



Questions & Answers

Call for proposals 2022
HORIZON-ER-JU-2022

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| Q 1 | <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>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"> - at least one independent legal entity established in a Member State; and - at least two other independent legal entities, each established in different Member States or Associated Countries. <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"> • only the depreciation costs can be declared; • it must be written off in accordance with the beneficiary's usual accounting practice and international accounting standards; • the depreciable amount must be allocated on a systematic basis over the asset's useful life; |
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| <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> | <ul style="list-style-type: none"> • if not used exclusively for the action, only the portion used may be charged and the amount of use must be auditable. <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, the beneficiary should be able to substantiate the period during which the asset is expected to be usable (useful life) and the portion of use devoted to the action (if not exclusive).</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> <ul style="list-style-type: none"> - Once for its full construction costs in one grant, and - then via depreciation costs in the subsequent project which is the continuation of the first one. <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&T Portal, as well as any user having an active public Person profile</p> |
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| <p>Q 2</p> | <p>Hello</p> <p>several questions:</p> <ol style="list-style-type: none"> 1. Do we have to go on the calls with partners? 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? | <ol style="list-style-type: none"> 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"> - at least one independent legal entity established in a Member State; and - at least two other independent legal entities, each established in different Member States or Associated Countries. 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. |
| <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"> 1. Legal entities shall be eligible for funding if they are established in a Member State or an associated country. 2. Legal entities established in a non-associated third country shall bear the cost of their participation. |

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| | <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"> - their country is explicitly identified in the work programme and call for proposals as being eligible for funding <p>Or</p> <ul style="list-style-type: none"> - 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"> • outstanding competence/expertise • access to particular research infrastructures • access to particular geographical environments • access to particular data <p>If the legal entity does not fall in any of the cases mentioned above, they can only participate as associated partners and are not eligible to declare costs in EU grants. Associated partners do not become party to the Grant Agreement (do not sign the GA and do not receive EU funding), but they 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. The HE Grant Agreement names them and defines their role (rights and obligations) in article 9.1 (available at: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/agr-contr/general-mga_horizon-euratom_en.pdf).</p> <p>With regard to subcontracting, it should normally constitute a limited part and must be performed by third parties (not by one of the beneficiaries/affiliated entities).</p> <p>In addition, there are also general limitations regarding the eligibility of entities to participate. The General Annexes to the Horizon Europe Work Programme impose the following specific limitations with regard to eligibility of entities to participate:</p> |
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| | | <ul style="list-style-type: none"> • Annex B excludes eligibility to participate in any capacity (including as subcontractors) for entities for which EU restrictive measures apply. Those measures are adopted by the Council under Article 29 of the Treaty on the European Union and Article 215 of the Treaty on the Functioning of the EU. For more information on the specific measures adopted, please consult: https://sanctionsmap.eu/#/main • Special rules apply also to Israeli entities established in the territories occupied by Israel since June 1967 (see notice 2013/C 205/05 available here: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:205:FULL:EN:PDF) • Annex B provides also specific rules for protecting EU-classified information. Subcontracting of tasks involving EU-classified information is only possible to entities established in an EU Member State or in a non-EU country with a security of information agreement with the EU (or an administrative arrangement with the Commission). It also requires a prior written approval by the Commission. <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 | Are Social Sciences and Humanities (SSH) part of the programme? If yes, how can SSH researchers / research centers / consultancies participate to Calls? | 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 |

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| | | <p>consortium are eligible to participate in actions provided that the consortium includes:</p> <ul style="list-style-type: none"> - at least one independent legal entity established in a Member State; and - at least two other independent legal entities, each established in different Member States or Associated Countries. |
| <p>Q 5</p> | <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>'legal link' refers to an established relationship (between the AE and the beneficiary), which is:</p> <ul style="list-style-type: none"> • broad and not specifically created for the work in the GA - 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). <p>AND</p> <ul style="list-style-type: none"> • a legal relationship. This may either be a legal structure (e.g. the relationship between an association and its members) or through an |

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| | | <p>agreement or contract not limited to the action (e.g. a collaboration agreement for research in a particular field).</p> <p>'capital link' means:</p> <ul style="list-style-type: none"> - under the direct or indirect control of the beneficiary or - under the same direct or indirect control as the beneficiary or - directly or indirectly controlling the beneficiary. <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> <p>For more information please consult the annotations to Art. 8 in the Horizon Europe MGA, available here: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf</p> |
| Q 6 | 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? - | The cooperation or better the "legal link" does not need to be in the scope of research and innovation. |
| Q 7 | 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>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: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf)</p> |

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| | | <p>tenders/opportunities/docs/2021-2027/common/agr-contr/general-mga_horizon-euratom_en.pdf</p> <p>In accordance with the IKA 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 (IKA) 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 IKA to be accounted for other than by the JU Private Member or constituent 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 IKA, the link between the Associated Partner and the Private Member would also have to be sustained.</p> |
| Q 8 | <p>In the case of associated partners, how would their activities (IKOP and IKA) 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 IKA 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</p> |



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| | | not eligible (may not be included in the estimated budget in Annex 2), they cannot be declared as IKOP. |
| Q 9 | 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? | 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. |

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| <p>Q10</p> | <p>1. Because we do not know structure of consortium/project in each FA area we cannot consider our role an applicant. In a previous project we worked as the coordinator. We would participate now as a partner. Could you describe ours and our partners role?</p> <p>2. Who will be our official contact?</p> <p>3. We are not able to find Application form for Europe's Rail funding.</p> | <p>1. It is the applicants' decision and responsibility on how best to set up the consortium's organisation with allocation of tasks between beneficiaries and potential third parties, and appointment of a coordinator, in order to respond to the project's needs.</p> <p>The published call for proposals of Europe's Rail is fully open and competitive, it is up to you to decide to join a consortium in the making (which possibly has already selected a coordinator) or create a new one. These matters are outside the remit of EU-Rail.</p> <p>2. Concerning contacts for potential consortia in the proposal preparation phase, EU-Rail organized an Info-Day - with 600+ registered people – whose participants agreed to share contacts to other participants. It can be expected that regional Info-Days will be organized at the initiative of different European regions or Member States.</p> <p>Concerning contacts in relation to questions on the EU-Rail Call 2022-1 and its specific content (Destinations' text) , any question shall be addressed solely to info-call@rail-research.europa.eu. Questions will be anonymized, and answers published on the "Funding and Tenders Portal" of the European Commission where the Call 2022-1 is also published. This guarantees the principles of equal treatment of applicants and transparency.</p> <p>Given the required interaction foreseen in some Destinations of this Call 2022-1 with the Europe's Rail System Pillar activities, applicants may request clarifications on the System Pillar activities through the following functional EU-Rail mailbox: info-systpillar@rail-research.europa.eu. Answers will be provided by the Joint Undertaking based on the current ramp up phase of the System Pillar, similarly to those answered under the main Call 2022-1 contact.</p> <p>3. You can apply to the Call 2022-1 starting from the Europe's Rail webpage: https://shift2rail.org/participate/call-for-proposals/ongoing-call-for-proposals/ or directly via the European Commission' Funding & Tenders Portal https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-search;callCode=HORIZON-ER-JU-2022-</p> |
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| Q11 | Dear Sir, Madam, Question: is there a need to have a separate/additional MoU, Lol, DoH, ... between a beneficiary and its AE (capital link) to prove the affiliation between the two parties? | There is no need to have a separate additional document to prove the affiliation. Existing supporting documents will have to be provided at Grant Agreement Preparation stage to prove the capital or legal link between a beneficiary and its affiliated entity(ies). For more information, please refer to the answer provided under Q5 of this document. |
| Q12 | Within the boundaries of the IKAA activities in EU Rail, would it be possible for an FM to subcontract non-core activities to another FM? | IKAA, by its nature, is not funded by the JU. Where IKAA is connected to an action funded by the JU, the same provisions applicable to subcontracting forbidding beneficiaries to be in the same action also sub-contractors apply to subcontracting in the context of IKAA. Nevertheless, where IKAA would not be directly complementing an action, and/or the subcontractor is not a beneficiary of the same action, and activities are linked to the Multi-Annual Work Programme and bring significant Union added values, there are no limitations of subcontracting between EU-Rail Members. |
| Q13 | 1-In a FA in which only one entity participates in the activities, can we consider that entity as the unique beneficiary? Or should we include also its Linked Third Party with 0€ of budget? Or the reverse? 2-In FA3, in which both entities are willing to participate in the project, should we consider one entity as main partner and the other as linked third party, or can we participate in the call | 1.Yes, the sole participating entity you refer to can be indicated as direct beneficiary, without the need to add an Affiliated Entity in the project, if the Affiliated Entity does not implement action tasks set out in Annex I and does not correspondingly claim contributions to the action. 2.There are no legal limitations to the options you propose. Both are valid, and the ultimate choice of consortium set-up should be dictated by the project needs and the respective rights and obligations of beneficiaries and affiliated entities under the grant agreement. For more information on Affiliated Entity's rights and obligations compared to beneficiaries, please consult the annotations to Art. 8 in the Horizon Europe |

