not exclusive)</b>.</p> <p>Depending on how the equipment is recorded in the accounts of the beneficiary, there is a risk that the item is charged twice. For example, if the equipment is recorded as an asset in the balance of the entity, it may happen that its related costs are charged:</p>
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		<ul style="list-style-type: none"> <li>- Once for its full construction costs in one grant, and</li> <li>- then via depreciation costs in the subsequent project which is the continuation of the first one.</li> </ul> <p>In case the conditions of the annotation of the AGA are fulfilled, the full direct construction costs of the equipment would be eligible to the action in question. But they would of course not (again) be eligible to the action described as a continuation of the former, as they would not fulfil the conditions above. According to the principle of non-cumulative funding, it is not possible that the same costs are financed twice by the EU budget.</p> <p>Conversely, if a beneficiary declares depreciation costs related to partial use of one piece of equipment as eligible under one grant (e.g. 30% use), the costs of the remaining percentage of use of the equipment (the remaining 70%) may be declared as eligible under another HE grant.</p> <p>3. The JU does not organize a matchmaking event for this call. Nevertheless, all entities registered to the Info-Day received the database of the entities registered as well as their area of interest. In addition, please note that LEARs, Account Administrators or self-registrants can publish partner requests for open and forthcoming topics after logging into the F&amp;T Portal, as well as any user having an active public Person profile</p>
<p>Q 2</p>	<p>Hello</p> <p>several questions:</p> <ol style="list-style-type: none"> <li>1. Do we have to go on the calls with partners?</li> <li>2. Does an API System that connects all the railways into 1 unified schema and standardize connectives to simplify and onboard B2B is something that could fit?</li> </ol>	<ol style="list-style-type: none"> <li>1. According to the HE Work Programme 2021-2022 General Annexes, for Innovation Actions, legal entities forming a consortium are eligible to participate in actions provided that the consortium includes: <ul style="list-style-type: none"> <li>- at least one independent legal entity established in a Member State; and</li> <li>- at least two other independent legal entities, each established in different Member States or Associated Countries.</li> </ul> </li> <li>2. The elements provided for the second question do not allow for a further answer except that it is up to the applicants to decide about submitting a proposal in this respect.</li> </ol>

<p>Q 3</p>	<p>Are there any restrictions on the nationality of subcontractors</p>	<p>The HE Regulation does not include provisions concerning the country where the subcontractor must be established. However, subcontracting may not be used to circumvent the rules on eligibility for funding applicable to participants, i.e. to provide funding to legal entities that would otherwise not be eligible for funding under HE.</p> <p>Therefore, if the country is a country not automatically eligible for funding but only under exceptional circumstances as explained below, subcontractors from that country are in principle not eligible for funding, unless exceptional circumstances justify it, on a case-by-case basis and after agreement with the JU.</p> <p>Under the Horizon Europe Model Grant Agreement (HE MGA), only entities eligible for funding may become beneficiaries. They must be eligible for funding under the HE Regulation 2021/695 for the entire duration of the action.</p> <p>Therefore:</p> <ol style="list-style-type: none"> <li>1. Legal entities shall be eligible for funding if they are established in a Member State or an associated country.</li> <li>2. Legal entities established in a non-associated third country shall bear the cost of their participation.</li> </ol> <p>However, exceptions may apply as described below: A legal entity established in low to middle income non-associated third countries and, exceptionally, other non-associated third countries, shall be eligible for funding in an action if:</p> <ul style="list-style-type: none"> <li>- their country is explicitly identified in the work programme and call for proposals as being eligible for funding</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- the JU considers, based on a case-by-case assessment, that their participation as a beneficiary is essential for implementing the project - for example in view of their: <ul style="list-style-type: none"> <li>• outstanding competence/expertise</li> <li>• access to particular research infrastructures</li> <li>• access to particular geographical environments</li> <li>• access to particular data</li> </ul> </li> </ul>
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		<p>with the EU (or an administrative arrangement with the Commission). It also requires a prior written approval by the Commission.</p> <p>Please keep in mind that, as indicated in Art. 9.3 of the Horizon Europe Lump Sum MGA, beneficiaries must ensure that their contractual obligations under Articles 11 (proper implementation), 12 (conflict of interest), 13 (confidentiality and security), 14 (ethics), 17.2 (visibility), 18 (specific rules for carrying out action), 19 (information) and 20 (record-keeping) also apply to the subcontractors.</p> <p>With regard to subcontracting by Members in the framework of in kind contributions to additional activities related to an action, considering that IKAA is not funded by the JU, Members can subcontract to third countries, subject to the general limitations here above mentioned.</p>
Q 4	<p>Are Social Sciences and Humanities (SSH) part of the programme? If yes, how can SSH researchers / research centers / consultancies participate to Calls?</p>	<p>Europe's Rail topics in its first open calls for proposals are not flagged SSH topic as such. Nevertheless, the call topics may include socio economic aspects that require exploring. Researchers, research centres and consultancies can participate to the calls in accordance with HE Work Programme 2021-2022 General Annexes. For Innovation Actions, legal entities forming a consortium are eligible to participate in actions provided that the consortium includes:</p> <ul style="list-style-type: none"> <li>- at least one independent legal entity established in a Member State; and</li> <li>- at least two other independent legal entities, each established in different Member States or Associated Countries.</li> </ul>
Q 5	<p>What should the agreement to prove the long-time relation with an AE include</p>	<p>Under Horizon Europe, 'affiliated entity' to a beneficiary means an entity as defined in Article 187(1) of the Financial Regulation 2018/1046. They participate in the action with similar rights and obligations as the beneficiaries (obligation to implement action tasks and right to charge costs and claim contributions). If a Grant beneficiary wishes to involve an entity as affiliated to that beneficiary in the project without having any legal link, it must have at least a capital link to be involved as an Affiliated entity.</p>

