



Guideline for Research Programmes

Rules for the establishment and implementation of programmes falling under the Programme Area “Research”

EEA Financial Mechanism and Norwegian Financial Mechanisms 2014 – 2021

TABLE OF CONTENTS

I. GENERAL	4
II. OBJECTIVE OF THE RESEARCH PROGRAMMES	5
III. RESEARCH PROGRAMME PRINCIPLES	5
IV. RESEARCH PROGRAMME MEASURES	6
V. PROGRAMME OPERATOR	9
VI. PROGRAMME COMMITTEE	11
VII. DONOR PROGRAMME PARTNER	13
VIII. CALLS FOR PROPOSALS AND SELECTION OF PROJECTS	13
8.1 General provisions	13
8.2 Eligibility of project promoters and project partners	13
8.3 Calls for proposals	14
8.4 General rules on submission and evaluation of proposals	16
8.5 Submission of proposals	17
8.6 Reception by the Programme Operator	18
8.7 Eligibility check	18
8.8 Evaluation of proposals	19
8.9 Role and appointment of experts	19
8.10 Terms of appointment, code of conduct and conflict of interest	21
8.11 Proposal scoring	21
8.12 Thresholds	22
8.13 Weighting	22
8.14 Detailed description of proposal evaluation	22
8.15 Finalisation of evaluation and award of project grants by the Programme Operator	25
8.16 Feedback to applicants	26
8.17 Reserve List	27
8.18 Programme Operator rejection decisions	27
8.19 Appeals	27
8.20 Alternative selection procedures	27
8.21 Allocation of funds to already approved projects	28

<u>IX. NEGOTIATION AND CONTRACTING</u>	<u>30</u>
9.1 Negotiation of proposals	30
9.2 Contracting of Projects	30
<u>X. REPORTING REQUIREMENTS AND PAYMENTS</u>	<u>32</u>
10.1 Reporting from Project Promoters to the Programme Operator	32
10.2 Annual reporting	32
10.3 Final report.....	33
10.4 Reporting on scientific publications	34
10.5 Format of reports and transmission modalities	34
10.6 Payments	35
10.7 Certificate on financial statements and proof of expenditure	35
10.8 Indirect costs in projects (overheads)	36
10.9 Record keeping requirements.....	36
<u>XI. INTELLECTUAL PROPERTY RIGHTS.....</u>	<u>38</u>

I. GENERAL

This guideline applies to the implementation of Programmes funded by the EEA and Norwegian Financial Mechanisms 2014-2021 falling under the Programme Area "Research" (hereinafter referred to as 'research programmes'). Furthermore, provisions of this guideline may, by way of specific provisions contained in the Programme Agreement, be applied to other Programmes.

The following documents constitute the legally binding framework which applies to the present Guideline:

- Protocol 38c of the EEA Agreement establishing an EEA Financial Mechanism and/or the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the Period 2014-2021, as applicable;
- The Memorandum of Understanding signed between the Donor State(s) and Beneficiary State;
- The Regulation on the implementation of the European Economic Area Financial Mechanism 2014-2021 and Annexes ('the Regulation') and/or the Regulation on the implementation of the Norwegian Financial Mechanism 2014-2021 and Annexes, as applicable.

Research programmes falling under the Programme Area "Research" shall be established and implemented in accordance with the legal framework referred to above and in particular the Regulation, this Guideline as well as any specific provisions contained in the Programme Agreements.

This Guideline contains references to certain articles of the Regulation, however users must refer to the entire Regulation, which contains provisions applicable to Research programmes not addressed in this Guideline. This guideline contains rules specific to the implementation of Research programmes and consequently expands and further specifies certain provisions of the Regulation. In case of inconsistency between specific provisions of the Regulation and specific provisions within this guideline, or where specifically indicated in this Guideline, the relevant provisions of this guideline shall apply.

II. OBJECTIVE OF THE RESEARCH PROGRAMMES

Research programmes are established under the priority sector Innovation, Research, Education and Competitiveness. The objective of the research programmes is enhanced research-based knowledge development.

In order to reach the objective, research programmes may allocate funding to the following areas of support:

- Research cooperation between donor and beneficiary countries;
- Research within the priority sectors and/or programme areas of the EEA and Norway Grants or in other agreed areas;
- Application of research results;
- Capacity-building in research, including supporting the careers of female researchers and early stage researchers;
- Participation and cooperation of beneficiary countries in the European Research Area (ERA).

The research programmes shall prepare Project Promoters, project partners and researchers for further research cooperation within the European Framework Programmes for research and technological development and demonstration activities, and, where relevant, also for cooperation within other European programmes and initiatives. The research programmes shall contribute to the development of the European Research Area.

III. RESEARCH PROGRAMME PRINCIPLES

The research programmes shall be designed in accordance with the following principles:

1. Establishing national practices of research financing and management which follow the principles of Horizon 2020 and international best practice;
2. Supporting the establishment and strengthening of networks and relationships across institutions and research groups;
3. Establishing and strengthening the dialogue between the research community and policymakers, allowing for knowledge and evidence based policy development;

4. Establishing and strengthening the interaction between the research community and industry, with a view to promoting research based innovation and the commercialisation of research results;
5. Learning and exchanging experience across institutions and countries, including between different Beneficiary States.

The research programmes and projects shall reflect and promote the general principles laid down in the European Charter for Researchers and Code of Conduct for the Recruitment of Researchers, as well as the gender equality principle laid down in Article 16 of Regulation (EU) 1291/2013. All vacancies for researchers shall be published on the EURAXESS website.

All projects shall reflect principles of research integrity. The Project Contract shall, where appropriate, contain provisions ensuring the respect of ethical principles, including the establishment of an independent ethics board and the right to carry out an ethics audit by independent experts.

The cooperation in research projects is to be based on equal partnerships between entities involved in research and development in the Donor State(s) and entities involved in research and development in the Beneficiary States, with the leading role of the latter.

Research programmes are set out to create benefits on several levels: Programme Operators, Project Promoters, project partners as well as researchers, including postdoctoral candidates and postgraduates (PhD candidates) and graduates (Master level).

The primary outputs of the research programme will be research results, including scientific publications, patent applications submitted, and numbers of PhD students supported by programme funding. The research programmes shall strengthen capacity and build competence of Programme Operators, Project Promoters, project partners as well as researchers.

Participation in the research programme shall be open to participants established in third countries, if such participation is justified in terms of the enhanced contribution made to the aims of the research programme.