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| | <p>as different partners, with different PICs and different bank account details?</p> | <p>MGA, available here: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf</p> |
| <p>Q14</p> | <p>As a Founding Member we committed to contribute with in-kind to specific Research and Innovation activities. Since our commitment, changes took place and we need to decide how and where contribute with our activities, in particular addressing where invest in-kind contribution for additional activities. The changes we consider can be achieved via IKOP and/or IKAA only.</p> <p>Therefore, considering that these changes don't affect the total budget or funding for call can you confirm that in principle these changes are acceptable.</p> | <ul style="list-style-type: none"> - In accordance with the Single Basic Act, IKAA shall be agreed by the Governing Board in order to be considered IKAA, i.e., a contribution in kind for additional activities from a Member of the JU to be considered against the total amount of contributions that Members shall commit to deliver to the JU. - In the Call 2022-1, the JU indicated that a Private Member which would be awarded a grant has to provide the JU with total in-kind contributions (i.e., in-kind contributions for operational activities and in-kind contributions for additional activities) for 1.263 times the funding request, in aggregate, of these applicant Private Members. Any discrepancy in a project shall be well and duly justified. This is requested accordingly to support a leverage factor of no less than the ratio between the contribution from members other than the Union and the Union financial contribution, based on Articles 88 and 89 of Council Regulation (EU) 2021/2085). - In this respect, a Private Member may shift the expected IKAA of the 1.263 (aggregate multiplier for the Founding Members) contributions which is expected to deliver to the JU to another action, providing the necessary justification as indicated in the Call conditions. The overall result shall be that the concerned Private Member contributes in aggregate 1.263 times, with the other Members, the funding that would be awarded in one or more actions. - Given the fact that: - IKOP is calculated as the difference between the eligible costs of an action and the funding the Private Member may be awarded; - considering that the Call 2022-1 has been set up with a 60% flat rate per action ; |

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| | | <ul style="list-style-type: none"> - considering also that each Consortia may decide internally different funding rates in line with the provisions of Article 34 of Horizon Europe, but will be complying in any case with the overall funding rate of 60%, <p>the possibility to transfer IKOP between actions does not appear to be sound.</p> |
| 15 | <p>The call states that ‘this call is set at 60% funding rate for each action; each Consortia may decide internally different funding rates in line with the provisions of Article 34 of Horizon Europe, nevertheless complying with the overall funding rate of 60%. This means for JU Members which would apply and possibly become beneficiaries a net funding rate of 45%’. Is it possible for members to vary their additional activity contribution (IKAA) between actions so their net funding is not 45% in each action? There would be no change to the total funding or 60% funding rate (IKOP)</p> | <p>A Private Member may shift the expected IKAA of the 1.263 (aggregate multiplier for the Founding Members) contributions which it is expected to deliver to the JU to another action, providing the necessary justification as indicated in the Call conditions. The overall result shall be that the concerned Private Member contributes 1.263 (aggregate multiplier for the Founding Members) times the funding that would be awarded in one or more actions. This is requested accordingly in order to support a leverage factor of no less than the ratio between the contribution from members other than the Union and the Union financial contribution, on the basis of Articles 88 and 89 of Council Regulation (EU) 2021/2085. Please see answer to Q14 for more details.</p> |
| Q16 | <p>concerning DAC, development of new functionalities which have currently no base in the TSI, homologation of the planned DAC demonstrator trains and the respective corridors where the demonstrator trains will be run, make an early involvement of the certification body necessary to clarify how functions have to be tested and that they have a chance for certification.</p> <p>1.) When is the earliest starting point that a consortium is allowed to contact ERA to</p> | <ol style="list-style-type: none"> 1. No EU institution/body, including the European Union Agency for Railways (ERA, an agency of the European Commission), is expected to provide privileged information to any consortium during the submission period in a Call for proposals. Once the Grant Agreement signed, the awarded consortium will have the possibility to access ERA institutionally through the EU-Rail JU. Prior to GA signature and during the open call procedure, information can be obtained addressing questions to the JU in writing to the info-call mailbox. 2. See previous answer 3. See previous answer |

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| | <p>clarify the certification process for the new DAC functions?</p> <p>2.) Who is the contact partner at ERA which will support the consortiums in this question?</p> <p>3.) Whom else has to be involves to optimize the certification process from EU point of view?</p> | |
| Q17 | <p>Dear ERJU Team,</p> <p>we've downloaded the templates from the funding and tender portal. Unfortunately, the provided excel sheet works only under Windows OS. Have you tested the macros and everything under other Operating Systems (e.g. MAC-OS and Excel 16.0581 (2022)? We cannot use them.</p> <p>Looking to your answer or guiding us to the responsible person. Thank you.</p> <p>Kind Regards,</p> | <p>Dear Sir,</p> <p>Thank you for your message. We tested the file on Mac OS, and we didn't encounter any error. We ran different tests, but we were not able to reproduce the error you mention.</p> <p>The easiest solution would therefore be to try to use the file on another computer. The problem lies with the macro that is generating the appropriate number of sheets per beneficiary. Once the beneficiaries and work packages are encoded in the Excel file, it should therefore be possible to continue working on this file on the Mac OS computer on which the error was encountered.</p> |
| Q18 | <p>Dear Madam or Sir,</p> <p>I would like to ask about the status of Switzerland with regard to its eligibility and access to funding?</p> <p>According to the information at the Info day, Switzerland had not (yet) signed the agreement with Horizon Europe but has there been a development or <u>might there be in the near future</u> ?</p> | <p>Thank you for your question. As indicated during the info-day, for the purposes of the eligibility conditions for funding, a legal entity based in a third country officially candidate for association to Horizon Europe is eligible. They will be treated as entities established in an Associated Country, if the Horizon Europe Association Agreement with the third country concerned applies at the time of signature of the Grant Agreement.</p> <p>Legal entities established in Switzerland are currently not covered by the transitional arrangement. Switzerland is <u>currently considered a non-associated third country</u> for Horizon Europe and related programmes with call identifier 2021 and 2022. Given the current state of the</p> |

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| <p>If Switzerland remains a ,non-associated' country, is there really no possibility to obtain funding then for a legal entity based in Switzerland who would like to be part of a consortium and who could provide substantial expertise?</p> <p>Many thanks for your clarification / confirmation.</p> <p>Best wishes</p> | <p>EU-Switzerland negotiations, it is impossible to anticipate any outcome in the present circumstances.</p> <p>Entities based in Switzerland can however <u>participate</u> in Horizon Europe Calls. Any legal entity, regardless of its place of establishment, including legal entities from non-associated third countries or international organisations, is eligible to participate (whether it is eligible for funding or not), provided that the conditions laid down in the HE Regulation are met, along with any other conditions laid down in the specific call topic. However, as Switzerland is considered a non-associated third country, Swiss applicants must submit their proposals as participants from a non-associated third country ('<u>Associated Partner</u>'). You are invited to contact the Swiss authorities with regard possible funding from them in relation to your participation to Europe's Rail, and generally Horizon Europe, Calls.</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. 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"> a) their country is explicitly identified in the work programme and call for proposals as being eligible for funding (Europe's Rail call does <u>not</u> provide for this) <p>Or</p> <ul style="list-style-type: none"> b) the JU considers, based on a case-by-case assessment, that their participation as a beneficiary is exceptionally considered essential for implementing the project - for example in view of their: <ul style="list-style-type: none"> ○ outstanding competence/expertise ○ access to particular research infrastructures ○ access to particular geographical environments ○ access to particular data |
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| | | <p>Therefore, possibilities for funding could potentially be assessed by the JU on a case-by-case basis for Swiss entities based on the criterion listed under point b.) However, it should be stressed these possibilities are limited and could only be based on an exceptional case-by-case assessment by the JU.</p> <p>For more information about other funding procedures put in place by the Swiss government we refer you to the country page on the European Commission website: https://ec.europa.eu/info/sites/default/files/research_and_innovation/strategy_on_research_and_innovation/documents/ec_rtd_switzerland-country-page.pdf</p> |
| Q19 | <p>Dear Sir, Madam,</p> <p>for the current call different TRL need to be addressed/achieved.</p> <p>Concerning the submission of a proposal, could you please let me know what would be the impact in case a project overachieves the TRL within the project?</p> | <p>Thank you for your question. Activities are expected to achieve a minimum between TRL 5 and TRL 7, depending on the enabler addressed, and, at large, higher by the end of the project.</p> <p>Please find for further reference the TRL definitions and criteria as indicated in the General Annex B of the HE General Annexes to the WP 2021-2022:</p> <ul style="list-style-type: none"> ○ TRL 5: Technology validated in a relevant environment (industrially relevant environment in the case of key enabling technologies) ○ TRL 6: Technology demonstrated in a relevant environment (industrially relevant environment in the case of key enabling technologies) ○ TRL 7: System prototype demonstration in an operational environment ○ TRL 8: System complete and qualified ○ TRL 9: Actual system proven in an operational environment (competitive manufacturing in the case of key enabling technologies, or in space) |
| Q20 | <p>Can you please tell me if it is possible to be an associated member of Shift2Rail? Can you please tell me who the right person to contact is?</p> <p>Thank you.</p> <p>Kind Regards,</p> | <p>Thank you for your question. Please be informed that the successor to the Shift2Rail JU is named Europe's Rail Joint Undertaking. You can find all the information about the objectives of the partnership following this link: https://shift2rail.org/about-europes-rail/europes-rail-mission-and-objectives/.</p> <p>Regarding possible future Associated Member, Art. 7 of the Single Basic Act (available here: https://eur-lex.europa.eu/eli/reg/2021/2085.) allows JUs to launch calls for expression of interest to select associated</p> |



