

 anrs <small>MALADIES INFECTIEUSES ÉMERGENTES</small> Inserm	REGULATIONS FOR THE ATTRIBUTION OF AID TO PROJECTS FUNDED UNDER THE INITIATIVE: 'PRIORITY RESEARCH PROGRAMMES AND EQUIPMENT'	7 February 2023 Number of pages: 13
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1. SCOPE

1.1. Scope

These regulations apply to the aid granted by the French State and which is managed by ANRS | Emerging Infectious Diseases under the Agreement between the French State, the National Research Agency (ANR) and Inserm/ANRS | Emerging Infectious Diseases relating to the implementation of the Emerging Infectious Diseases Priority Research Programme and Equipment (PEPR) dated 27 August 2022, pursuant to the procedures for implementing Priority Research Programmes and Equipment (PEPRs) envisaged by the agreement of 2 June 2021 between the French State and ANR.

The beneficiaries of the aid are higher education and/or research institutions or groups of these institutions.

Private institutions contributing to the public service missions of higher education and research under article L.732-1 of the French Education Code may be funded following analysis by ANRS | Emerging Infectious Diseases, opinion of the French Ministry of Higher Education, Research and Innovation (MESRI) and validation by the French General Secretariat for Investment (SGPI).

While enterprises may have Partner Institution status in the projects, they shall not receive funding for this participation.

The aid is paid by ANRS | Emerging Infectious Diseases to the Coordinating Institution (see definitions below).

1.2. Definitions of terms

Project Manager: Natural person who coordinates the project on behalf of the Coordinating Institution.

Coordinating Institution: This is a higher education and/or research institution or a group of these institutions; it is the primary contact for ANRS | Emerging Infectious Diseases for administrative aspects. It is responsible for setting up and formalising collaboration between Partner Institutions, producing project deliverables, holding progress meetings and communicating findings. It relies on the Project Manager for these purposes. Only a higher education and/or research institution, a group of institutions or a consortium of one or more higher education and/or research institutions may be a Coordinating Institution.

Partner Institution: A higher education and/or research institution or group of these institutions, or an enterprise, project stakeholder. Each Partner Institution shall appoint someone to serve as a contact for the Project Manager. While enterprises may have Partner Institution status in the projects, they shall not receive funding for this participation.

Managing Institution: Project partner institution that is different from the Coordinating Institution, if necessary, in accordance with the management delegations in force between the partner public institutions involved in the project. The Institution managing the aid has legal personality.

Transfer of aid: A Partner Institution may benefit, under an Aid transfer agreement, from a share of the aid to perform a task or a mission within the framework of the project, in accordance with the Community framework. The term 'repayment', used with a lower-case letter, has the usual meaning of repayment in full or in part of the aid to ANRS | Emerging Infectious Diseases by the Coordinating Institution due to a breach of an essential obligation.

Community framework: Framework for State aid for research and development and innovation no. 2014/C 198/01 or any subsequent communication replacing it. Aid scheme pursuant to the framework scheme exempted from notification no. SA.40391 related to aid for research, development and innovation, adopted on the basis of the General

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Block Exemption Regulation no. 651/2014 adopted by the European Commission on 17 June 2014 and published in the OJEU on 26 June 2014 and particularly its article 5.2.5 on aid for process and organisational innovation.

Enterprise: The term 'Enterprise' includes large enterprises, as well as small and medium-sized enterprises (SMEs). The definition of small and medium-sized enterprises (SMEs) is that of article 1 of Annex 1 of Regulation (EC) No 651/2014 of the European Commission of 17 June 2014 and is included in European Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises and any Community text replacing it. Within the meaning of the European Regulations, any entity, regardless of its legal form, engaged in economic activities is considered to be an Enterprise.

2. COMPOSITION OF THE DOCUMENTATION

The Coordinating Institution of a funded project must provide, during the preparation phase of the aid allocation agreement, the following documentation:

- project description;
- financial annex;
- commitment of the Coordinating Institution and Partner Institutions.