IV. RESEARCH PROGRAMME MEASURES

Research programmes shall be implemented by way of projects.

Projects may, inter alia, include the following measures:

- Collaborative projects in basic and applied research;
- Support for the establishment of long-term strategic partnerships between research institutions in donor and beneficiary countries;

- Research within smart specialisation priorities;
- Research in Social Sciences and Humanities (SSH);
- Research targeting societal challenges and social innovation;
- Support reinforcing the links between innovation, research and education (“the knowledge triangle”);
- Short term mobility schemes for researchers and students;
- Support for the recruitment of researchers from abroad into beneficiary country research institutions;
- Measures addressing gender imbalance in science and research;
- Support for the active participation of beneficiary countries in ERA multilateral research cooperation, such as ERA-net, Joint Programming Initiatives (JPI), the European Strategy Forum on Research Infrastructures (ESFRI), and macro-regional strategies;
- Strengthening beneficiary countries’ participation in Horizon 2020, e.g. in the European Research Council (ERC), through capacity building activities, such as support in developing project applications, training, and building networks that include donor countries.

Projects may be selected in the following way:

- a) Through calls for proposals approved by the Programme Committee. Their content, form and publication shall be in accordance with the Programme Agreement and this guideline;
- b) Pre-defined projects may be identified without a call for proposals. Such projects shall be identified in accordance with paragraph 2(b)(vi) of Article 2.5 and Article 6.5 of the Regulations.

Collaborative research projects in basic and applied research (hereafter 'research projects') shall be selected further to a call for proposals.

Pre-defined projects are suitable for initiatives related to, inter alia, institutional cooperation, training and secondments, capacity building and/or policy development.

The specific modalities shall be proposed in the programme concept note and agreed in the Programme Agreement. Further specifications shall be made in subsequent call documents, including the Guide for Applicants.

Subject to agreement of all parties concerned, calls for proposals and pre-defined projects may be implemented jointly by two or more Beneficiary States.

The following programme area specific shall be adhered to within the programme area for research:

- All research projects shall include cooperation between donor and beneficiary countries.
- Priority shall be given to bilateral partnerships offering added value.
- Small and medium enterprises (SMEs) shall be eligible participants in all programmes.
- Dissemination of research and innovation results shall be included in all programmes.

V. PROGRAMME OPERATOR

In addition to the provisions in Article 5.6 of the Regulation, the responsibilities of the Programme Operator in research programmes shall include:

- a) Taking the necessary steps to establish and maintain English as the main language of communication in the Programme;
- b) Preparation of annual work plans and budgets;
- c) Announcing calls for proposals in research programmes, and dissemination of information of the research programme before announcement;
- d) Establishing a database of international experts;
- e) Appointing international experts to assist with the evaluation of proposals;
- f) Preparation of a ranking list based on the expert evaluations, which shall be submitted to the Programme Committee for recommendation on which proposals to select for funding and final awarding of grants;
- g) Ensuring that Programme Committee members are granted access to all documents necessary for the performance of their tasks, including but not limited to project applications and ranking lists, sufficiently in advance of any meetings;
- h) Providing secretarial/administrative functions for the Programme Committee;
- i) Developing and publishing guidelines, including but not limited to, a guideline for evaluators in English, a guide for applicants in English and an implementation guide for Project Promoters and partners in English;
- j) In consultation with the Donor Programme Partner(s), where applicable, developing and publishing templates, including but not limited to, template project contracts, partnership agreements and reporting documents, in English;
- k) Organising appropriate capacity building measures to support the development of good programme and project management practices;
- l) Organising appropriate capacity building measures to support the project partners in preparing for joint participation in other ERA activities, such as Horizon 2020 calls;
- m) Contributing to relevant experience-sharing and capacity building across Beneficiary State and Donor State institutions;

- n) Actively contributing to good communication and cooperation between all entities involved in the programme, including but not limited to, Project Promoters and project partners; and
- o) Cooperating with the Donor Programme Partner(s).

VI. PROGRAMME COMMITTEE

The provisions of the Regulation concerning the Cooperation Committee shall not apply to research programmes.

The Programme Committee shall support and advise the Programme Operator in all matters concerning the scientific quality and relevance of the projects and activities funded by the programme.

The Programme Operator may establish the Programme Committee as soon as the Programme Operator is designated. It shall consist of five members who shall be representatives from the research community.

The Programme Operator shall appoint three members from the Beneficiary State and the Donor Programme Partner(s) shall appoint two members from the Donor States. Subject to agreement between the Programme Operator and the Donor Programme Partner, the Donor Programme Partner may, in addition, contract the Programme Committee members from the Donor States and be responsible for financial flows between those members and the Programme Operator.

The Programme Operator shall draft the rules of procedure for the Programme Committee and those will be amended and adopted by the Programme Committee in its first meeting by a two-thirds majority vote. At the first meeting, the Programme Committee shall also select a Chair from among their members.

Representatives of the Programme Operator and the Donor Programme Partner(s), shall take part in the meetings, without voting rights.

The FMC and/or NMFA as applicable, the National Focal Point and relevant ministries of the Donor and Beneficiary States shall be invited to participate as observers.

The tasks of the Programme Committee shall include:

- a) Providing input to the strategic direction of the programme;
- b) Reviewing and approving the guideline for evaluators in English, the guide for applicants in English and the implementation guide for project promoters and partners in English;
- c) Approving the selection criteria and the texts for the calls for proposals;
- d) Overseeing and approving the procedures for selection of projects;
- e) Recommending to the Programme Operator which proposals to select for funding and final awarding of grants;

- f) Reviewing progress made towards achieving the objective(s) of the research programme;
- g) Monitoring of the implementation of the research programme by the Programme Operator(s);
- h) Reviewing annual and final project and programme reports;
- i) Proposing revisions of the research programme likely to facilitate the achievement of the programme's objective(s) to the Donor State(s) and Beneficiary State(s);
- j) Liaising with the Programme Operator and, where relevant, any Programme Partners; and
- k) Liaising with the Programme Committees in Research Programmes in other Beneficiary States

All documents of the Programme Committee shall be in the English language and the meetings shall be conducted in English.

The Programme Committee shall meet at least once a year. The meetings shall be called by the Programme Operator in consultation with the PC Chair. The agenda and supporting documents shall be distributed to the PC members no later than 10 working days before the meeting.