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| | | <p>members depending on the need of the Programme. Please consult our website at https://shift2rail.org/about-europes-rail/ to find all the available information about the Europe's Rail JU.</p> <p>Please be informed that up to this date, no call for expressions of interest has been launched. Any call for the selection of associated members will be duly published through our website. Therefore, we advise you to consult it regularly or subscribe to our newsletter to stay updated on our activities: https://shift2rail.org/e-news/.</p> <p>If you have any additional questions, please make sure to send them to our functional mailbox Info-Call@rail-research.europa.eu.</p> |
| Q21 | <p>We would like to submit a project to the EUROPE'S RAIL Call for Proposals.</p> <p>The project deals with the improvement of fast double-decker railcars to enable the joint transport of passengers and goods, thus increasing capacity, comfort and speed and making European railways self-financing.</p> <p>The project also includes road vehicles (2x passenger, 2x freight) that are compatible with trains and allow fast loading and unloading by their own power and door-to-door intermodal transport.</p> <p>Terminals are also part of the project, allowing simultaneous short loading and unloading of both - passengers and vehicles.</p> <p>Please advise which of the calls is best suited for the project.</p> <p>Thank you in advance for an early reply.</p> | <p>Thank you for your question. Please note it is the applicants' responsibility and decision to ascertain under which destination topic their proposal provides the best fit to answer the call conditions and objectives of the particular destination.</p> <p>We recommend you to read the destinations' topic description in terms of expected outcomes and scope. Please consider also that a second Call is expected to be launched in Q3 2022, covering areas such as exploratory research and new-emerging guided land transport systems; in this respect, please refer to the Work Programme 2022-2024 of the JU.</p> |
| Q22 | <p>Dear Sirs, as participant of the Rail Info Day on March 16th I am</p> | <p>Dear Sir,</p> <p>Please note that the lists were sent out on 17 March.</p> |

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| | <p>wondering why I have not yet received the list of those participants who agreed to be included in the networking opportunities. In order to go forward with my planned initiative I would like to receive the list in order to find possible partners sharing my interest in mobile/rapid charging infrastructure for rural rail road battery trains</p> | <p>In addition, as registered participant who agreed to share the information and receive it, we have resent them to you on 1st April.</p> |
| <p>Q23</p> | <p>We have few questions on administrative/financial issues:</p> <p>We have the case of a beneficiary or an affiliated entity that would contribute to a project, building a demonstrator in a testing site (already belonging to its heritage), consisting in a railway track, a warehouse, a train, and some other assets. Normally the beneficiary or the AE uses this site for renting or for commercial purposes, therefore making this site available to the consortium would represent a loss of income for the beneficiary/AE. How can we declare that cost (e.g. costs related to loss of earnings due to unavailability or loss of rental value)?.</p> <p>1. If we make this testing site available to all participants of the consortium, can the value of the above contribution be shared among the others Consortium Members (i.e. requesting a fee?) And if this case is</p> | <p>1.Regarding costs for equipment, as a general rule, under 6.2.C.2. of the HE AGA (https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf), only depreciation costs or costs of renting/leasing can be charged to HE actions.</p> <p>In addition, there are optional provisions addressing the specific case of assets under construction (e.g. prototype) and their related capitalised costs:</p> <ul style="list-style-type: none"> • The full construction costs (typically the costs of personnel involved in construction of the prototype) • The full purchase costs (typically any component, pieces of equipment) <p>Costs of renting/leasing refers to the following: If the equipment was not purchased but rented or leased, the beneficiaries can charge the renting or leasing costs (i.e. finance leasing, renting and operational leasing).</p> <p>Therefore, the loss of renting revenue you refer to is not considered under HE.</p> <p>However, depreciation costs of equipment, infrastructure or other assets used for the action are covered. Depreciation costs for equipment used for the action, but bought before the action starting date are eligible if they fulfil the general eligibility conditions of Article 6.1(a). The remaining depreciation costs (the equipment has not been fully depreciated before the action's start) may be eligible for the portion corresponding to the action duration and to the rate of actual use for the purposes of the action.</p> |

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| | <p>possible, which kind of cost category fits this kind of contract?</p> <p>2. Consider the following organization: a holding company with a capital link with some owned companies (hence affiliated entities). These affiliated entities have a capital link with other owned companies (hence affiliated entities of the affiliated entities), may the affiliated entity of an affiliated entity, fully owned by the beneficiary, be involved in a project as an affiliated entity of the beneficiary?</p> | <p>In addition, in some cases (e.g. infrastructure), it may also include the costs necessary to ensure that the asset is ready for its intended use (e.g. site preparation, delivery and handling, installation, etc).</p> <p>2. Under Horizon Europe, 'affiliated entity' to a beneficiary means an entity as defined in Article 187(1) of the Financial Regulation 2018/1046. If a 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. Capital link' means:</p> <ul style="list-style-type: none"> ○ under the direct or indirect control of the beneficiary or ○ under the same direct or indirect control as the beneficiary or ○ directly or indirectly controlling the beneficiary <p>'Control' may take any of the following forms: (a) the direct or indirect holding of more than 50% of the nominal value of the issued share capital in the legal entity concerned, or of a majority of the voting rights of the shareholders or associates of that entity; (b) the direct or indirect holding, in fact or in law, of decision-making powers in the legal entity concerned.</p> <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> <p>For more information please consult the annotations to Art. 8 in the Horizon Europe MGA, available here: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf</p> |
| Q24 | 1. Could you please confirm if this approach is correct on how the Lump Sum financial table (Excel) and the Members' | For contributions from members other than the Union and contributing partners as per Art 11 of SBA - the contributions of private members shall consist of IKOP, IKAA and financial contributions in the following programme approach: |

Contributions file should be completed?

Lump Sum financial table:

- In order to get the lump sum shares (funding) partners have to provide HE Eligible costs (TPC minus IKAA in the sheet per beneficiary BE1, BE2, etc. or only funding+IKOP). Then, the funding rate is applied (60% funding at projects level) and we get the lump sum shares.

Is that correct?

Members' Contributions

Annex I Part B:

- In column B, lump-sum shares coming from the Lump Sum financial table need to be provided.
- In column C, IKOP+IKAA sum needs to be provided.

Is that correct?

2. One organisation is the main beneficiary and has a legal link to its affiliated entity, which is neither limited to the action nor established for the sole purpose of its implementation.

Is this legal link sufficient to prove the affiliation between the two parties, or it needs to be proven with some document – framework agreement or similar?

| "Total Project Costs" | | IKAA |
|---------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------|
| HE Eligible costs | | "If Applicable – linked to the project or activities" - Own accounting practice |
| HE Max Contribution (co-funding) – funding rate 60% and = [44.5% Total Project Costs] | IKOP – 40% | |
| HE eligible costs | | |
| Funded by the JU | | |

The **Lump Sum breakdown in the budget proposal table**, used for the calculation of the requested grant amount, should be filled in as indicated below:

- The IKOP should be introduced in the budget proposal table.
- Indicative IKAA can be introduced as well.
- A dedicated table for the contribution of the Members is also needed (cf following paragraph)

The lump sum breakdown is used in the budget proposal table for the calculation of the Requested grant amount

Administrative forms

Proposal ID: SEP-201847802

Accession: FGA Test N°2

3 - Budget

| No | Name of Beneficiary | Country | Role | Requested grant amount | Private contribution | Other sources of funding - IKOP | Own resources | Total estimated income | IKAA |
|-------|---------------------|---------|-------------|------------------------|----------------------|---------------------------------|---------------|------------------------|------|
| 1 | Bard Consulting Spa | BE | Coordinator | 60.00 | | 40 | | 100.00 | 5 |
| 2 | Tax Consult - solux | BE | Partner | 120.00 | | 80 | | 200.00 | 8 |
| 3 | Bard Test | BE | Affiliated | 30.00 | | 0 | | 30.00 | 0 |
| 4 | Challenges Synopses | BE | Associated | 0 | 0 | 0 | 0 | 0.00 | 0 |
| Total | | | | 210.00 | 0 | 120 | 0 | 330.00 | 13 |

Lump sum share per beneficiary for the GA

- The IKOP shall be introduced in the budget proposal table.
- Indicative IKAA could be introduced as well.
- A dedicated table for the contribution of the Members is also needed (see next slides)

Table for Annex I Part B "Estimated Members' Contributions" should be filled in as described below:

- In accordance with the call conditions: "The amount of total in-kind contributions (i.e. in-kind contributions for operational activities and in-kind contributions for additional activities) should be no less than 1.263 times the funding request, in aggregate, of these applicant Private Members."
- Any discrepancy shall be well and duly justified.
- For 1€ of JU contribution, the Private Member shall contribute in addition of 1.263€ (this is an aggregate multiplier for the Founding Members). Consequently, with a Total Project Cost for the action and additional activities of 2.263€
- Column B: Maximum grant amount should reflect the JU contribution (LS share)
- Columns C/D: Total contribution of private members - The indicative value of contribution and percentage are automatically calculated
- Column E: Any discrepancy shall be well and duly justified (in case % below 2.263)

3. One organisation is a Founding Member acting as the main beneficiary with 4 affiliated entities through an internal agreement (legal link).