	<p>Affiliated Entities must be named in Article 8 of the Grant Agreement (GA), and their action tasks and contributions must be set out in Annexes 1 and 2 already at the moment of the GA signature. Affiliated entities can charge lump sum contributions to the action under the same conditions as the beneficiaries and must implement the action tasks attributed to them in Annex 1 in accordance with Article 11. Their contributions will be included in Annex 2 and will be taken into account for the calculation of the grant.</p> <p><b>'legal link'</b> refers to an established relationship (between the AE and the beneficiary), which is:</p> <ul style="list-style-type: none"> <li>• <b>broad and not specifically created for the work in the GA</b> - Accordingly, its duration must go beyond the action duration and it usually pre-dates and outlasts the GA. Ad hoc collaboration agreements or contracts to carry out work in the action are NOT covered. (In this latter case, both legal entities should be beneficiaries).</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>• <b>a legal relationship.</b> This may either be a legal structure (e.g. the relationship between an association and its members) or through an agreement or contract not limited to the action (e.g. a collaboration agreement for research in a particular field).</li> </ul> <p><b>'capital link'</b> means:</p> <ul style="list-style-type: none"> <li>- under the <b>direct or indirect control</b> of the beneficiary or</li> <li>- under <b>the same direct or indirect control</b> as the beneficiary or</li> <li>- <b>directly or indirectly controlling</b> the beneficiary.</li> </ul> <p>This covers not only the case of parent companies or holdings and their daughter companies or subsidiaries and vice-versa, but also the case of affiliates between themselves (e.g. entities controlled by the same entity).</p>
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Q 6	<p>in case of long-term cooperation does the cooperation need to be in the scope of research or any business relations are sufficient provided they are long-term? -</p>	<p>The cooperation or better the “legal link” does not need to be in the scope of research and innovation.</p>
Q 7	<p>Associated Partners "do work but cannot declare cost". Does this refer to "HE Eligible Costs"? If so, will costs generated by AP's (which are not funded by JU) then be declared as IKAA?</p>	<p>Associated partners do not become party to the Grant Agreement (do not sign the GA and do not receive EU funding), but they are mentioned in the GA and implement important parts of the action, as they perform action tasks directly, and are thus often involved actively in the consortium. They cooperate with a beneficiary or the whole consortium, but do not need to have a (capital or legal) link to a beneficiary.</p> <p>Associated partners must implement the action tasks attributed to them in Annex 1 in accordance with Article 11. They may not charge contributions to the action (no lump sum contributions) and the costs for their tasks are not eligible (may not be included in the estimated budget in Annex 2). The tasks must be set out in Annex 1.</p> <p>The HE Grant Agreement names them and defines their role (rights and obligations) in article 9.1 (available at: <a href="https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/agr-contr/general-mga_horizon-euratom_en.pdf">https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/agr-contr/general-mga_horizon-euratom_en.pdf</a>)</p> <p>In accordance with the IKAA definition of Art. 2, paragraph 9 of the Single Basic Act, additional activities are either linked to the uptake of results from projects under that joint undertaking (resulting from the calls launched under the Europe's Rail Programme) or its preceding initiatives (resulting from calls launched under the Shift2Rail Programme) or that have a significant Union added value.</p> <p>In Kind contribution to additional activities (IKAA) can be accounted only by the JU Private Members, constituent entities or the affiliated entities of either, as contribution to the EU-Rail Programme.</p> <p>Therefore, the only manner for IKAA to be accounted for other than by the JU Private Member or constituent</p>



		<p>entity, would be as an Affiliated Entity to the JU Private Member or constituent entity, sustaining the capital or legal link as indicated in Art 187 of the Financial Regulation.</p> <p>Associated partners do not need to have a (capital or legal) link to the Private Member to have AP status in the consortium, but they may have one, as indicated in the Annotated HE MGA LS. In this case, for costs generated by the Associated Partner to be declared as IKAA, the link between the Associated Partner and the Private Member would also have to be sustained.</p>
<p>Q 8</p>	<p>In the case of associated partners, how would their activities (IKOP and IKAA) be included in the total budget, since their costs are not eligible and are not likely to receive EU funding?</p>	<p>Associated Partners can contribute to the Members IKAA if they implement the additional activities included in the annual additional activities plan annexed to the main part of the work programme, in accordance with the definition in Art. 2 paragraphs 9 and 10 of the Single Basic Act, and if there is a legal link between the Private Member and the Associated Partner.</p> <p>Regarding the in-kind contributions to operational activities (IKOP), they are defined in Art. 2 of the SBA as contributions by private members consisting of the eligible costs incurred by them in implementing indirect actions less the contribution of that joint undertaking, the participating states of that joint undertaking and any other Union contribution to those costs. Since associated Partners may not charge contributions to the action (no lump sum contributions) and the costs for their tasks are not eligible (may not be included in the estimated budget in Annex 2), they cannot be declared as IKOP.</p>
<p>Q 9</p>	<p>In part A of the proposal submission form, do the columns of the budget table relating to “the financial contributions” and “own resources” have to be filled in, considering this a LS Grant?</p>	<p>The budget table shall be filled in based on the information available at the date of the submission. During the implementation, there will not be any ex-post financial audit.</p>