2.1. Project description

This includes information relating to the project.

2.2. Financial annex

Provision of the financial annex is required in order to sign the aid allocation agreement prior to payment of the aid.

This annex includes:

- a section in which aid is requested;
- a contribution section for each Partner Institution;
- a specific section for each Partner Institution.

The **section in which aid** is requested presents:

- the full cost of the project;
- the cost taken into account in the basis for the aid and in the amount of aid; the annex details these elements by major expenditure categories;
- the distribution of the aid among the Partner Institutions;
- the other financial support expected and obtained specifically for the conduct of the project and, where necessary, a presentation of the European funding mobilised or requested for the project.

The contribution section presents, for each partner, the resources that it undertakes to contribute to the project, including the financial support expected and obtained specifically in its name for the conduct of the project.

The specific section for each Partner Institution presents all the administrative and financial information necessary for payment of the aid.

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2.3. Commitment of the Coordinating Institution and Partner Institutions

This is the document through which each legal representative of the Coordinating Institution and Partner Institutions undertakes to implement all the means necessary to conduct the project under the conditions envisaged by these regulations, which they acknowledge having read and to which they agree to the obligations resulting from it as far as they are concerned. The Project Manager, through the Coordinating Institution, shall communicate all signed contractual documents to their contacts at the Partner Institutions.

This commitment must be included in the aid documentation.

2.4. Consortium agreement

A consortium agreement, which may consist of a set of agreements between the Coordinating Institution and each of the Partner Institutions individually, specifying the rights and obligations of each Partner Institution with regard to the conduct of the project, must be provided by the Coordinating Institution within 12 months from the date of signature of the aid allocation agreement. In the event of multiple agreements, the Coordinating Institution shall guarantee the consistency (absence of contradictory clauses) of that set of agreements.

All Partner Institutions assigning resources to the project are signatories to this/these agreements, even if they do not receive a share of the aid.

This agreement specifies, in particular, according to the types of projects funded:

- the modalities for creating value from the findings at the end of the research, and for sharing their intellectual property;
- the distribution of the tasks, human and financial resources, and deliverables;
- the regime for the publication/dissemination of the findings;
- the governance, specifying in particular the name of the Scientific and Technical Manager for the Coordinating Institution;
- the value creation from the digital educational products and/or tools produced.

The Coordinating Institution shall send a copy of this agreement, as well as any amendments to it, to ANRS | Emerging Infectious Diseases directly.

This agreement will make it possible to evaluate the absence of indirect funding granted to Enterprises through the intermediary of higher education and/or research institutions.

The absence of this document may lead to cessation of the project funding and to the application of the provisions of section 6.6 (suspension and repayment of the funding).

It is not necessary to create a consortium agreement if there is already a framework contract containing the above provisions binding the Partner Institutions. A copy of this framework contract or a certificate must be sent before signing the aid allocation agreement. On expiry of the said contract, if it is not renewed, the consortium agreement shall then be required.

3. BASIS USED TO CALCULATE THE AID

The costs attributable to the operation must be strictly related to its conduct, to the exclusion of any profit margin. The aid rate is 100% of the eligible expenditure.

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Based on the costs attributable to the project, the basis used to calculate the aid isolates that expenditure which is eligible for aid under the Priority Research Programmes and Equipment.

3.1. Eligible expenditure

3.1.1. Equipment

Expenditure on equipment includes tangible and intangible purchases with a unit value greater than €4000 excluding VAT.

This expenditure may concern the costs of fitting out surfaces necessary for the installation of equipment, and may not concern the costs of construction.

The 'equipment expenditure' classification within the meaning of these regulations has no effect on the allocation of this expenditure in the accounts of the Partner Institutions.