Central elements of the discussion and the decisions from the meeting shall be recorded in agreed minutes. The agreed minutes shall be drafted by the Programme Operator and sent to members of the Programme Committee not later than 10 working days after the meeting.

VII. DONOR PROGRAMME PARTNER

In addition to provisions contained in the Regulation concerning the role of Donor Programme Partners, the responsibilities of the Donor Programme Partners in Research programmes shall include:

- a) Supporting the Programme Operator and, where relevant, any Programme Partner(s), in its tasks, including the preparation of the programme (concept note);
- b) Advising on the use of the fund for bilateral relations, where relevant;
- c) Contribute to the dissemination of information about research programmes and calls in the Donor State(s), including partner search activities, communication with Donor State partners, and dissemination of results;
- d) Liaising between Programme Operators from different countries and Donor State entities in order to promote the sharing of good practice in research programme and project management; and
- e) Appointing Programme Committee members representing the Donor State and participate in the meetings as observer.

VIII. CALLS FOR PROPOSALS AND SELECTION OF PROJECTS

8.1 General provisions

The provisions in this chapter replace the provisions of Articles 7.2, 7.3 and 7.4 of the Regulation in Research programmes.

The Programme Operator shall be responsible for project evaluation and the award of grants. The principles of good governance, transparency, equality, efficiency and zero tolerance towards corruption shall be applied.

The Programme Operator shall verify that the selection process has been conducted in accordance with the legal framework and that grant award decisions comply with the rules and objectives of the Programme.

8.2 Eligibility of project promoters and project partners

The conditions for participation in open calls and projects shall be clearly defined in the relevant call documents.

Any entity, public or private, commercial or non-commercial and non-governmental organisations, established as a legal person in the respective Beneficiary State as well as IPOs and any inter-governmental organisations operating in the Beneficiary State are considered eligible project promoters.

Any public or private entity, commercial or non-commercial, as well as non-governmental organisations, which are actively involved in, and effectively contributing to the implementation of, the project, are eligible as project partners.

The Programme Operator, taking into account the overall objectives of the EEA and Norwegian Financial Mechanism 2014-2021 and of the programme, and with the aim of ensuring targeted implementation, may, in consultation with the Donor Programme Partner, propose limitations to the eligibility of applicants and/or project partners, or to the eligibility of costs incurred by applicants and/or project partners. Such limitations, if approved by the FMC and/or NMFA as applicable, shall be stipulated in the programme agreement.

8.3 Calls for proposals

Calls for proposals shall reflect and promote the objectives of the research programme and be organised by the Programme Operator in consultation with the Programme Committee and Donor Programme Partner(s).

The Programme Operator shall in the concept note propose the estimated timing and funding allocated to calls.

The call documents comprise the main call text, the online application form provided by the Electronic Proposal Submission Service described in Article 8.5, the Guide for Applicants and the Guide for Evaluators.

The main call text shall as a minimum comply with the following:

- a) Give a clear definition of the title, scope and thematic focus of the call;
- b) Identify target groups, and potential applicants and project partners;
- c) Describe which type of research (basic, applied) and which type of projects will be supported;
- d) Specify the eligibility criteria of the call, ensuring equal formal conditions for all competing applicants;
- e) Specify the minimum size (i.e. minimum number of project partners) of partnerships;
- f) Specify the eligible duration of projects;
- g) Clearly state the total amount available through the call, as well as the minimum and maximum amount of each project grant applied for;

- h) Include a call closure deadline, which shall be at least two months from the date of the publication of the call. The announcement of the call deadline shall specify the date and the time (hour) when the call expires; and
- i) Provide a clear reference or an electronic link to the application form and user guide (Guide for Applicants);

The Guide for Applicants shall as a minimum:

- a) Describe the rules and procedures for submission of proposals, including the availability of pre-proposal checks;
- b) Describe the rules, procedures and principles for evaluation of the submitted proposals;
- c) Provide a description of the selection process; including the appeals procedures;
- d) Provide a description of the negotiation and award process;
- e) Specify the evaluation, selection and award criteria of the call, including scoring, weighting and thresholds;
- f) Clearly state which types of expenditure are eligible;
- g) Contain provisions on the payment model;
- h) Clearly state the co-financing requirements;
- i) Specify the mode of submission of applications;
- j) Provide clear references to further information on the call, including a reference to this guideline and to other guidelines adopted by the Programme Committee or prepared by the Programme Operator relevant to the call;
- k) Provide contact information for queries and the timeframe for answering such queries;
- l) Be widely promoted with a view to reach all potential applicants and project partners; and
- m) Require the disclosure of any consultant involved in the preparation of the project application.

In addition, the Programme Operator shall develop a Guide for Evaluators, which shall meet the requirements for the main call text and the Guide for Applicants, as necessary.

All call documents mentioned above shall be published in English on the website of the Programme Operator and the Donor Programme Partner(s). For the dissemination of the information about the call, the Programme Operator website, national research programme websites and relevant media shall be used. Specialised publications and web based tools shall be used as relevant. Any limitation on the publication shall be set out in the programme agreement.

The National Focal Point shall warrant that the call for proposals fully complies with the legal framework of the EEA Financial Mechanism 2014-2021 and/or the Norwegian Financial Mechanism 2014-2021, as applicable.

The FMO shall be informed by the Programme Operator of all calls for proposals at least two weeks in advance of their announcement, and, at the same time, be provided with the main call text and the Guide for Applicants of each call including at least all of the minimum requirements stipulated above.

8.4 General rules on submission and evaluation of proposals

Applications shall be submitted to the Programme Operator in accordance with this guideline, the call for proposal and the Guide for Applicants developed by the Programme Operator and adopted by the Programme Committee.

The Programme Operator shall submit eligible proposals to international peer evaluation. In calls for research projects, all proposals shall be evaluated by at least three international experts, selected from a list of suitable candidates, in accordance with part 8.9 of this Guideline.

Proposals shall be selected and grants awarded on the basis of the following selection criteria, and any additional criteria specified in a call for proposal:

- a) Scientific and/or technical excellence;
- b) Relevance in relation to the objective and priorities of the research programme;
- c) Quality and efficiency of the implementation and management, including quality and implementation capacity of the applicants and contribution to capacity and competence building; and
- d) The potential impact through the development, dissemination and use of project results.

8.5 Submission of proposals

Applications from Project Promoters for financial support under the research programmes are made in the form of proposals submitted to the Programme Operator.