How should an external entity (for e.g. an university), which has a legal link to one of those 4 affiliated entities but not with the main beneficiary be involved in the project proposal?

Is it possible that this university be an affiliated entity to the main beneficiary? If yes, is there any document, such as LoC or Lol stating that two affiliated entities have a legal link, so that the main beneficiary can include this university as affiliated entity?

4. One organisation is an FM and plans to be the main beneficiary in an FA project doing coordination only. Its affiliated entities will implement technical work described in the DoA. Is this approach acceptable in the project consortium?

5. If a work package starts in a project month 24 (of 48 months of project duration), is pre-financing going to be provided for this work package?

ESTIMATED MEMBERS CONTRIBUTIONS INDICATIVE VALUE PER MEMBER - PROJECT ACRONYM

| Members | Maximum grant amount - contribution (B) | Total Contributions of private members - indicative value (C) | Per (D) = (B)/(C) | Justification if applicable (E) |
|--------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------|-------------------|---------------------------------|
| Member 1 (aggregated, of the applicant Private Member) | 100,000 | 126.70 | 2.2630 | |
| Member 2 (aggregated, of the applicant Private Member) | 1,000,000 | 2,263.00 | 2.2630 | |
| Member 3 (aggregated, of the applicant Private Member) | 10,000,000 | 22,630.00 | 2.2630 | |
| Member 4 (aggregated, of the applicant Private Member) | 125,000,000 | 282,875.00 | 2.2630 | |
| Member 5 (aggregated, of the applicant Private Member) | - | - | - | |
| Member 6 (aggregated, of the applicant Private Member) | - | - | - | |
| Member 7 (aggregated, of the applicant Private Member) | - | - | - | |
| Member 8 (aggregated, of the applicant Private Member) | - | - | - | |
| Member 9 (aggregated, of the applicant Private Member) | - | - | - | |

1. Fill in the project acronym

2. Fill in the Members name

3. Enter the JU contribution (LS share)

4. Any discrepancy shall be well and duly justified (in case % below 2.263)

The indicative value of contribution and % are automatically calculated

2. Existing supporting documents will have to be provided at Grant Agreement Preparation stage to prove the capital or legal link between a beneficiary and its affiliated entity(ies). For more information, please refer to the answer provided under Q5 of this document.

3. It is up to the beneficiaries to establish the consortium set-up that best answers the project proposal's needs. An external entity without legal or capital link with the beneficiary itself could not be indicated as affiliated entity, but could be established as subcontracting, contracting, associated partner or third party providing in-kind contributions free of charge. For more information on the possibilities for third parties (and their respective rights and obligations) in the HE MGA please refer to articles 8-9 of the HE AGA https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf

4. In accordance with article 7 of the HE MGA, beneficiaries must have the appropriate resources to implement the action and they implement the action under their own responsibility and in accordance with Article 11. If they rely on affiliated entities or other third parties (see Articles 8 and 9), they retain sole responsibility towards the granting authority.

5. The pre-financing will normally consist of the maximum grant amount set out in Article 5.1 of the grant agreement divided by number of reporting periods. Therefore, contrary to what seems to be indicated in your question, pre-financing is not linked to specific work packages, but to the whole grant, i.e. maximum grant amount/number of reporting periods.

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| | | <p>The number of reporting periods as well as the amount of pre-financing payment are normally decisions taken by the Authorising Officer, depending on the type of action and the specific grant agreement.</p> <p>For initial prefinancings, the amount due, schedule and modalities will be set out in the Data Sheet. However, if the statement on the use of the previous prefinancing payment shows that less than 70% was used, the amount set out in the Data Sheet will be reduced by the difference between the 70% threshold and the amount used.</p> |
| Q25 | <p>Is it possible for the beneficiary (we) to declare the cost including the AE work (we getting 60 % funding from the JU) and we pay the AE 100 % of their cost?</p> <p>Otherwise, our AE will have a problem with the cash-flow during the time until the Lump-Sum grant is payed. Also, since the beneficiary is fully responsible, it seems necessary to have the cash flow under control (although it may be a lesser problem with a Lump Sum grant, the beneficiary needs to know that the work is progressing properly</p> | <p>Please note that affiliated entities charge costs and contributions directly to the action under the same conditions as the beneficiaries. Their costs and contributions will be included in Annex 2 and they have their own financial statement and must provide their own CFS.</p> <p>Moreover, beneficiaries and AE should have sufficient operational and financial capacity to carry out the action.</p> <p>However, please refer to the answer provided under Q24 regarding the prefinancing payment, which aims to provide a certain float to beneficiaries/AE, at the beginning of the action implementation.</p> <p>In addition, beneficiaries are free to set up internal arrangements with their affiliated entities, as long as they do not contradict the provisions of the Grant Agreement.</p> |
| Q26 | <p>are Europe's Rail members eligible to present a proposal for the Europe's Rails call for proposals 2022?</p> | <p>The published call for proposals of EU-Rail is fully competitive and open to all eligible entities according to Horizon Europe rules for participation.</p> |
| Q27 | <p>I am interested in the strategic Europe's Rail calls for projects just launched, particularly the call for projects concerning the Digital Automatic Coupler (DAC) technology "Sustainable Competitive</p> | <p>With regard to costs for equipment and related rules in the HE MGA, please refer to question n. 23 above and the annotations under article 6.2.C.2 in the HE AGA available here: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf</p> |

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| | <p>Digital Green Rail Freight Services - TOPIC ID: HORIZON-ER-JU-2022-FA5-01 - Full digital freight train operations”, and I have a key question. Could you please tell me if the "Destination 5" call for projects can include investment costs (i.e. not only depreciation for the duration of the project in the budget submitted, but the full cost of the equipment)?</p> | <p>Regarding costs for equipment, as a general rule, under 6.2.C.2. of the HE AGA (https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf), only depreciation costs or costs of renting/leasing can be charged to HE actions. For example, if a demonstrator is set up with 10 couplers, the costs associated to the setting up of the demonstrator and its use can be charged to the project for the period of usage.</p> <p>In addition, there are optional provisions addressing the specific case of assets under construction (e.g. prototype) and their related capitalised costs:</p> <ul style="list-style-type: none"> • The full construction costs (typically the costs of personnel involved in construction of the prototype) • The full purchase costs (typically any component, pieces of equipment) <p>Please refer to question n. 1, paragraph 2, for more details about charges for the full cost of the equipment.</p> |
| <p>Q28</p> | <p>I was advised to use the “Funding & Tender Portal” functionality to get in contact with the evolving consortium for the sub-call “ER-JU-2022-FA4-01”:</p> <p>A sustainable and green rail system TOPIC ID: HORIZON-ER-JU-2022-FA4-01</p> <p>Partner search announcements</p> <p>Searches of partners to collaborate on this topic</p> <p>0 <input type="button" value="View / Edit"/></p> <p>Unfortunately, nothing can be seen:</p> <p>Loading data...</p> <p>It is not clear, if it is caused by a technical issue or if nothing can be found. Could you be so kind and give me (technical) advice, how to</p> | <p>Upon verification, the partner search function in the F&T Portal for Flagship Area 4 is fully functional and there are 9 expertise offers at the time of writing. If the problem persists, please contact the IT helpdesk using the contact form available at the following link: https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/support/helpdesks/contact-form</p> |

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| | <p>make contact to this consortium?</p> | |
| <p>Q29</p> | <p>1: In the Members' Contribution file, is it possible to include the real numbers for IKOP and IKAA in column C (to be included manually)? Or should only the indicative values (automatically calculated considering the total value of the lump sum shares) be confirmed?</p> <p>2: By definition, IKAA is not under HE eligible costs, but members should follow own accounting practices. Does this mean that members could apply the real indirect cost for activities under IKAA? But in the Q&A Call 2022, 2nd Publication, there is the following: IKAA, by its nature, is not funded by the JU. Where IKAA is connected to an action funded by the JU, the same provisions applicable to subcontracting forbidding beneficiaries to be in the same action also sub-contractors apply to subcontracting in the context of IKAA. Nevertheless, where IKAA would not be directly complementing an action, and/or the subcontractor is not a beneficiary of the same action, and activities are linked to the Multi-Annual Work Programme and bring significant Union added values, there are no limitations of subcontracting between EU-Rail Members. Does it mean that the IKAA connected to the action falls</p> | <p>1. In the table for Annex I Part B "Estimated Members' Contributions", for Columns C/D Total contribution of private members, the indicative value of contribution and percentage are automatically calculated. Should you have calculated more, or less, for the indicative value of Member's contribution, it should therefore be changed manually. Please also refer to the Q n.24.1 above about it. As indicated, in case you reach a % below 2.263, the discrepancy shall be well and duly justified.</p> <p>2. No, since the answer provided under Q12 refers specifically to the limitations for subcontracting. In accordance with the Council Regulation 2021/2085 establishing the JUs, including EU-Rail (SBA: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R2085&qid=1651232220733&from=en), art. 11.2, for the purpose of valuing the IKAA (in particular for your question), the costs shall indeed be determined in accordance with your usual cost accounting practices, to the applicable accounting standards of the country where your entity is established, and to the applicable International Accounting Standards [...]. Consequently, members could apply the real indirect cost for activities under IKAA as long as it respects the conditions mentioned above. Furthermore, additional activities can be accounted for as members' in-kind contributions to additional activities when they contribute to the objectives of the joint undertaking and are directly linked to its activities, including non-eligible costs of indirect actions funded by the joint undertaking where this is provided for in the annual additional activities plan. That link can be established through the uptake of results from indirect actions funded by the joint undertaking or its preceding initiatives, or by demonstrating a significant Union added value. The respective costs should be certified by an independent audit body appointed by the entity concerned subject to the valuation method being open to verification by the joint undertaking in the event of uncertainty.</p> |