3.1.2. Personnel

The eligible expenditure is as follows:

- salaries, including bonuses and allowances;
- related social security charges (including unemployment insurance contributions or benefits for loss of employment at the end of the contracts concerned) and payroll taxes;
- internship allowances;
- compulsory social benefits and collective catering services;
- additional teaching hours for the training activities envisaged in the projects.

Expenditure for permanent staff (including civil servants) and non-permanent staff taken into account in the basis for calculating the aid concerns only the proportion of work by these staff that is directly allocated to the project.

Only expenditure for civil servants involved in the steering of the programme or the steering of projects that are an integral part of the programme shall be eligible and may not exceed 40% of the total eligible expenditure, subject to justified exceptions.

Bonuses and additional hours are eligible for all personnel involved in the projects, including civil servants who are not involved in the steering.

Shares in the expenditure are also permitted for support function personnel.

In the event of modulation of the teaching duties of the teachers or teacher-researchers involved in the project, the cost of their replacement related to the reduction of their teaching time is eligible within an annual limit of €50 000.

3.1.3. Operations

The eligible expenditure is as follows:

- running costs (fluids, documentation and digital resources, small equipment including that with a unit value less than or equal to €4000 excl. VAT, consumables, etc.) directly related to research activities;
- student grants and incoming and outgoing mobility grants;
- educational expenses (documentation, digital resources, small equipment including that with a unit value less than or equal to €4000 excl. VAT);
- expenditure relating to maintenance of equipment for the conduct of the project;
- travel expenses for statutory, permanent or temporary staff assigned to the project;
- intellectual property fees for patents or licences resulting from the conduct of the project;

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- costs of infrastructures or platforms necessary for the project. These costs shall be established on a basis proposed by the platform's operating institution which takes into account the temporal rate of use of the platform's various components. It must be validated by ANRS | Emerging Infectious Diseases, audited by a third party – for example – the institution's external auditors, and must be based on cost accounting. The costs thus established are transmitted to ANRS | Emerging Infectious Diseases by the Coordinating Institution. ANRS | Emerging Infectious Diseases may carry out one or more additional audits or have them carried out on its behalf;
- expenses relating to real estate fit-outs necessary for the project (e.g. the fitting out of a room);
- general management expenses (see section 3.2);
- non-recoverable VAT for these expenses.

3.1.4. Service provision

The Coordinating and Partner Institutions may have services provided by third parties external to the project. The cost of these services is individually included in the operating expenditure. In agreement with ANRS | Emerging Infectious Diseases, some services may be provided by Partner Institutions of the project.

ANRS | Emerging Infectious Diseases does not enter into any commitment with service providers which, as a result, are not entitled to call upon it in the event of default by the Partner Institutions. The services are carried out on behalf of and under the sole control of the principal, which must pay for them in full as and when they are carried out and without making this payment subject to payment of the aid.

3.2. General expenditure

Part of the general administrative expenditure attributable to the project may appear in the eligible expenditure.

These costs are of a flat-rate nature and are capped at 20% of eligible expenditure incurred within the limit of the aid granted, excluding general expenditure.

4. TERMS OF ALLOCATION OF THE AID

The aid allocation agreement determines, in particular:

- the maximum projected amount of aid,
- the duration of the project,
- the payment schedule,
- the conditions precedent.

The Coordinating Institution may transfer part of the aid received to the Partner Institutions after signing Aid transfer agreements with these Partner Institutions. A copy of these agreements is sent to ANRS | Emerging Infectious Diseases in accordance with the deadline stated in the aid allocation agreement.

A Coordinating Institution or a Partner Institution may transfer all or part of the aid intended for it to a Managing Institution that is a project partner. A copy of the management delegation agreement shall be sent to ANRS | Emerging Infectious Diseases and to the Coordinating Institution:

- before any transfer of aid, in the case of management delegations in existence prior to the project,
- as soon as it is signed, in the case of new management delegations.

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4.1. Amount of aid

The amount of aid notified in the aid allocation agreement shall be adjusted during the final liquidation to take into account the actual expenditure, within the limit of the amount notified.