Proposals shall set out details of planned work, which participant will carry them out and the costs. The Programme Operator evaluates proposals in order to identify those whose quality is sufficiently high for possible funding.

Proposals shall be submitted electronically and through a specific Electronic Proposal Submission Service (EPSS). It is the responsibility of the Programme Operator to ensure the establishment and well-functioning of such a system. A link to this service shall be provided in the call texts. The EPSS shall as a minimum support the following functionalities:

- Possibility for applicants to edit the proposal until the closing date of the call. The last saved version will be counted as the valid application;
- Access for evaluators (individual experts and Programme Committee members to read all application documents online);
- Platform for communication between the independent experts reviewing the same application and submission of their individual and joint evaluation report;
- Communication with applicants, notably the sending out of evaluation reports after the selection;
- Submission of annual and final reports from projects funded, or the export of data for the funded project to another electronic online system for reporting and monitoring.

The EPSS may be established in cooperation between Programme Operators from two or more Beneficiary States.

Among the applicants in a proposed partnership, only the Project Promoter (identified by user id and password) is authorised to submit a proposal.

The proposals submitted via the EPSS are entered into databases after the call closure. The Programme Operator has no access to the proposal until the call deadline has passed. Proposals submitted in any other way will not be regarded as having been received by the Programme Operator.

A procedure for the withdrawal of a proposal by its Project Promoter is given in the Guide for Applicants. A withdrawn proposal will not subsequently be considered by the Programme Operator.

Proposals are archived under secure conditions at all times. After completion of the evaluation and any subsequent negotiation, all copies are destroyed other than those required for archiving and/or auditing.

8.6 Reception by the Programme Operator

The date and time of receipt of the last version of submitted proposals are recorded by the EPSS. After the closing of the call, an acknowledgement of receipt is sent through EPSS to the proposal Project Promoter containing:

- a) Proposal title, acronym and unique proposal identifier (proposal number);
- b) Name of the programme and/or activity / research area and call identifier to which the proposal was addressed; and
- c) Date and time of receipt.

There is normally no further contact between the Programme Operator and applicants on their proposal until after completion of the evaluation. The Programme Operator may, however, contact the Project Promoter in order to clarify matters such as eligibility.

8.7 Eligibility check

The Programme Operator shall determine whether proposals meet the administrative and eligibility criteria of the programme (eligibility check).

Proposals must fulfil all of the eligibility criteria if they are to be retained for evaluation.

The following eligibility criteria apply to all proposals submitted under a call:

- a) Receipt of proposal by the Programme Operator before the deadline date and time established in the call;
- b) Minimum conditions (such as number of participants), as referred to in the call for proposals;
- c) Completeness of the proposal, i.e. the presence of all requested administrative forms and the proposal description (N.B. the completeness of the information contained in the proposal will be for the experts to evaluate; the eligibility checks only apply to the presence of the appropriate parts of the proposal); and
- d) Scope of the call: the content of the proposal must relate to the topic(s) and funding scheme(s) set out in the call. A proposal will be deemed ineligible on grounds of 'scope' only in clear-cut cases.

If it becomes clear before, during or after the evaluation phase that one or more of the eligibility criteria have not been fulfilled, the proposal is declared ineligible by the Programme Operator, and is withdrawn from any further examination. The Programme Committee will be informed about the outcome of the eligibility check and review the cases of applications rejected on grounds of "scope".

8.8 Evaluation of proposals

The evaluation rests on a number of well-established principles:

- a) Excellence. Projects selected for funding must demonstrate a high quality in the context of the topics and criteria set out in the calls;
- b) Transparency. Funding decisions must be based on clearly described rules and procedures, and applicants should receive adequate feedback on the outcome of the evaluation of their proposals;
- c) Fairness and impartiality. All proposals submitted to a call are treated equally. They are evaluated impartially on their merits, irrespective of their origin or the identity of the applicants;
- d) Confidentiality. All proposals and related data, knowledge and documents communicated to the Programme Operator are treated in confidence;
- e) Efficiency and speed. Evaluation, award and contract preparation should be as rapid as possible, commensurate with maintaining the quality of the evaluation, and respecting the legal framework;
- f) Ethical and security considerations. Any proposal which contravenes fundamental ethical principles may be excluded at any time from the process of evaluation, selection and award.

The call and the Guide for Applicants shall spell out the way in which these rules and procedures will be implemented.

8.9 Role and appointment of experts

The Programme Operator evaluates proposals with the assistance of international experts to ensure that only those of the highest quality are selected for funding. International experts must be resident and working outside the respective Beneficiary State and the Donor States. International experts must be working in a personal capacity and in performing the work, must not represent any organisation.

Experts are required to have skills and knowledge appropriate to the areas of activity in which they are asked to assist. They must also have a high level of professional experience in the public or private sector in one or more of the following areas or activities: research in the relevant scientific and technological fields; administration, management or evaluation of projects; use of the results of research and technological development projects; technology transfer and innovation; international cooperation in science and technology; development of human resources.

The Programme Operator shall establish a pool of international experts containing the details of suitable candidates in cooperation with the Donor programme partner.

The Programme Operator may at any time include in the pool, if appropriate, any individual with the appropriate skills.

The pool of international experts may be established in cooperation between Programme Operators from two or more Beneficiary States.

The Programme Operator may request access to the European Commission database of experts used in the evaluation of projects in European Union Framework Programmes for Research in order to supplement its pool of international experts. Other dedicated expert identification tools may also be used.

To evaluate the proposals submitted in response to a call, the Programme Operator draws up a list of appropriate experts (including, if necessary, a reserve list). The lists are drawn up primarily using as selection criteria:

- A high level of expertise; and
- An appropriate range of competencies.

Providing the above conditions can be satisfied a reasonable gender balance shall also be taken into consideration.

In constituting the lists of experts, the Programme Operator also takes into account, as necessary, their abilities to appreciate the industrial and/or societal dimension, and policy relevance, of the topics covered by the call. Experts must also have the appropriate language skills required for the proposals to be evaluated.

The list of experts to be used for evaluation sessions is decided by the Programme Operator. The names of the experts assigned to individual proposals are not made public.

However, the Programme Operator shall within two months from publication of the decision to award project grants, publish on the internet the list of experts used for the evaluation of projects in the call.

8.10 Terms of appointment, code of conduct and conflict of interest

The Programme Operator shall conclude an 'appointment letter' with each expert. The appointment letter binds the expert to a code of conduct, establishes the essential provisions regarding confidentiality, and, specifies in particular, the description of work, the conditions of payment, and reimbursement of expenses.