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| | <p>within the HE rules for eligibility? And only the IKAA not directly complementing an action should follow the own accounting practices ?</p> | |
| <p>Q30</p> | <p>we have 3 questions concerning the involvement of Affiliated Entities:</p> <p><u>Q1: Roles of AE & Beneficiary</u> One organization is a Founding Member acting as the main beneficiary with 4 affiliated entities through an internal agreement (legal link).</p> <ul style="list-style-type: none"> • How should an external entity (for e.g. an university), which has a legal link to one of those 4 affiliated entities but not with the main beneficiary be involved in the project proposal? <p><u>Q2: Role of Daughter company</u> Companies A, B, C belong to the same Holding.</p> <ul style="list-style-type: none"> • If Companies A and B have a role of separate beneficiary in the same project/action: can the company C be affiliated entity to both companies A and B at the same time in the same project/action? <p><u>Q3: Proof of non legal link with AE</u> Some of the AE which we bring on board have not yet a</p> | <p><i>1: Please refer to the answer provided under question n.24, sub-question 3.</i></p> <p>It is up to the beneficiaries to establish the consortium set-up that best answers to the Destination's needs. An external entity without legal or capital link with the beneficiary itself could not be indicated as affiliated entity, but could be established as subcontracting, contracting, associated partner or third party providing in-kind contributions free of charge. For more information on the possibilities for third parties (and their respective rights and obligations) in the HE MGA please refer to articles 8-9 of the HE AGA https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf)</p> <p>2: The ultimate choice of consortium set-up should be dictated by the project needs and the respective rights and obligations of beneficiaries and affiliated entities under the grant agreement. For more information on affiliated entities' rights and obligations, please consult the annotations to article 8 of the HE MGA. However, please note that if the affiliated entity concerned appears twice, linked both to beneficiaries A and B, it shall be duly explained why this entity is registered as affiliated entity and not directly as beneficiary. In addition, having the same affiliated entity linked to two beneficiaries in the grant may create confusion with regard to implementation of obligations under the GA, in particular in the context of a potential recovery and especially if the activities conducted by the affiliated entities are not very well distinguishable.</p> <p>3.The annotations to the HE MGA state that the link must be neither limited to the action nor established for the sole purpose of its implementation, so the documents provided to prove the link between affiliated entity and the beneficiary must clearly include elements that</p> |

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| | <p>collaboration agreement with the organization. But it is planned to establish now a collaboration agreement – going beyond ER JU.</p> <ul style="list-style-type: none"> • Is this accepted or is it mandatory to have cooperation which has already started before the project will be launched? • When does this link needs to be proved: for project submission or after (e.g. during GA-preparation)? • Do you have template showing where we can proof this link (during the ER JU information day on 16.03.2022 it was promised to provide such a template)? | <p>demonstrate objectively that the link is established for goals that are beyond the scope of the project.</p> <p>More specifically, legal link refers to an established relationship (between the AE and the beneficiary), which is:</p> <ul style="list-style-type: none"> • broad and not specifically created for the work in the GA - <u>Accordingly, its duration must go beyond the action duration and it usually pre-dates and outlasts the GA.</u> 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). AND • a legal relationship. 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). <p>For the specific case mentioned in the question, the collaboration agreement must already be in place by the grant agreement preparation phase in order to have documentary evidence of the affiliation before grant signature.</p> <p>There is no available template in this regard, but the collaboration agreement should fulfil the above-mentioned conditions.</p> |
| Q31 | <p>We are a university from the Czech Republic, could we be an applicant/partner in this first Call for Proposals 2022-1? We've already participated in Shift2Rail.</p> | <p>Yes, the published call for proposals of EU-Rail is fully competitive and open to all eligible entities according to Horizon Europe rules for participation.</p> |
| Q32 | <ul style="list-style-type: none"> • The FA4 Proposal will answer the 1st Call. Some FMs are confused and believe that technical work “paid” by IKAAs have not to be technically described in our Proposal WPs | <p>If the IKAAs by one or more Private Member is linked and an integral part of the project activities, it is not part of the eligible costs' calculation. It may be described in the actions to carry out in the Work Packages under the “description of work” section without quantification in term of participant effort/Person Months in the Work</p> |

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| | <ul style="list-style-type: none"> Personally, I believe that all of FA4 technical work answering the Call have to be described in the Proposal including those “paid” by IKAA, for a simple reason: <ul style="list-style-type: none"> as the project is funded at 44% = HEUROPE/ (HEUROPE+IKOP+IKAA), all of the work proposed in FA4 must represent the project funding rate, implicitly covering “any source of money”: HEUROPE, IKOP, IKAA. Could you confirm this? | <p>Packages, although the minimum requirement for IKAA is that Private members shall provide the total indicative in-kind contributions (<i>i.e. in-kind contributions for operational activities and in-kind contributions for additional activities</i>) in the Annex I Part B “Estimated Members’ Contributions”, submitted in the proposal stage. As explained in the answer of Q n.24.1.</p> <p>It is up to the Private Member and the consortium to consider the level of detail and possible need to distinguish in the WP description of work which part is a Private Member IKAA.</p> <p>As also indicated in Q n.29 additional activities can be accounted for as members’ in-kind contributions to additional activities when they contribute to the objectives of the joint undertaking and are directly linked to its activities. In order to verify this, the JU will request each Private Members, which have filled-in the “Estimated Members’ Contributions”, more detailed information about the IKAA technical work.</p> <p>In a next step, the JU will prepare the corresponding IKAA table – consolidated input of the Private Members into an “IKAA Plan” - that will be adopted by the Governing Board for confirmation.</p> |
| Q33 | <p>Dear Sir or Madam</p> <p>We are told from other HE Projects that there is no legal issue that prohibits associated partners – in this specific case Swiss entities – to lead a work package inside of a consortia. Can you confirm that?</p> <p>And if so, if the Swiss entity is responsible for 100% of the actions in this Work package, the lump sum share for this work package would then be 0.- as AP’s are not eligible for funding and do not declare costs. Can you confirm that too?</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.</p> <p>Associated Partners can become work package leaders in collaborative projects. They must implement the action tasks attributed to them in Annex 1 in accordance with Article 11. However, 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). In the case a full WP would be performed by an Associated Partner only, the value of the lump sum share would be 0.</p> <p>The HE Grant Agreement names them and defines their role (rights and obligations) in article 9.1 (available at: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/agr-contr/ls-mga_en.pdf)</p> |
| Q34 | we are a candidate for the funding topic “DESTINATION | Thank you for your question. Your project as such does not seem to completely fulfil the requirements of |

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| | <p>2 – Digital & Automated up to Autonomous Train Operations”.</p> <p>Before making officially a call on your website, I would like to have somebody on your side who can quickly give me a yes or no answer if it is worth the effort.</p> <p>Our project: we decided to upgrade train sets with an ATO GoA2 system in accordance to the upcoming STI2022 subsets. This will happen in a retrofit activity after the train sets are delivered without ATO in a first time.</p> <p>Our Infrastructure Manager coordinates with us and will supply the necessary ATO track side to have first trains in service by the end of 2024. Unfortunately, our infrastructure will only be ETCS L1 by that time.</p> | <p>Destination 2. Nevertheless, the content of the activities, the partners and topics of your project may be considered as an opportunity to set up or join a consortium answering Destination 2. For this, you can use the tool “partner search announcement” on the F&T portal in order to find partners interested in setting up a consortium: https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/horizon-er-ju-2022-fa2-01;callCode=HORIZON-ER-JU-2022-01;freeTextSearchKeyword=;matchWholeText=false;typeCodes=1,2,8;statusCodes=31094501,31094502,31094503;programmePeriod=null;programCcm2Id=43108390;programDivisionCode=null;focusAreaCode=null;destination=null;mission=null;geographicalZonesCode=null;programmeDivisionProspect=null;startDateLte=null;startDateGte=null;crossCuttingPriorityCode=null;cpvCode=null;performanceOfDelivery=null;sortQuery=sortStatus;orderBy=asc;onlyTenders=false;topicListKey=topicSearchTablePageState</p> |
| Q35 | <p>We would like to submit the ComplexTrans project to the EUROPE’S RAIL Call for Proposals.</p> <p>The ComplexTrans project deals with the improvement of fast double-decker railcars to enable the joint transport of passengers and goods, thus increasing capacity, comfort and speed and making European railways self-financing.</p> <p>The project also includes road vehicles (2x passenger, 2x freight) that are compatible</p> | <p>Please refer to the answer provided under Q21.</p> <p>Please note it is the applicants’ responsibility and decision to ascertain under which destination topic their proposal provides the best fit to answer the call conditions and objectives of the particular destination. As indicated in the call text the Flagship Project stemming from this topic should deliver solutions covering the expected outcomes and develop capabilities in accordance with the scope of the call text.</p> <p>Please consider also that a second Call is expected to be launched in Q3 2022, covering areas such as exploratory research and new-emerging guided land transport systems; in this respect, please refer to the Work Programme 2022-2024 of the JU.</p> |

