WG LEGAL (WG3)
Tasks and results

Trento, 18 November 2014
**TASK 1**

Presentation of the profile(s) of the legal support officers concerning educational background and professional experience, position in the organisation – results based on the „quick survey” sent to the WG3 participants before the meeting.

**Task leader:**
Chelo Morán, Carlos III University of Madrid (UC3M), Spain
General information

Surveys requested from WG 3 members – participants of the Zagreb and Bratislava meetings
Total number of survey’s feedback received: 20

Most of WG3 members represent public research institutions. Only one reply (so far) was received from a private research institute.

Professional experience (1)

- Early Stage: 70%
- Non Early Stage: 30%

Professional experience (2)

- Legal support: 15
- Research administration: 5
14 Countries are represented in the survey:

- Belgium (2)  
- Finland (3)  
- Austria  
- Spain (2)  
- Slovenia (2)  
- Switzerland  
- Ireland

- Iceland  
- Cyprus  
- The Netherlands (2)  
- Croatia  
- Malta  
- Poland  
- Luxembourg

**Educational background**

Most of WG3 members advising on legal issues in the research projects have legal background.
## Location of Legal Support Services in the Organization Structure

<table>
<thead>
<tr>
<th>Position in the Organization</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Office</td>
<td>4</td>
</tr>
<tr>
<td>Research Supporting Office</td>
<td>14</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
</tr>
</tbody>
</table>

- Legal Office: 20%
- Research Supporting Office: 70%
- Other: 10%

### Bar Graph
- Central Administration: 16
- Faculty Administration: 1
- Other: 2

### Pie Chart
- Research Supporting Office: 70%
- Legal Office: 20%
- Other: 10%
Position of legal support services in the organization

- Central administration: 16
- Faculty administration: 1
- Other: 2
**Do you advise on legal matters concerning European Research Programmes on a daily basis?**

Yes: 13  No: 7

**Scope of professional legal support for EU projects**

- Complex: 11
- Specific legal issues: 9

**Complex: from the application stage to the project closure**
WG 3 profile: sum-up

Legal background for most of participants in the group (16 people).

14 people are in “Research Support services”.

15 people with professional experience in legal issues and 9 of them are in “Research support offices”.

There are specialized staff in legal issues in most of “research offices” but legal support services are centralized in the organization.

55% of institutions have support from the application stage to the project closure.

WG 3 member profile - summary

- An early stage professional with legal background
- Professional experience gained in the legal support units
- Part of the “research support services” at the institution central level providing complex scope of the legal support to the research projects on a daily basis (from the application stage to the project closure and beyond)
TASK 2a

Legal support at the **pre-proposal stage** - NDA/MoU/LoI

Analysis of 16 samples model NDAs used by the institutions taking into consideration different national legal frameworks and the rules of participation in the EU research programmes.

**Task leader:** Niina Mikkonen, Aalto University, Finland
TASK 2a

• Discussion with a lot of inputs from the WG3 members
• Exchange of best practices in respect of the model NDAs used by different institutions,
• Identification of the most important/tricky NDA’s clauses and „must check” clauses in the presentation of the task leader,
• Selection of a basic model NDA adjustable to the specific needs (institution/project/partners (academic and non-academic) in the easiest way.
TASK 2b

Legal support at the proposal stage

Shifted focus from non-existing in H2020 negotiation stage requires from the legal support services to advise the researches on specific issues in advance in order to avoid problems at the implementation stage.

Task leaders:
Carmen Gascó Forteа, Technical University of Madrid (UPM), Spain; Diana Pustula, University of Warsaw, Poland
TASK 2b

Analysis of the selected legal issues concerning:
- **IPR issues**, - exploitation of the project results (potential TT issues), „patent first!” rule;
- third party contribution including subcontractors,
- public procurement, - **open access**, - ethical issues,
- consortium governance structure and business plan,
- overall financial consequences

- *Exchange of best practices – sharing experience on how to read the project proposals in order to identify parts of the proposal where legal advice may be needed.*

- *Recommendations in form of presentations have been prepared;*

**Task leaders:**
Carmen Gascó Fortea, Technical University of Madrid (UPM), Spain; Diana Pustula, University of Warsaw, Poland
Task 3

Joint analysis of the internal practical guidelines used while negotiating Consortium Agreements for the H2020 projects.

Feedback from the WP3 participants has been collected in order to make necessary adjustments needed to comply with the H2020 rules based on the experience in participation in the FP7 and the changes made to the new DESCRA model CA for H2020.

End goal was to prepare an updated daily tool (a reference documents) for the H2020 project legal supporting services.

Task leaders:
Sarah Dello, University of Gent, Belgium & Chelo Morán, Carlos III University of Madrid (UC3M), Spain
BESTPRAC Training School

“Understanding the EC Grant and Consortium Agreement – legal affairs for non-legals”

October 22-24, 2014 | Warsaw, Poland

University of Warsaw, Krakowskie Przedmiescie 26/28, Warsaw, main campus, Old Library Building, room 308

Trainers

Sanna Häikiö, LL.M., Legal Counsel in VTT Technical Research Centre of Finland, member of the DESCA core group

Diana Pustuła, M.A., LL.M. Deputy Head of Research Services Office University of Warsaw

Anne-Kathrin Werenskiold, Dr. rer nat. Head of the "EU-Office" at the Max Planck Institute of Biochemistry Martinsried, Germany
Thank you for your attention!

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