When appointing experts, the Programme Operator shall take all necessary steps to ensure that they are not faced with a conflict of interest in relation to the proposals on which they are required to give an opinion.

To this end, experts are required to sign a declaration that no such conflict of interest exists at the time of their appointment and that they undertake to inform the Programme Operator if one should arise in the course of their duties. When so informed, the Programme Operator takes all necessary actions to remove the conflict of interest.

In addition, all experts are required to confirm that they have no conflict of interest for each proposal that they are asked to examine at the moment of the evaluation.

The declaration makes a distinction between 'disqualifying' and 'potential' conflicts of interest.

When a disqualifying conflict of interest is reported by the expert or established by the Programme Operator on the basis of any available source of information, the expert shall not evaluate the proposal concerned.

Experts who are employed by one of the applicant organisations in a proposal are normally considered as facing a 'disqualifying' conflict of interest.

When a potential conflict of interest is reported by the expert or brought to the attention of the Programme Operator by any means, the Programme Operator will consider the circumstances of the case and will decide, on the basis of the objective elements of information at its disposal, on the existence of an effective conflict of interest. If such an effective conflict is established, the expert will be excluded in the same manner as for a disqualifying conflict.

8.11 Proposal scoring

Experts examine the issues to be considered comprising each evaluation criterion, and score these on a scale from 0 to 5. Half point scores may be given. For each criterion under examination, score values indicate the following assessments:

1. The proposal fails to address the criterion under examination or cannot be judged due to missing or incomplete information.
2. Poor. The criterion is addressed in an inadequate manner, or there are serious inherent weaknesses.

3. Fair. While the proposal broadly addresses the criterion, there are significant weaknesses.
4. Good. The proposal addresses the criterion well, although improvements would be necessary.
5. Very Good. The proposal addresses the criterion very well, although certain improvements are still possible.
6. Excellent. The proposal successfully addresses all relevant aspects of the criterion in question. Any shortcomings are minor.

8.12 Thresholds

Thresholds for some or all of the criteria should be set, such that any proposal failing to achieve the threshold scores will be rejected. In addition, an overall threshold may also be set. The thresholds to be applied to each criterion as well as any overall threshold shall be included in the call documents.

8.13 Weighting

According to the specific nature of the funding schemes and the call, it may be decided to weight the criteria. The weightings to be applied to each criterion shall be included in the call documents.

8.14 Detailed description of proposal evaluation

8.14.1 Briefing of the experts

The Programme Operator is responsible for the briefing of experts before evaluation sessions. The briefing of the experts covers the evaluation processes and procedures as well as the evaluation criteria to be applied, and the content and expected impacts of the research topics under consideration.

8.14.2 Individual evaluation of proposals

In the initial phase of the evaluation each expert works individually, and gives scores and comments for each criterion.

They also indicate if the proposal:

- falls entirely out of the scope of the call for proposals; and

– deals with sensitive ethical issues.

After the individual evaluation of a proposal, the expert completes an individual evaluation report confirming his/her individual reading and assessment.

If a proposal is considered to be out of scope by all individual experts, it may be considered to be ineligible and may not be passed on to the consensus stage.

8.14.3 Consensus assessment

Once all the experts to whom a proposal has been assigned have completed their individual assessments, the evaluation progresses to a consensus assessment, representing their common views.

Scores and comments are set out in the consensus report.

Comments should be suitable for feedback to the proposal Project Promoter.

If applicable, they also come to a common view on the questions of scope and on ethics, as mentioned under step (b) above.

If during the consensus discussion it is found to be impossible to bring all the experts to a common point of view on any particular aspect of the proposal, the Programme Operator official in charge of the evaluation may ask additional experts to examine the proposal.

The outcome of the consensus step is the consensus report, approved by all the experts. In the case that it is impossible to reach a consensus, the report sets out the majority view of the experts but also records any dissenting views from any particular expert(s).

The Programme Operator will take the necessary steps to assure the quality of the consensus reports, with particular attention given to clarity, consistency, and an appropriate level of detail.

If important changes are necessary, the reports will be referred back to the experts concerned.

The signing of the consensus report completes the consensus step.

8.14.4 Panel review

Following the eligibility check, the Programme Operator in consultation with PC and DPP, shall decide whether it is appropriate to include a panel review within the selection procedure. The practical arrangements shall be determined in the light of the nature of the call and number of proposals submitted to it. Such arrangements and specific procedural rules to be followed by the panel shall be based on this guideline and shall be detailed in the Guide for Applicants, following consultation with the PC and DPP. All stakeholders shall be promptly notified of the decision to adopt a panel procedure and of the procedure to be followed.

The panel is the final step involving international experts. It allows them to formulate their recommendations to the Programme Committee having had an overview of the results of the consensus step.

The objective of the panel procedure is to provide a platform for a face-to-face discussion which should allow the experts to compare the results of the consensus stage across proposals evaluated by different teams of experts.

The panel(s) is appointed by the Programme Operator. There may be one panel covering the whole call or several panels covering different activities, topics, or funding schemes.

It may comprise international experts involved at the consensus step, new experts, or a mixture of the two.

For a particular call, or part of a call, it may be possible to arrange for all the experts to examine all the proposals, and carry out their final review at the same time as they prepare the consensus reports. These experts are thus considered to constitute the panel.

Role of the panel

The main task of the panel is to examine and compare the consensus reports in a given area, to check on the consistency of the marks and comments applied during the consensus discussions and, where necessary, propose a new set of marks or revision of comments.

The tasks of the panel may also include:

- Hearings with the applicants of those proposals that have passed thresholds (see below);
- Resolving cases where a minority view was recorded in the consensus report;
- Recommending a priority order for proposals with the same score (only if necessary, taking into account the available budget, or other conditions of the call set out in the work programme).

The panel is either chaired by the Programme Operator, or by an expert appointed by the Programme Operator. In either case, the Programme Operator will ensure fair and equal treatment of the proposals in the panel discussions. A panel "rapporteur" (who may also be the panel chairperson) may be appointed to draft the panel's advice.

Hearings with applicants may be organised as part of the panel deliberations according to the procedures established for such hearings in Horizon 2020 calls.

Specific arrangements for hearings will be described in the Guide for Applicants.