4.2. European Recovery Plan

France's 4th Investments for the Future Programme (PIA 4), integrated into the France 2030 investment plan, participates in the €100 billion 'France Relance' recovery plan for 2021-2022, with 40% funded by the European Union. The PEPR initiative is in full alignment with the measures eligible for this European share, which are presented in France's National Recovery and Resilience Plan (PNRR)¹ and which will ultimately be funded via its tool, the Recovery and Resilience Facility (RRF)². The support provided under the FRR will take the form of repayment to the State of the funding granted, as opposed to direct funding to the beneficiaries.

However, according to article 9 of the aforementioned regulation, this support requires that any support provided under other Union programmes and instruments does not cover the same costs. In this context, the Coordinating Institution may be required to provide information on other funding sources of European origin mobilised or requested for its project.

4.3. Duration of the project

The duration and start date of the project are set out in the aid allocation agreement.

The project is considered to commence on the date of signature of the aid allocation agreement. However, ANRS | Emerging Infectious Diseases may authorise a start before this date, in which case the date on which the funded project work is considered to commence is mentioned in the aid allocation agreement.

The project duration is evaluated starting from the date on which the project work is considered to commence.

4.4. Payment schedule

The aid is paid according to a schedule defined in the aid allocation agreement. The payment schedule stipulates the maximum amount that can be paid for a given year. These elements are provisional: the amounts envisaged but not paid for a given year are paid in the subsequent instalment, subject to compliance with the provisions of these regulations.

4.5. Taxes

The aid granted by ANRS | Emerging Infectious Diseases does not fall within the scope of VAT application due to the absence of a direct link between the service rendered and its consideration in value, pursuant to the provisions of Tax Instruction 3A-4-08 of 13 June 2008. The beneficiaries of Investments for the Future programme funding are exempt from corporation tax under article 207 of the French General Tax Code specified in Tax Instruction 4H-4-08 of 30 May 2008.

¹ Subject to its validation by the European Commission and its adoption scheduled for spring 2021.

² Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility.

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4.6. Conditions precedent

When drawing up aid allocation agreements, ANRS | Emerging Infectious Diseases may stipulate one or more conditions precedent for the full payment of the aid. In the event of non-compliance with these conditions, ANRS | Emerging Infectious Diseases may stop payment of the aid and demand the total or partial repayment of the sums paid for the project under the conditions set out in section 6.6.

5. TERMS OF PAYMENT OF THE AID

5.1. Payments

The aid granted is paid to the Coordinating Institution.

Advances - Payments are made in the form of annual advances spread over the duration of the project of up to 90% of the amount of aid granted.

The first payment shall be made within the thirty days of ANRS | Emerging Infectious Diseases having signed the aid allocation agreement. The subsequent payments shall be made in accordance with the contractual deadlines.

Balance - The balance is paid under the following two conditions:

- following a favourable expert assessment, within the deadline set by ANRS | Emerging Infectious Diseases, of the reports referred to in section 6.2; ANRS | Emerging Infectious Diseases may request additional information before paying the balance;
- upon presentation of the summary statement of expenditure (see section 5.2).

If the final statement of expenditure is not provided within six months following the project end date, the expenditure shall be analysed with regard to the latest statements of expenditure sent to ANRS | Emerging Infectious Diseases.

The amount of the balance shall be adjusted to take account of the actual expenditure, within the limit of the amount of the aid.

5.2. Justification of expenditure

Under the conditions set out in the aid allocation agreement, the Coordinating Institution shall produce a summary statement of the expenditure incurred by each Partner Institution of the funded project. This statement includes by nature all expenditure incurred during the period of conduct of the programme. No expenditure prior to the date on which the funded project work is deemed to begin or after the project end date (service rendered) will be taken into account.

The annual or final statement of expenditure, drawn up on the Coordinating Institution's letterhead, shall be signed by its legal representative and certified by its accounting officer or external auditor, failing which by its chartered accountant.

