H2020-RISE-2016 Coordinators day

Legal issues:
Secondments & Obligations

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   - Content of secondments
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Eligibility of secondments
Eligibility of secondments

Type of secondments

MS/AC → INTERNATIONAL

TC

MS/AC academic → INTERSECTOR

MS/AC NOT academic

If TC listed in Annex A of WP

Secondments only between **independent** organisations
Duration of secondments

1 MONTH per secondment

- same staff member
- same hosting organisation
- same sending organisation

12 MONTHS per staff member

- Travel periods included
- Split stays allowed within the same secondment to reach minimum of 1 month
Examples of split secondments

- Researcher from X
  - Organisation Y
    - Minimum 1 month
  - Organisation Z
    - Maximum 12 months
  - Organisation W
    - On the whole project duration

- Researcher from X
  - Organisation Y
    - Minimum 1 month
  - Organisation Y
    - Maximum 12 months
  - Organisation Y
    - On the whole project duration
Content of secondments

• Activities foreseen in Annex 1 of the Grant Agreement
• On a full-time basis
• Article 32 of the Grant Agreement sets the recruitment and working conditions for researchers
Eligibility of secondments

- Eligibility of the staff member is the responsibility of the Consortium

- REA doesn't provide an eligibility service

- The conditions stated in the Grant Agreement should be respected
Eligibility of staff members

**Condition 1**
Considered staff under national law and internal practices

**Condition 2**
Being ESR, ER, ADMIN, MANAG, TECH

**Condition 3**
Linked/actively engaged in R&I activities within sending organisation in last 6 months
Eligibility of staff
Condition 1

Eligible staff members

- **WHICH MEANS**: Staff is under control, instructions and supervision of the sending organisation

Condition 1

Considered **staff** under national law and internal practices

No specific contractual link required, it depends on **national law possibilities**
Eligible staff members

Condition 2

- **ESR**: minimum eligibility condition for "researchers"
- **ADMINISTRATIVE, MANAGERIAL**: Staff should not be seconded for the administration of the project (ex. Kick-off meetings)
- **TECHNICAL**: "technicians" needed to carry out project R&I activities
Eligible staff members

- **Full-time equivalent** (ex: 12 months if 50%)
- **Continuous** (before 1st secondment with no interruptions)
- Staff linked to several participants can be seconded only from one of them

Condition 3
Linked/actively engaged in R&I activities within sending organisation in last 6 months
SECURE YOUR RIGHTS
Obligations of the Coordinator

**Article 41.2.b of the Grant Agreement**

- Ensure **proper implementation** of the project
- **Intermediary** role
- Ensure **reporting**: Deliverables, Researcher Declarations, Reports, Financial Statements
- Ensure **quality control** on information and documents required by REA
- Ensure **distribution** of the funding
- The coordinator **may not delegate** the above-mentioned tasks to any other beneficiary **or subcontract** them to any third party

Max. 20 Days after start of secondment
Obligations of beneficiary towards staff

**Article 32 of the Grant Agreement**

- Ensure that the principles set out in the Commission *Recommendation on the European Charter for Researcher and the Code of Conduct for the Recruitment of Researchers* are respected
- Ensure that seconded staff are *eligible* and have the *relevant expertise*
- Ensure *full-time* secondment (100%)
- Ensure the *minimum social coverage* during secondment (e.g. keep salary, medical insurance)
- Ensure the *same standards and working conditions* as other staff members *at host institution* (e.g. access to labs, internet codes, libraries, etc.)
- Ensure *Reintegration* at the sending institution
Where to find information?

Annotated Model Grant Agreement

H2020 Online Manual

FAQ
European Charter for Researchers

 Specifies the **roles, responsibilities and entitlements** of researchers as well as of employers and/or funders of researchers.

Code of Conduct for the Recruitment of Researchers

Consists of a set of **general principles and requirements** that should be followed by employers and/or funders when appointing or recruiting researchers.

https://euraxess.ec.europa.eu/jobs/charter
Prevent situations of breach

- Ensure **all beneficiaries and staff members** are aware of all their rights and obligations and the content of the Annex 1
- Ensure reporting on time: Researcher Declarations, Deliverables, Reports, Financial Statements
- Conclude a **Consortium Agreement** and a **Partnership Agreement** (when third countries) to avoid future disputes, misunderstandings, wrong assumptions, erroneous expectations.

Always inform your PO of any major issue. Do not assume!
Thank you