Outcome of panel review

The outcome of the panel review is a Panel Report recording, containing:

- An Evaluation Summary Report (ESR) for each proposal, including comments and scores, taking account of any hearings. Where relevant, any ethical issues and any security considerations are reported;
- A list of proposals passing all thresholds, along with a final score for each proposal passing the thresholds and the panel recommendations for priority order;
- A list of evaluated proposals having failed one or more thresholds;
- A list of any proposals having been found ineligible during the evaluation;
- A record of the hearings (if applicable);
- A summary of any other recommendations of the panel.

If the same panel has considered proposals submitted to various parts of a call (for example, different topics that have been allocated distinct indicative budgets in the call), the report may contain multiple lists accordingly.

The ESR agreed by the panel experts may include recommendations for further improvements to a proposal that is already highly rated.

These recommendations will aim for a more efficient implementation of the proposed work, for example, by modifying details of the methodology, or by removing superfluous work packages.

The experts will indicate the likely impact in effort and equipment, and may indicate the impact on budget, of any such changes. The experts may also suggest a reduction in effort and/or budget without a change in content, if the reasons for such a reduction are well founded.

The Panel Report is signed by at least three panel experts, including the panel "rapporteur" (if an expert was so appointed), and the chairperson.

8.15 Finalisation of evaluation and award of project grants by the Programme Operator

The Programme Operator shall review the results of the evaluation by experts, and make its own assessment of the proposals, in particular a review of the Programme Operator financial contribution (eligibility and appropriate level of budgets requested), taking into account the conclusions of the international experts. For the budgets of Donor State partners, the PO will consult with the DPP in order to assess the appropriateness of the budget requested.

The Programme Operator shall prepare a preliminary ranking list based on the international experts' evaluation of the proposals that passed the evaluation thresholds. Due account is taken of the scores received and of any advice from the experts. It will also take account of the available budget, the strategic objectives of the programme, as well as the overall balance of proposals to be funded. A suggested grant amount is determined for each of these proposals.

The Programme Committee is granted access to applications and evaluations and presented with a scored list of proposals the Programme Operator has found eligible, including the suggested financial contribution for each proposal. If an expert-panel evaluation procedure is used, the Programme Committee is presented with the ranking lists prepared by the panel(s).

The Programme Committee shall review the Programme Operator's preliminary ranking list and on the basis of this, draw up a final ranking list. The Programme Operator then issues individual decisions to award a grant to projects based on the final ranking list approved by the Programme Committee, for those projects for which grants are available.

In case the final ranking list approved by the Programme Committee reveals that a small amount of funding prevents the inclusion of another project onto the funded list, the Programme Operator may, acting on a proposal from the Programme Committee, apply minor budget cuts uniformly across all projects, not exceeding 3% of the requested budget.

During the selection meeting of the Programme Committee, the Programme Operator should address any aspects that would need to be modified during negotiation, based on the advice of the experts. This can include any conditions on the award of funding as suggested by the Programme Committee.

The Programme Operator shall provide the FMC and/or NMFA as applicable with the list of selected projects no later than two weeks after the decision on the award of grants and at the same time publish the list on the Programme website. The Programme Operator shall provide any relevant documents in English upon request.

8.16 Feedback to applicants

After the selection procedure is complete and the decision on the award of grants is made public, the Programme Operator sends electronically the individual expert evaluation reports and the Consensus Report and/or the ESR, as applicable, to the Project Promoter and the Project partners of each evaluated proposal. The Guide for Applicants will indicate the deadline for the dispatch of these reports.

The Programme Operator will not change the Consensus Report or the ESR that forms part of the Panel Report, except if necessary to improve readability or, exceptionally, to remove any factual errors or inappropriate comments that may have escaped earlier proof-reading. The scores will never be changed.

For those proposals rejected after failing an evaluation threshold, the comments contained in the Consensus Report and/or the ESR may only be complete for those criteria examined up to the point when the threshold was failed.

Project Promoters of proposals found to be ineligible will be informed of the grounds for such a decision.

8.17 Reserve List

A number of proposals may be kept in reserve to allow for eventualities such as the failure of negotiations on projects, the withdrawal of proposals, budget savings agreed during negotiation, or the availability of additional budget from other sources.

8.18 Programme Operator rejection decisions

The Programme Operator formally decides to reject those proposals found to be ineligible, failing any of the thresholds for evaluation criteria, and those which, because they fall below a certain ranking, cannot be funded because the available budget is insufficient.

After a rejection decision, Project Promoters of rejected proposals are informed in writing of the Programme Operator's decision. The letter informing them also includes an explanation of the reasons for rejection.

8.19 Appeals

Guides for applicants and evaluators shall describe the appeals procedure and deadlines applicable.

The opinions and scores given by experts and panels will not be subject to appeals.

Grounds for appeals may include:

- Conflicts of interest;
- Errors in administrative procedure.

8.20 Alternative selection procedures

In case of calls for activities other than research projects, the Programme Operator may in the concept note propose the use of selection procedures appropriate to the activities in question. The FMC and/or NMFA as applicable may approve the use of such procedures if it determines that they duly respect the principles of good governance, transparency, equality, efficiency and zero tolerance towards corruption. If approved by the FMC and/or NMFA as applicable, the procedures shall be described in the programme agreement.

8.20.1 Lead Agency Procedure

Subject to agreement between the Donor States and all concerned Beneficiary States in the respective Memoranda of Understanding, two or more Beneficiary States may with respect to one or several joint calls for proposals decide to let the Programme Operator from one of these states act as Lead Agency.

The Programme Operator chosen as Lead Agency shall receive all the applications in its Electronic Proposal Submission Service and shall ensure the evaluation procedure described in this guideline is adhered to. Further provisions on the functioning of the Lead Agency procedure shall, as appropriate, be described in the concept note(s) and described in the respective Programme Agreement(s).

8.20.2 Other multilateral platforms for joint calls for research cooperation

Subject to agreement between the Donor States and all concerned Beneficiary States in the respective Memoranda of Understanding, the organisation and implementation of a call for proposals may be delegated to an appropriate international structure. Further provisions on the procedure to be followed shall, as appropriate, be described in the concept note(s) and described in the respective Programme Agreement(s).

In no case shall the implementation of the Lead Agency procedure or the use of other multilateral platforms for joint calls for research cooperation affect the responsibility of the Beneficiary State(s) and the Programme Operator(s) for the effective management and control of the contribution under the country specific allocation and the individual Programme, respectively. The selection of projects and the award of grants shall in all cases follow the principles of good governance, transparency, equality, efficiency and zero tolerance towards corruption.