The annual or final statement of expenditure, drawn up by each Partner Institution on its own letterhead, shall be signed by its legal representative and certified by its accounting officer or external auditor, failing which by its chartered accountant. This statement of expenditure is sent to the Coordinating Institution.

If there is delegation of management, the statement of expenditure provided by the Managing Institution to the institution having delegated its management (Partner Institutions or Coordinating Institution) shall be certified

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by the accounting officer or the external auditor of the Institution managing the aid, failing which by its chartered accountant.

6. CONDITIONS OF PROJECT CONDUCT

6.1. Modifications to the aid allocation agreement

Requests for modification, unless otherwise stated, are to be made in writing to ANRS | Emerging Infectious Diseases, which makes the decision to approve or refuse them.

No modifications may be accepted to change the purpose of the funded project.

6.1.1. Substantial amendments

The following are considered, for example, to be substantial amendments to the project:

- Name of the Project Manager;
- Addition or removal of a Partner Institution;
- Change of Coordinating Institution.

The Coordinating Institution is required to inform ANRS | Emerging Infectious Diseases as soon as possible of any substantial amendment or difficulties in conducting the project that may lead to a substantial amendment.

6.1.2. Change in the distribution of expenditure

The provisional distribution of expenditure items may be modified by the Coordinating Institution or the Partner Institution:

- by informing ANRS | Emerging Infectious Diseases (albeit without a request in writing), for modifications within the expenditure items for equipment (see 3.1.1), personnel (see 3.1.2), and operations (see 3.1.3);
- by informing ANRS | Emerging Infectious Diseases (albeit without a request in writing), for modifications to the distribution between these expenditure items provided that they do not exceed 30% of the amount of the aid;
- at the written request of the Coordinating Institution if the variation between these items exceeds this threshold. ANRS | Emerging Infectious Diseases will notify its approval or refusal to the Coordinating Institution.

6.2. Reports – Information on the project work

6.2.1. Interim reports and follow-up

The Coordinating Establishment undertakes to comply with the instructions given to it by ANRS | Emerging Infectious Diseases for the provision, presentation and dissemination of reports.

Interim reports shall be sent by the Project Manager through the Coordinating Institution to ANRS | Emerging Infectious Diseases at a frequency and in forms defined in the aid allocation agreement.

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The Project Manager through the Coordinating Institution centralises the interim reports produced by the contacts of the various Partner Institutions before drawing up a single document presenting the progress of the project.

Should ANRS | Emerging Infectious Diseases – particularly in light of an interim report – observe that:

- the capacity of a Coordinating Institution to conduct the project in accordance with the initially envisaged procedures is called into question, or that
- the project's progress is significantly behind schedule,

the State may decide, after allowing the Coordinating Institution to submit its observations, to request the suspension or the full or partial repayment of the sums paid in accordance with section 6.6.

6.2.2. End-of-project reports

No later than two months after the end date of the project period, the Coordinating Establishment undertakes to provide ANRS | Emerging Infectious Diseases with a final report mentioning all the findings obtained.

The Project Manager through the Coordinating Institution centralises the end-of-project reports produced by the scientific and technical contacts of the various Partner Institutions before drafting a single end-of-project report.

At the request of the Coordinating Institution or one of the Partner Institutions, the confidentiality of the findings is a legal entitlement. Ownership of these findings belongs to the project Partner Institutions concerned, which dispose of them in accordance with the terms set out in the consortium agreement and subject to the incentive rights of the inventors.

Subject to the need to provide for a confidentiality period, in cases where findings are to be protected, the Coordinating Institution must ensure by any appropriate measure the public dissemination of the findings.