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| | <p>with ComplexTrans trains and allow fast loading and unloading by their own power and door-to-door intermodal transport.</p> <p>Terminals are also part of the project, allowing simultaneous short loading and unloading of both - passengers and vehicles.</p> <p>Please advise which of the calls is best suited for the ComplexTrans project.</p> <p>According to the title, the ComplexTrans project fits best with the call A sustainable and green rail system HORIZON-ER-JU-2022-FA4-01, however, the expected outputs of this call are different from those of our project, as our project is an integrative one (integrated road-rail, passenger-freight, public-private transport) and the by you expected outputs are not its core.</p> <p>I therefore prefer to ask whether our project will not be excluded simply because the expected outputs are different from those required. So that we don't do unnecessary work.</p> <p>Alternatively, please let me know if there will be any call (under FA7?) that will address integration projects.</p> | |
| Q36 | <p>1) In the proposal description (Part B), should the activities</p> | <p>1) Please refer to the answer provided under Q32 2) The detailed budget Excel Lump Sum table shall only describe the total eligible costs of the action.</p> |

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| | <p>linked to IKAA also need to be described?</p> <p>2) Does the detailed budget table (Lump sum table) need to describe only the funding and IKOP (without including IKAA)?</p> | <p>Consequently, as you rightly mention, the co-funding and IKOP only. The co-funding, or lump-sum share, will be automatically calculated based on the funding rate that you are selecting for this action (tab where you define the list of beneficiaries).</p> <p>For the IKAA, please refer to the Q n.24.1</p> |
| Q37 | <p>I have 3 questions related to IKAA:</p> <p>1)</p> <p>Information related to IKAA exist only in the financial annexes:</p> <ul style="list-style-type: none"> • The total value of the IKAA can be derived from the Members' contribution annex 1 part B, and any deviation to the standard ratio of 2,263 must be justified (for example more IKAA in a proposal, less in another). • There is an IKAA column in the budget part A, where "indicative value could be introduced" <p>Although these figures may partly reflect how much and where IKAA will contribute to the project, the proposal does not require any <u>description</u> of the IKAA activities.</p> <p>Can you confirm that members do not have to detail the content of their IKAA at the proposal stage?</p> | <p>Thank you for your question.</p> <p>1.Please refer to Question 32.</p> <p>2.In accordance with the IKAA definition of Art. 2, paragraph 9 of the Single Basic Act - Council Regulation (EU) 2021/2085, additional activities are included in the annual additional activities plan annexed to the main part of the work programme. The Governing Board of EU-Rail has to approve the annual additional activities plan (in accordance with Article 17(2) point (n) of the Regulation) as Annex to the work programme on the basis of a proposal from the members other than the Union, after having consulted the scientific advisory body and considered an opinion of the States' Representative Group. The Regulation does not detail the moment the additional activities can be considered as IKAA apart from its approval by the Governing Board, following consultation of the SRG and scientific committee. Therefore, it is up to Europe Rail's Governing Board to decide on the eligibility timeframe of IKAA, and those additional activities can be accounted by the members as contribution to the EU-Rail Programme (or contributions from members other than the Union in accordance with SBA Art.11.1(b)) once the Governing Board has approved such plan. In this respect, it is the intention of the JU to propose to the GB to consider IKAA eligible as from the date of the adoption of the Work Programme 2022 – 2024, i.e. when the type of activities expected to be achieved by the JU as from 2022 were decided by the GB. In conclusion, the Governing Board of the JU will approve the IKAA plan (with the expected activities and the corresponding estimated values to be delivered), while the Private Members will confirm the proper execution of such plan, with annual certification, in accordance with the SBA article 11.2 (on this matter, please also refer to Question</p> |

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| | <p>2) When does the governing board validate the IKAA ? Is it an ex post verification conducted on an annual basis, and if so, is it after the submission of the IKAA audit certificate (together with a detailed description of the activities) ?</p> <p>3) IKAA alignment between proposal and project phase: When the flagship projects start in late 2022, the IKAA contribution of each member is (indicatively) known for the 2022-2026 project period. How is this information used by the Governing board to validate the IKAA proposed annually ?</p> | <p>29). This certification will be verified by the JU (activities, values and eligibility of the audit certificate).</p> <p>3.The IKAA plan is expected to be adopted annually in accordance with the corresponding call, the proposals submitted and GB Award Decision. The IKAA plan will be adopted based on main additional activities proposed/covered and indicative figures (annual or multi-annual). The IKAA plan may also be further amended if needed.</p> |
| Q38 | <p>“Materials: for what concerns materials and prototypes. In S2R, we prepared a lot of protos, but usually, no more than 3 protos. This means that it’s easy to demonstrate as free of charge sample at the national level, linked to the funded project. How can we manage for 100 samples of couplers to be installed in 50 wagons? And moreover, after the project end, shall these materials be dismantled? Or</p> | <p>Thank you for your question.</p> <p>Please note it is up to the applicants to establish the financial set-up of producing the sample couplers (free of charge or not) to be installed in wagons, as well as to establish the legal arrangements for use of results in further R&I activities, including through commercial exploitation. Considering the high number of prototypes proposed, due justification shall be provided in the proposal.</p> <p>Indeed, under HE, the use of results in further R&I activities is mandatory, including through <u>commercial exploitation</u> such as developing, creating, manufacturing</p> |

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| | <p>we have to leave them? In case of agreement with partners to leave protos on the wagons, is it possible to sell them ?</p> | <p>and marketing a product or process, creating and providing a service, or through <u>standardisation</u> activities. In this respect, beneficiaries must use their best efforts to exploit their results directly or to have them exploited indirectly by another entity, in particular through <u>transfer or licensing</u>. According to Art 39.1 of the HE Regulation, “each beneficiary that has received Union funding shall use its best efforts to exploit the results it owns, or to have them exploited by another legal entity. Exploitation may be direct by the beneficiaries or indirect, in particular through the transfer and licensing of results in accordance with Article 40”.</p> <p>In addition, according to Art 39.6 of the HE Regulation, proposals shall include a plan for the exploitation and dissemination of the results. If the expected exploitation of results entails developing, creating, manufacturing and marketing a product or process, or in creating and providing a service, the plan shall include a strategy for such exploitation.</p> <p>By way of derogation from Article 192 of the Financial Regulation, income generated by the exploitation of the results shall not be considered to be receipts of the action.</p> <p>Nevertheless, it would not be expected that such protos on the wagons be dismantled – clearly unless not working – but also not sold as such; such protos should remain to create opportunities to accelerate the market uptake of the solution and its deployment.</p> |
| <p>Q39</p> | <p>a) Collaborative Piloting/Demonstrating at high TRL Level (TRL >= 8) example: An operator (project partner) invests in a Locomotive, that would be equipped with a (certified “prototype” - not a serial production) DAC Typ 5 from a Project Partner. What is the right approach under the Lump Sum Model:- Depreciation of the locomotive for the course of the project by the operator</p> | <p>a) We understand the first part of your question refers to depreciation. In this respect, please refer to the answer provided to Question 1 sub-question 2 on depreciation.</p> <p>With regard to the exploitation of the results, please refer to the answer provided under question 38. If a prototype as result of the R&I does not perform as expected this may be the output of the R&I and it should be reported with the correct evidence of the work performed and results, so that it can be considered by the JU as a recognized activity and output of R&I in the context of a Lump Sum request for payment of the work achieved.</p> |