8.21 Allocation of funds to already approved projects

Project grants that have upon project closure not been fully utilised, funds remaining uncommitted following a call for proposals, as well as project grants that have been cancelled due to irregularities or for other reasons, may, subject to paragraph 2 of Article 13.2 of the Regulation, be allocated to additional activities of already approved projects, provided that these additional activities contribute to the objectives of the projects receiving the additional funds.

Any decision to allocate project grants to already approved projects shall be based on recommendations by the Programme Committee. The Programme Committee shall base its recommendations on transparent and objective criteria. By applying these criteria, the Programme Committee shall ensure equal treatment of all Project Promoters but may in justified cases give priority to:

- a) Certain geographical regions lagging behind; and
- b) A clearly defined group of less privileged Project Promoters.

The criteria shall be made available on the website of the Programme Operator no later than one month prior to any decision to reallocate funds according to the previous paragraph. Project Promoters shall be informed in writing without delay when such criteria have been published on the website.

IX. NEGOTIATION AND CONTRACTING

9.1 Negotiation of proposals

The Project Promoters of proposals that have been awarded a grant are invited to begin negotiations.

In addition to any points raised in the Consensus Report and/or the ESR, as applicable, , the applicants may receive requests for further administrative, legal, technical and financial information necessary for the preparation of a project contract. The Programme Operator may request changes, possibly including adjustments to the budget. The Programme Operator will justify all requested changes.

The financial aspects would cover the establishment of the financial contribution, up to a set maximum, the amount of the advance payment, the estimated breakdown of budget and financial contribution per activity and per participant, and the assessment of the financial capacity of the Project Promoter and any other participants, if needed.

The Programme Operator may terminate negotiations if the Project Promoter proposes to modify the project in terms of its objectives, science and technology content, partnership composition or other aspects, to the extent that it becomes significantly different from the proposal that was evaluated.

If it proves impossible to reach agreement with a Project Promoter within a reasonable deadline that the Programme Operator may impose, negotiations may be terminated and the proposal rejected by Programme Operator decision.

Negotiation of proposals from the reserve list may begin once it is clear that sufficient budget has become available to fund one or more of these projects and the Programme Operator has awarded a grant to such projects, in accordance with Article 8.15 of this Guideline..

9.2 Contracting of Projects

If negotiations are successful (that is, once the details of the grant agreement have been finalised with the applicants and all the necessary checks carried out), the Programme Operator completes its internal financial and legal procedures and proceeds to the conclusion of a formal Project contract between the Programme Operator and the Project Promoter. The project contract shall be in line with Article 7.6 of the Regulation.

Grants may not be awarded to potential participants who are, at the time of a grant award procedure, bankrupt or being wound up, convicted of an offence concerning their professional conduct, not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes, the subject of a judgment for fraud, corruption,

involvement in a criminal organisation, money laundering or any other illegal activity, subject to a conflict of interests or guilty of misrepresenting information.

Any potential participant who has committed an irregularity in the implementation of any other action under financing provided by the European Union or under financial contributions provided by the EFTA States in relation to the EEA Agreement may be excluded from the selection procedure at any time, with due regard being given to the principle of proportionality.

Any proposal that contravenes fundamental ethical principles or which does not fulfil the conditions set out in the Programme Agreement or in the call for proposals shall not be selected. Any arrangements for merging projects are also dealt with in this phase, and ethical issues are clarified and addressed, if necessary.

X. REPORTING REQUIREMENTS AND PAYMENTS

10.1 Reporting from Project Promoters to the Programme Operator

Project Promoters shall submit the following reports to the Programme Operator in English:

- An annual scientific and financial progress report ('annual report') on the research co-operation of the preceding year, in line with Article 10.2; and
- A final project report upon the completion of the project ('final report'), in line with Article 10.3.

The Programme Operator shall evaluate the reports and deliverables in accordance with the terms of the Project contract, and present the reports and evaluation results to the Programme Committee at the annual meeting. It may be assisted in this task by independent experts through technical project reviews.

All project partners shall receive a copy of the annual and final reports at the same time as they are submitted to the Programme Operator.

Projects which due to their starting date have less than 6 months of activity in the first reporting year shall only present a financial statement and will not be evaluated on their scientific progress.

10.2 Annual reporting

During the course of the project, the Project Promoter shall submit an annual report within 60 days of the end of each reporting period as set out in the project contract.

The annual report shall comprise:

1. A technical report containing:
 - i) an explanation of the work carried out by the participants.
 - ii) an overview of the progress of work towards the objectives of the project, including milestones and deliverables identified in the project contract. The report must include explanations justifying the differences between the work expected to be carried out in accordance with the project contract and that actually carried out.
 - iii) details on the exploitation and dissemination of the results, and - if required in the Project Contract - an updated plan for the exploitation and dissemination of results.

iv) a summary for publication by the Programme Operator.

2. A financial report containing:

i) an individual financial statement from each participant for the reporting period concerned.

The individual financial statement shall detail and declare the eligible costs for the participant. Amounts which are not declared in the individual financial statement will not be taken into account by the Programme Operator.

Each participant must certify that:

- the information provided is complete, reliable and true;
- the costs declared are eligible;
- the costs can be substantiated by adequate records and supporting documentation that will be produced on request or in the context of checks, reviews, audits and investigations.

ii) an explanation of the use of resources and the information on subcontracting and in-kind contributions provided by third parties from each participant.

iii) a summary financial statement from the Project Promoter consolidating the individual financial statements for the reporting period concerned.

10.3 Final report

The Project Promoter shall submit a final report, within 60 days after the end of the project.

The final report shall comprise:

1. a final technical report, containing:

i) an overview of the results and their exploitation and dissemination;

ii) the conclusions on the project;

iii) the socio-economic impact of the project: a report covering the wider societal implications of the project, in the form of a questionnaire, including gender equality actions, ethical issues, efforts to involve other actors and to spread awareness, as well as the plan for the use and dissemination of foreground;

iv) a summary for publication by the PO.

2. a final financial report containing:
 - i) final 'individual financial statement' from each participant for the final reporting period, as defined in the project contract;
 - ii) a 'final summary financial statement' from the Project Promoter consolidating the individual financial statements for all reporting periods and including the request for payment of the balance (final payment claim);
 - iii) distribution of the financial contribution between the Project Promoter and project partners;
 - iv) a 'certificate on the financial statements' for each participant, if required in accordance with Article 10.7.