6.3. Inspections – Verification of service rendered

At any time, during the conduct of the programme and within a maximum of two years from the date of request for payment of the balance or the date of repayment of any overpayment or, failing that, the scheduled completion date of the project, persons authorised by ANRS | Emerging Infectious Diseases may carry out, on site and/or on the basis of documents, inspections relating to the measures taken for the conduct of the programme, the state of conduct of the programme and the verification of the service rendered by ascertaining the reality of the justified expenses.

To this end, the project's Coordinating Institution and Partner Institutions are required to allow persons authorised by ANRS | Emerging Infectious Diseases to access the sites or buildings where the funded project work is carried out and to present them with supporting documents and any other documents, including the institution's accounts books, the production of which is deemed useful for verifying the use of the aid. With this in mind, the Coordinating Institution shall retain the data necessary for these inspections.

Refusal of any of these inspections shall result in application of the measures envisaged in section 6.6 (suspension or repayment of the aid).

6.4. Communication

ANRS | Emerging Infectious Diseases must be informed of any communication or publication relating to the project. Any communication or publication relating to the project must specify that the aid is funded by the Investments for the Future Programme initiated by the State and implemented by ANRS | Emerging Infectious Diseases. Oral

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communication materials, poster communications and websites must also display the Investments for the Future logos. Details on the implementation of this obligation shall be given in the aid allocation agreement.

Failure to apply these provisions shall result in application of the measures envisaged in section 6.6 (suspension or repayment of the aid).

6.5. Open science

As part of the contribution of ANRS | Emerging Infectious Diseases to the promotion and implementation of open science, and in conjunction with the French National Plan for Open Science (PNSO) and the international Plan S, the beneficiaries of France 2030 funding undertake to guarantee immediate free access to the peer-reviewed scientific publications and to adopt, for the research data, the FAIR (*Findable, Accessible, Interoperable, Reusable*) procedure in accordance with the principle of '*as open as possible and as closed as necessary*'. As such, all scientific publications deriving from projects funded under the PEPRs will be made freely accessible under the *Creative Commons CC-BY* licence or equivalent, using one of the following three channels:

- publication in a natively open access journal;
- publication in a subscription journal that is part of a transformative agreement or in a transformative journal;³
- publication in a subscription-based journal. The version of record or post-print shall be filed in the HAL open archive by the author(s) under the Creative Commons Licence (*CC-BY*), implementing the Rights Retention Strategy (RRS), in accordance with the procedures indicated in the specific conditions of the decision or funding agreement.

In addition, the Coordinating Institution undertakes to ensure that the full text of these scientific publications (version of record or post-print) is filed in the national HAL open archive, at the latest by the time of publication, and to mention the ANRS | Emerging Infectious Diseases reference of the research project from which they originated.

ANRS | Emerging Infectious Diseases encourages the submission of pre-prints to open platforms or open archives and to favour permanent or unique identifiers (e.g. DOI or HAL Id). Furthermore, ANRS | Emerging Infectious Diseases recommends giving preference to publication in natively open access journals or books.⁴

Finally, the Coordinating Institution undertakes to provide a first version of the Data Management Plan (DMP) within 6 months of the start of the project in accordance with the terms indicated in the aid allocation agreement.

6.6. Aid suspension and repayment

In the event of non-compliance of the Coordinating Institution with the provisions of these regulations or the aid allocation agreement, ANRS | Emerging Infectious Diseases, after having enabled the Coordinating Institution by any means to present its reasons, shall refer the matter to the State, which shall decide on the action to be taken.

Repayment is also requested if any overpayment is observed during the liquidation of the aid.

³ Definition of a transformative agreement or transformative journal: <https://www.coalition-s.org/faqtheme/publication-fees-costs-prices-business-models/>

⁴ The DOAJ website (<https://doaj.org/>) indexes scientific journals whose articles are peer-reviewed and open access. The DOAB website (<https://www.doabooks.org/>) does the same for monographs.

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6.7. Disputes

The Paris Administrative Court is the competent court in the event of any dispute between ANRS | Emerging Infectious Diseases and the beneficiaries of the aid.