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| | <ul style="list-style-type: none"> - Depreciation of the Equipment by the supplier - What happens after the project, with the assets - in particular if the DAC doesn't perform as expected? How to financially mitigate this risk? b) How to deal with cascading of affiliated beneficiaries - Beneficiary A - Affiliated Entity of Beneficiary A - Affiliated Entity of the Affiliated Entity (e.g. an University) | <p>b) The ultimate choice of consortium set-up should be dictated by the project needs and the respective rights and obligations of beneficiaries and affiliated entities under the grant agreement. For more information on Affiliated Entity's rights and obligations compared to beneficiaries, please consult the annotations to Art. 8 in the Horizon Europe MGA, as well as the answer already provided under question 5. Affiliated entities of affiliated entities are considered eligible to funding, always on the condition that there is a direct legal or capital link with the beneficiary, and unless it is determined that the approach is set up to circumvent the GA obligations.</p> |
| Q40 | <p>The call for Proposals 2022-1 is an open call. Is it possible for one company to be an affiliated entity for more than one beneficiary in the same consortium?</p> <p>If not, is it possible to be an affiliated entity for more than one founding member in the programme?</p> | <p>Please refer to the answer provided under question 30 regarding affiliated entities to more than one beneficiary.</p> <p>If you are referring to affiliated entity of a Founding Member in order for the Founding Member to recognize your work as IKOP and/or IKAA, it is possible to be an affiliated entity to more than one founding member of Europe's Rail JU, provided that the legal or capital link as described in Art 187 of the Financial Regulation is clearly substantiated with regard to Founding Members as defined in Art 2 and as listed in Annex II of Regulation 2021/2085.</p> |
| Q41 | <p>I have a question related to the Members' Contribution. On the one hand, it has been communicated continuously that the Members's funding rate would be 44.5% of the Total Project Costs. This would equal a ratio of 1.245.</p> <p>On the other hand, the call conditions require a ratio of 1.263, which equals a funding rate of 44.2%, not 44.5%. This is a discrepancy which I think needs clarification.</p> <p>In documents previously shared with the Members, the calculation of the overall IKAA was adapted by manually</p> | <p>In their letter of commitment, each individual Founding Member has indicated the level of IKOP and/or IKAA they will deliver should they be awarded a grant. This resulted in a maximum funding rate of 44.5% at individual level, when considering the total amount of the projects, including IKOP and IKAA.</p> <p>Nevertheless, some Founding Members expressed their willingness to contribute more IKOP and/or IKAA. When the letters of commitment would be added together, this would result in a lower founding rate due to the additional EUR 8 million of contributions.</p> <p>Individually, a Founding Member participating to a consortium to which a grant is awarded needs to achieve the level of contribution defined in its letter of commitment by the end of the Programme.</p> |

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| | <p>adding 8.027 million Euros “to cover and match the EUR 600 million funding provided by the Union, taking into consideration also System Pillar and "EU Associated and other Calls". Could you please provide details on what that sentence actually means. How are the additional 8.027 million Euros calculated? By adding 8.027 million Euros, the target of 600 million Euros Member Contribution is exceeded by that very amount, so the explanation that the additional amount is needed “to cover and match the EUR 600 million funding provided by the Union” is not really comprehensible.</p> | |
| Q42 | <p>We would like to know whether any of the direct cost categories (travel and lodging expenses, for example) are qualified to be considered as IKAA contributions and included budget planning for an action.</p> | <p>In order to be considered as IKAA contributions, 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 (Article 2, paragraph 9 of the SBA). Costs incurred under this verified context should be audited and demonstrate the consistency with Article 11.2 of the SBA – see details in answer to question n29 above.</p> |
| Q43 | <p>I have a question regarding the necessity to report subcontracting details in Section 3 of the proposal, if they are already listed in the mandatory Financial Excel Table.</p> | <p>The Application Form part B section 3 requires for each participant to provide a description and justification of tasks to be subcontracted (subcontracting costs and description). Costs for subcontracting must also be included in the Financial Excel Table and are part of the Lump Sum.</p> |
| Q44 | <p>I am looking into the Network management planning and control & Mobility</p> | <p>1. The Horizon Europe funding rate for IA is 70%, except for non-profit entities, where it is 100%. In accordance with the SBA, to achieve the leverage effect requested</p> |

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| <p>Management in a multimodal environment and Digital Enablers call TOPIC ID: HORIZON-ER-JU-2022-FA1-TT-01</p> <p>Can you answer the following questions:</p> <ol style="list-style-type: none"> 1. This is an IA, is the funding rate 70% for private entities and 100% for not-for-profits, if not what is the funding rate? 2. The guidance for the proposals is 120pages- is this using the old Horizon2020 format or a new format? 3. The scope is built around two workstreams- do we need to respond to both workstreams, or only one? 4. As this is a Joint undertaking but partially disbursed under Horizon Europe, is the UK eligible until the end of 2022? 5. Rail is a complex industry with interplays beyond academic, NGO CSo and private due to nationalised infrastructure managers, rail undertakings (train operators) and their respective equipment (infrastructure and rolling stock). Are these calls intended to include government | <p>for this call 2022-1, Europe's Rail applies a funding rate of 60% of the eligible costs. Nevertheless, each Consortia may decide internally on different funding rates in line with the provisions of Article 34 of Horizon Europe, complying with the overall Consortia funding rate of 60%.</p> <ol style="list-style-type: none"> 2. As specified in the call text, the limit for an IA application is extended to 120 pages in the Application from template for Part B: "Regarding admissibility conditions and related requirements, part A of the Horizon Europe Work Programme 2021-2022 General Annexes applies with the following exception: the limit for a full Innovation Action application is set to 120 pages" The application form is available at application stage, but also in the funding and tenders opportunity under "Topic conditions and documents" as well in the Europe's Rail website: https://shift2rail.org/participate/call-for-proposals/ongoing-call-for-proposals/ 3. The action to be funded shall address both work streams. Indeed, there is a small typo in the call topic text, which should read as follows: "<i>The action to be funded under this Destination shall address two work streams</i>". Moreover, the proposal should answer the expected outcomes, scope and impacts described in the AWP 2022-2024 page 104-106: https://shift2rail.org/wp-content/uploads/2022/03/AWP_2022_2024_Final_Published.pdf 4. For the purposes of the eligibility conditions, a legal entity based in a third country officially candidate for association to Horizon Europe is eligible. Until association agreements start producing legal effects either through provisional application or their entry into force, the transitional arrangement set out in the General Annexes to the Horizon Europe Work Programme 2021-2022 is applicable with regard to the UK. Therefore, as the UK is expected to become an associated country to HE, UK entities can take part in the first calls for proposals of Horizon Europe. However, the signature of the grant agreement will be |
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| | <p>bodies or national rail operators?</p> | <p>subject to the positive conclusion of the association negotiation.</p> <p>5. The published call for proposals of EU-Rail is fully competitive and open to all eligible entities according to Horizon Europe rules for participation. The call text indicates specific conditions to be met, and in particular the “Special skills and/or capabilities expected from the Applicant(s)”. For this, please refer to pp. 108, 123, 136, 148, 160 and 173 of the AWP 2022-2024: https://shift2rail.org/wp-content/uploads/2022/03/AWP_2022_2024_Final_Published.pdf</p> |
| Q45 | <p>The FMs are currently discussing in various FMs the relevance of IKAA activities in the preparation of the proposals. It is already well understood that these activities will have to be approved by the JU and ultimately by the GB. My question would be whether the content of the IKAA activities and their related budgets have to be included in the proposals. Thanks very much in advance.</p> <p>Best regards</p> | <p>Thank you for your question. Please refer to the answer provided under Questions 29 and 37.</p> |
| Q46 | <p>Regarding the preparation for an application to the call HORIZON-ER-JU-2022-FA3-01, I would like to ask you about a precision related to the payment of the fundings. Knowing that the grant associated to this call will be a lump sum, please could you precise what percentage of the total grant amount will be paid to the beneficiaries during the pre-financing payment?</p> <p>Best regards.</p> | <p>Please refer to the answer provided under question n. 24, sub-question 5.</p> |

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| Q47 | <p>We have an entity identified as per the relevant Letter of Commitment to EU-Rail JU as an affiliated entity of a Founding Member (FM). In the case that this affiliated entity of the aforementioned FM wanted to be a beneficiary for a Flagship Project:</p> <p>Can the FM and the entity be both beneficiaries in the same proposal for the FP?</p> <p>Would the costs incurred by both these companies be taken into account by EU-Rail JU as eligible costs? How should the participation of these companies be reflected in the relevant application forms, the Grant Agreements and the Consortium Agreements later on?</p> <p>Would these added costs of both entities in the Project fit the purposes of fulfilling the commitments made in the aforementioned Letter of Commitment by the FM?</p> <p>Thank you in advance for your answers.</p> | <p>Thank you for your question.</p> <p>The FM and the affiliated entity of the FM can both be beneficiaries in the same proposal, on the condition that the eligibility conditions of the general annexes to the HE WP 2021-2022 remain fulfilled: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/wp-call/2021-2022/wp-13-general-annexes_horizon-2021-2022_en.pdf</p> <p>The costs incurred by these companies registered as beneficiaries in the proposal would be taken into account and later accounted by the JU as Member contribution to the JU. To this aim it is important that also the affiliated entity contribution is added in the excel file Annex 1 of part B “estimated Member’s contribution”, with the value aggregated per Member, this will be compared against the commitments made in the Letter of Commitment by the JU Private Members.</p> <p>In accordance with the SBA, to achieve the leverage effect requested for this call 2022-1, Europe Rail applies a funding rate of 60% of the eligible costs. Nevertheless, each Consortia may decide internally on different funding rates in line with the provisions of Article 34 of Horizon Europe, complying with the overall Consortia funding rate of 60%.</p> <p>The ultimate choice of consortium set-up should be dictated by the project needs and the respective rights and obligations of beneficiaries and affiliated entities under the grant agreement. For more information on beneficiary and Affiliated Entities’ rights and obligations, please consult the annotations to Art.7 and Art. 8 in the Horizon Europe MGA, available here: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf</p> |
| Q48 | Question 1. We have an entity identified as per the relevant Letter of Commitment to EU- | Thank you for your question. |