10.4 Reporting on scientific publications

During and after the project, the Project Promoter shall provide references and an abstract of all scientific publications relating to the results of the project at the latest 60 days following publication.

As part of the final project report, the Project Promoter will be required to submit a full list of publications relating to the results of the project.

All publications shall include the following statement to indicate that the results of the project were generated with the assistance of financial support from the EEA/Norwegian Financial Mechanism: "The research leading to these results has received funding from the [EEA]/ [Norway] Grants 2014-2021.

10.5 Format of reports and transmission modalities

The Project Promoter shall transmit the reports and other deliverables to the Programme Operator exclusively by electronic means, using the forms and templates provided in the EPSS.

The reports submitted to the Programme Operator, in particular their publishable parts, shall be of a suitable quality to enable direct publication without any additional editing.

10.6 Payments

The Programme Operator shall ensure timely transfer to the Project Promoter of an advance payment, interim payments and a payment of the final balance.

The purpose of the advance payment and the interim payments is to ensure that the project promoters and partners have a positive cash-flow during the project. The rate of the advance payment and the frequency of submission of interim payment requests shall in all cases ensure positive cash-flow and appropriate provisions shall be set in the project contract and the partnership agreement.

Payments shall be made by the Programme Operator to the Project Promoter within 15 days after the Programme Operator's approval of payment requests. The Project Promoter shall ensure that all appropriate payments to the other project partners are made without unjustified delay, and not later than 15 days after the Project Promoter has received payment from the Programme Operator.

10.7 Certificate on financial statements and proof of expenditure

The provisions in this Article replace the provisions of Article 8.12 of the Regulation in the case of research projects under the Research programmes.

In line with the responsibility of the Programme Operator to verify expenditure declared, requirements for the submission of proof of expenditure shall be set in the project contract and the partnership agreement, where relevant.

Proof of expenditure to be submitted shall take the form of the certificates described in paragraphs 3 and 4. Proof of expenditure shall not be submitted by a project promoter or a project partner in research projects, where the total grant from the programme to the respective project promoter or project partner is less than EUR 325,000. Where proof of expenditure is required, this shall be submitted with the final project report referred to in Article 8.3.

A certificate by an independent auditor qualified to carry out statutory audits of accounting documents, certifying that the claimed costs are incurred in accordance with this guideline, the Regulation, the national law and relevant national accounting practices, shall be accepted as sufficient proof of expenditure incurred.

A certificate issued by a competent and independent public officer recognised by the relevant national authorities as having a budget and financial control capacity over the entity incurring the costs and who has not been involved in the preparation of the financial statements, certifying that the claimed costs are incurred in accordance with this guideline, this Regulation, the relevant law and national accounting practices, shall also be accepted as sufficient proof of expenditure incurred.

Costs incurred by Programme Operators, Project Promoters and project partners shall be supported by receipted invoices, or alternatively by accounting documents of equivalent probative value.

Where activities are implemented in the framework of competitive tendering procedures, payments by Programme Operators, Project Promoters and project partners shall be supported by receipted invoices based on the signed contracts. In all other cases, payments by Programme Operators, Project Promoters and project partners shall be supported by expenditure actually paid by the entities concerned in implementing the project.

Upon request by the FMC, the NMFA, the EFTA Board of Auditors and/or the Office of the Auditor General of Norway, the Project Promoter or project partner shall grant access to the supporting documents on the basis of which the certificate referred to above was issued. Upon request by the Audit Authority, a Project Promoter or project partner located within the respective Beneficiary State, shall grant access to the supporting documents on the basis of which the certificate referred to above was issued.

10.8 Indirect costs in projects (overheads)

The provisions in this Article replace the provisions of Article 8.5 of the Regulation in the case of research projects under the Research programmes.

Indirect eligible costs shall be determined by applying a flat rate of 25% of the total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties. In case the project grant takes the form of standard scales of unit costs, the flat rate of 25% for indirect costs shall not be applied.

10.9 Record keeping requirements

The provisions of this Article shall be applied in addition to the provisions contained in Article 9.8 of the Regulation.

Project promoters and partners shall keep original supporting documents. Digital and digitalised documents are considered originals if they are authorised by the applicable national law.

Project promoters and partners shall for a period of at least five years after the payment of the final balance keep records and other supporting documentation in order to prove the proper implementation of the project and the costs they declare as eligible.

They shall make them available on request or in the context of checks, reviews, audits or investigations.

If there are ongoing checks, reviews, audits, investigations, litigation or other pursuits of claims under the Project Contract, the participants shall keep the records and other supporting documentation until the end of these procedures.

XI. INTELLECTUAL PROPERTY RIGHTS

The rules governing the dissemination of research results shall ensure that, where appropriate, the participants protect the intellectual property generated in the funded projects, and use and disseminate those results.

The research programmes shall reflect and promote the general principles of the Commission Recommendation on the management of intellectual property in knowledge transfer activities, and the Code of Practice for universities and other public research organisations of 10 April 2008, and the OECD Principles and Guidelines for Access to Knowledge in the Sciences and Humanities of 22 October 2003.

'Results' mean any tangible or intangible output of the project, such as data, knowledge or information, that is generated in the project, whatever its form or nature, whether or not it can be protected, as well as any rights attached to it, including intellectual property rights.

Results arising from work carried out in projects under the research programme, shall be the property of the participant carrying out the work generating those results.

Where several participants have jointly carried out work generating results and where their respective share of the work cannot be ascertained, they shall have joint ownership of such results.

An agreement shall be established regarding the allocation and terms of exercise of joint ownership in accordance with the terms of the Project Contract.

Where no joint ownership agreement has yet been concluded, each of the joint owners shall be entitled to grant non-exclusive licenses to third parties, without any right to sub licence, subject to the following conditions:

- (a) prior notice must be given to the other joint owners; and
- (b) fair and reasonable compensation must be provided to the other joint owners.

'Background' means any data, know-how or information whatever its form or nature, tangible or intangible, including any rights such as intellectual property rights which is:

- (i) held by participants prior to their accession to the project;
- (ii) needed for carrying out the project or for exploiting the results of the project; and
-
- (iii) identified by the participants.

Participants may define the background needed for the purposes of the project in a written agreement and, where appropriate, may exclude specific background.

The Project Contract shall establish further rights and obligations of participants concerning dissemination, use and access rights.