



European
Commission

H2020-RISE-2016 Coordinators day

Legal issues: Secondments & Obligations

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1. Eligibility of secondments

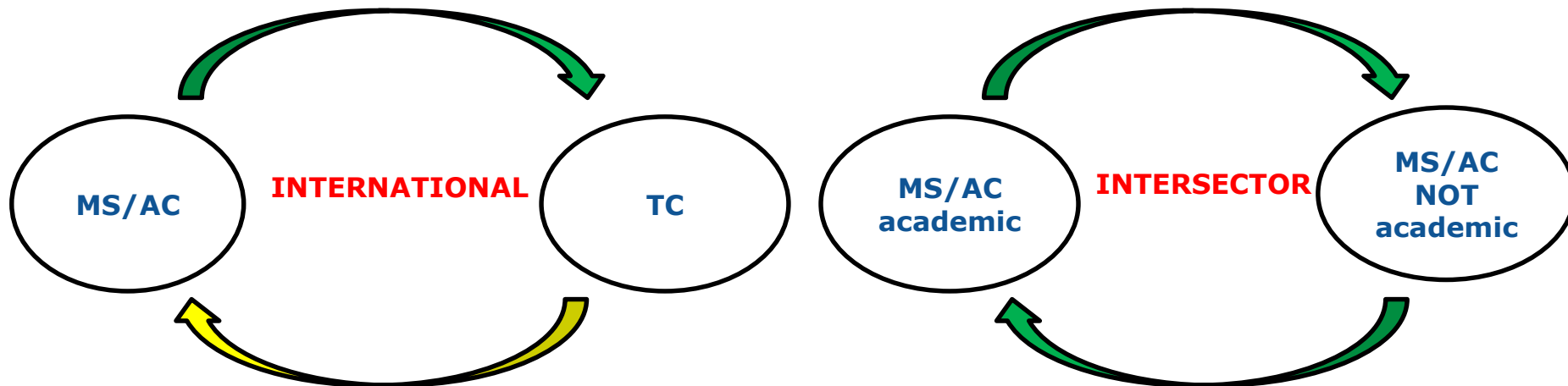
- Type of secondments
- Duration of secondments
- Content of secondments
- Eligible staff members

2. Secure your rights

- Obligations of the Coordinator (art.41)
- Obligations towards staff (art.32)
- Where to get information
- Preventing situations of breach

Eligibility of secondments

Type of secondments



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

Split stays
within the same secondment
to reach minimum of 1 month

Examples of split secondments



Researcher from X

Organisation Y

Organisation Z

Organisation W

Minimum 1 month

Maximum 12 months

On the whole project duration

Researcher from X

Organisation Y

Organisation Y

Organisation Y

Minimum 1 month

Maximum 12 months

On the whole project duration



- 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



Eligible staff members

Condition 1

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

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

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



Eligible staff members

Condition 2

Being ESR,
ER, ADMIN,
MANAG, TECH

- **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

Condition 3

Linked/actively engaged in R&I activities within sending organisation **in last 6 months**

- **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**



SECURE YOUR RIGHTS



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



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

http://ec.europa.eu/research/participants/data/ref/h2020/mga/msca/h2020-mga-msca-rise-multi_en.pdf

H2020 Online Manual

<https://ec.europa.eu/research/participants/portal/desktop/en/funding/index.html>

FAQ

<http://ec.europa.eu/research/participants/portal/desktop/en/support/faq.html>



H2020 Programme

AGA – Annotated Model Grant Agreement

Version 2.2
25 November 2016

Disclaimer
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Where to find information?



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



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

- Ensure **all beneficiaires 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.

Thank you



**FIRST-CLASS SUPPORT
FOR EUROPEAN RESEARCH
THAT MATTERS**