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| <p>Rail JU as an affiliated entity of a Founding Member (FM).</p> <p>The role of this entity in the Flagship Projects would be an affiliated entity of the beneficiary (the aforementioned FM).</p> <p>Part of the work of this affiliated entity in the Flagship Projects would be performed by its fully owned subsidiary companies.</p> <p>Would the costs incurred by these subsidiary companies be taken into account by EU-Rail JU as eligible costs? How should the participation of these subsidiary companies be reflected in the relevant application forms, the Grant Agreements and the Consortium Agreements?</p> <p>Would that fit the purposes of fulfilling the commitments made in the aforementioned Letter of Commitment by the FM?</p> <ul style="list-style-type: none"> • Question 2. In the case that one of the previous answers is negative: <p>Could an entity that has the status of affiliated entity of a founding member of EU-Rail JU, as indicated in the relevant Letter of Commitment, participate as a (main) beneficiary in the Flagship Projects?</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>The action tasks recorded in Annex I must therefore be carried out by the affiliated entity itself. Should you wish the subsidiary companies of the affiliated entity to also carry out action tasks, they should be recorded in the Grant Agreement as affiliated entities themselves. Indeed, affiliated entities of affiliated entities are considered eligible to funding, <i>always on the condition that there is a direct legal or capital link with the beneficiary</i>, and unless it is determined that the approach is set up to circumvent the GA obligations.</p> <p>The costs incurred by these companies registered as affiliated entities in the proposal would be taken into account and later accounted by the JU as Member contribution to the JU. To this aim, it is important that also the affiliated entity contribution is added in the excel file Annex 1 of part B “estimated Member’s contribution”, with the value aggregated per Member, this will be compared against the commitments made in the Letter of Commitment by the JU Private Members.</p> <p>Furthermore, an external entity without legal or capital link with the beneficiary itself could not be indicated as affiliated entity, but could be established as subcontracting, contracting, associated partner or third party providing in-kind contributions free of charge. For more information on the possibilities for third parties (and their respective rights and obligations) in the HE MGA please refer to articles 8-9 of the HE AGA https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/aga_en.pdf</p> <p>In accordance with the SBA, to achieve the leverage effect requested for this call 2022-1, Europe’s Rail applies a funding rate of 60% of the eligible costs. Nevertheless,</p> |
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| | <p>Would this beneficiary be allowed to have their fully owned subsidiaries as affiliated entities performing part of the work?</p> <p>Would the costs added by this beneficiary and its subsidiary entities be eligible?</p> <p>In relation to the above, it should be noted that the subsidiary companies of the entity that would participate as a main beneficiary in the Flagship Projects have neither a capital link nor a direct legal link with the entity that holds the status of founding member in EU-Rail JU.</p> <p>Thank you in advance for your answers.</p> | <p>each Consortia may decide internally on different funding rates in line with the provisions of Article 34 of Horizon Europe, complying with the overall Consortia funding rate of 60%.</p> <p>Regarding your second question, please refer to the answer provided under Q.47. More specifically, an affiliated entity to a Founding Member can assume the role of beneficiary in a Grant Agreement, and, as beneficiary, the affiliated entity to the Founding Member would then have the possibility of including their subsidiaries as affiliated entities in the Grant Agreement, provided that the capital link between beneficiary and affiliated entity is fully substantiated, as described in the answer to Question 5 and Question 39b. Their costs under the GA would be eligible for funding and considered in the Founding Member's contribution.</p> |
| Q49 | <p>We are interested in participating in Horizon 2022 grant program "A sustainable and green rail system"</p> <p>We would like to enter consortium and want to seek for partners, could you advise any available consortiums that we can contact and collaborate?</p> <p>Thanks in advance</p> | <p>Thank you for your question. Please note that the current call is set under Horizon Europe, and not H2020. Should you wish to answer the call under the topic 'as sustainable and green rail system', you can use the tool "partner search announcement" on the F&T portal in order to find partners interested in setting up a consortium (currently twelve potential applicants are registered):</p> <p>https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/interested-org-list/44839307</p> |
| Q50 | <p>Is it possible to have same entity (e.g. University), that is an affiliated entity under 2 Beneficiaries.</p> <p>eg: Beneficiary 1 - AE1: Technical University of Vienna</p> <p>Beneficiary 2 - AE1: Technical University of Vienna</p> | <p>Thank you for your question. Please refer to the answer provided under Q30. The ultimate choice of consortium set-up should be dictated by the project needs and the respective rights and obligations of beneficiaries and affiliated entities under the grant agreement. For more information on affiliated entities' rights and obligations, please consult the annotations to article 8 of the HE MGA. However, please note that if the affiliated entity concerned appears twice, linked both to beneficiaries A</p> |

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| | | <p>and B, it shall be duly explained why this entity is registered as affiliated entity and not directly as beneficiary. In addition, having the same affiliated entity linked to two beneficiaries in the grant may create confusion with regard to implementation of obligations under the GA, in particular in the context of a potential recovery and especially if the activities conducted by the affiliated entities are not very well distinguishable.</p> |
| 51 | <p>I read about your projects. It's seems that the optimal mechanism could be by two main ways:</p> <p>1. Sub contractor of FEA & CFD analysis,</p> <p>Structure, Thermal, Flow and coupled analysis</p> <p>Especially in: TD1.3 - The new generation of car body shells</p> <p>TD1.4 - Composite Antenna beam</p> <p>TD1.6 - Light & high comfort door (Composite material)</p> <p>Horizon - ER - JU - 2022 - FA4 - 01</p> <p>Destination 4 - A Sustainable & Green Rail System</p> <p>a. Improving the systems to reduce vibration.</p> <p>b. Improving the air conditioning system, by optimizing the air distribution in the train space and</p> | <p>Dear Sir</p> <p>Many thanks for your email.</p> <p>You can participate to the Europe's Rail activities submitting proposals to open calls.</p> <p>At the moment a call for proposal is open for submission up to 23 June 2022. The link to access the documents and submit a proposal is available here: https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-search;callCode=HORIZON-ER-JU-2022-01;freeTextSearchKeyword=;matchWholeText=false;typeCodes=1,2,8;statusCodes=31094501,31094502,31094503;programmePeriod=null;programCcm2Id=43108390;programDivisionCode=null;focusAreaCode=null;destination=null;mission=null;geographicalZonesCode=null;programmeDivisionProspect=null;startDateLte=null;startDateGte=null;crossCuttingPriorityCode=null;cpvCode=null;performanceOfDelivery=null;sortQuery=sortStatus;orderBy=asc;onlyTenders=false;topicListKey=topicSearchTablePageState</p> <p>Furthermore, please note that you can use the tool "partner search announcement" on the F&T portal in order to find partners interested in setting up a consortium.</p> |

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| | <p>By a different location for cooling vents and heating vents</p> <p>2. Engineering consulting.</p> | |
| 52 | <p>Hi ERJU-Team,</p> <p>a) is it feasible that a beneficiary buys equipment from another beneficiary required for demonstration purposes (example a loco for demonstrations - depreciation principle is understood).</p> <p>b) is it feasible that a beneficiary buys services (> 60'000) from an affiliated entity (legal link)?</p> <p>c) is it feasible that a beneficiary B buys services from an affiliated entity of beneficiary B (and declares/plans costs under the lump sum approach)?</p> | <p>Thank you for your question.</p> <p>a.) We understand that your question refers to purchase costs under Article 6.2.C of the Horizon Europe Model Grant Agreement.</p> <p>Purchases are contracts for goods, works or services needed to carry out the action (e.g. equipment, consumables and supplies) but which are not part of the action tasks (see Annex 1), whereas subcontracts are contracts for goods, works or services that are part of the action tasks (see Annex 1)</p> <p>Purchases under Article 6.2.C of the Horizon Europe Model Grant Agreement must be awarded using the beneficiary's usual purchasing practices provided these ensure best value for money (or if appropriate the lowest price) and that there is no conflict of interests.</p> <p>However, according to the HE Annotated Model Grant Agreement (page 58), purchases between beneficiaries are in principle not accepted. Purchases between beneficiaries will only be accepted in exceptional and properly justified cases (e.g. beneficiary A is the usual supplier of beneficiary B for a generic consumable that beneficiary B needs for the action). If a beneficiary needs supplies from another beneficiary, it is the latter beneficiary that should charge them to the action as cost. (Otherwise there is the risk that the grant is used to charge commercial profit margins).</p> <p>B and c) Regarding your second and third question, if by "buying services", you refer to subcontracting (contracts for goods, works or services that are part of the action tasks), please note that subcontracting to affiliates (own beneficiary's affiliates or another beneficiary's affiliates) is not allowed, unless they have a framework contract in place or the affiliate is their usual provider, and the subcontract is priced at market conditions. Otherwise, these entities may work in the action, but they must be identified as affiliated entities under Article 8 and declare their own costs (cf page 54 of the HE AGA). This</p> |



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| | | prohibition is justified because subcontracting typically implies a profit (cost with profit). |
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