

Important notice when including other parties in your proposal.

Funding agencies have included in their Terms & Conditions, the necessity to adhere to compliance with EU State Aid Rules. State Aid refers to forms of public assistance, using taxpayer-funded resources, which may give an advantage to an entity over and above its competitors. State Aid rules are very complex but what it generally comes down to in terms of research collaborations is that UCD is prohibited from passing on any advantage by way of granting too generous rights to its collaborators.

When submitting a proposal that includes collaboration with a third party, in particular industry parties, you must consider the implication of State Aid rules at the outset. It is therefore required that you advise the third party of the terms and conditions of the funding call and, that like UCD, they also must agree to terms that ensure State Aid compliance. The EU Commission's Framework for State aid for research and development and innovation SWD (2014) 163/164 sets out the conditions under which IP can be licenced/assigned and it is recommended that you draw this document to the attention of your collaborators at proposal stage. See : https://ec.europa.eu/competition/state_aid/modernisation/rdi_framework_en.pdf

In particular, the parties must make every effort to ensure that the terms of any collaboration agreement that includes an assignment of IP or any IP licencing arrangements does not give rise to unlawful state aid.

Where, following negotiations between UCD and any third party, mutually agreeable terms cannot be agreed between UCD and the third party such that compliance with State aid Rules is achieved, then UCD may have to withdraw from the award.

The above is intended highlight to those including third parties in proposals that unless the third party agrees to be bound by the requirements of State Aid, then UCD may not be able to proceed with the award. Whilst this is rare, third parties have engaged in robust negotiations on these matters in recent times. This requires significant input from support offices and can result in delays to a final agreement. **It is therefore highly recommended that you make parties aware at the Call stage of the need to comply with State Aid rules as outlined in the Call guide.**