Clean Sky 2 Financial workshop – 20 & 21/10/2021

List of Q&As

Financial session:

1. Q. What does CTPC mean?

Reply: CTPC stands for ‘Certificate for the Total Project costs’ including IKOP. The Total Project costs including IKOP (TPC), should be declared in the appropriate field in SyGMa when declaring your costs (see slides and IKAA procedure).

2. Q. If the 325k threshold has not been met in 2020 nor in 2021, but combined in 2020 and 2021 it has been met, is then a CFS required?

Reply: Yes, the CFS is then required. The cumulated amounts will determine if a CFS is needed.

3. Q. If a CFS is required, is it also required a CFS for a linked Third Party even if the Third Party didn’t reach the CFS threshold?

Reply: No, a Linked third party must submit a certificate only if it reaches (on its own, without its beneficiary) the EUR 325 000 threshold.

4. Q. If I used the hourly rate of the prior year because the one of the year interested is not ready yet, can I make an adjustment next year? E.g: in 2022 I will use the hourly rate of 2020 because the hourly rate 2021 will not be ready before the end of February 2022... in 2023 can I correct with an adjustment the hourly rate of 2021?

Reply: No, the correction is not possible, meaning that the hourly rate should be calculated based on the last closed financial year and no adjustment can be made in the following year.

Excerpt from the annotated GA:

Recalculations & adjustments of financial statements (exceptional) — Adjustments to the hourly rate are normally allowed ONLY for mistakes (e.g. incorrect accounting information; error in the calculation; etc.) and must be done using the hourly rate which would have had to be used at the end of the reporting period concerned.]

Examples:

1. An internal audit on the annual accounts of the beneficiary finds later errors in the accounting information used to calculate the hourly rates.

2. Reporting period 1 runs from 1 January 2016 to 30 June 2017. The beneficiary used the hourly rate 2016 for the entire period (i.e. also for the part from 01/01/2017 – 30/06/2017) because the financial year 2017 was still on-going at the end of the reporting period. In 2018, the beneficiary realises that the 2016 hourly rate was incorrectly calculated and that it has to declare an adjustment for reporting period 1. To calculate the adjustment, the beneficiary must use the correct hourly rate for 2016 for the whole reporting period 1, including the period from January to June 2017.

Otherwise, costs that have already been declared can normally NOT be adjusted/changed (even if a recalculation of the hourly rate after the closure of the financial year would give another result).
5. Q. So the 2021 costs are based on 2020 hourly rates? And the 2020 costs were based on 2019 hourly rates? The 01/03/22 deadline will give the opportunity to calculate 2021 costs based on 2021 hourly rates.

Reply: It depends on when your financial accounts are closed. If your 2021 accounts are not closed when reporting your claims in 2022, then you should use the hourly rate of the previous year (2020).

6. Q. Can you please confirm that there will not be prefinancing for 2022-2023?

Reply: Yes, that’s correct. No further pre-financing will be made for the extension.

7. Q. Are you sure that the SYGMA tool will support uploading of CFS even if this isn’t the last reporting period? Have the parameters been updated by IT? Usually, the system calculates automatically the threshold and the option of uploading is available then in the last RP. Could we upload 2 documents (CFS and CTPC) in the CTPC field in Sygma? or do we have to merge the 2 documents?

Reply: For the first two years, Sygma will not allow you to submit a CFS as the program is still running. Therefore, that CFS (and CTPC if required) have to be uploaded together in the CTPC attachment place. The two certificates should be zipped in a single document to allow you to upload them.

8. Q. I am not sure auditors will agree to sign merged certificates, but maybe we can anticipate and ask our auditors... Merging docs can be an issue since many beneficiaries now use the electronic signature

Reply: Your auditor should sign separately the certificates and you will have to zip them in a single document before uploading it.

9. Q. Threshold 2020-2021 = 300.000 EUR => no CFS required  
Threshold 2022-2023 = 50.000 EUR => 1 CFS in 2024 for 2020-2023? OR No CFS required?

Reply: One CFS when reporting in 2024 is the correct way of doing.

10. Q. In addition to the 2 years, EUR325K threshold, is nevertheless a CFS required from a beneficiary at the end of their project? E.g. After 4 yrs, with no requirement for a CFS, we are due to finish our activities under Clean Sky 2 at the end of 2021. Will we need to provide a CFS?

Reply: You need to provide a CFS at the end of the project only if you reach the 325k threshold.

11. Q. When you have activities/costs in 2022 as last year below the threshold, do you still need a CFS? We already require a CFS 2020-2021.

Reply: If no activity after 2022 and CFS is already provided for years 2020-2021, an additional certification should be provided for the costs 2022 in the year 2023. And this, even if those costs are not above the threshold. In reality, the total contribution from 2020 to 2022 will be above the 325K€ (excl. indirect costs). At the end of the project (reporting period for the year 2023), both CFS will have to be zipped and uploaded in the Financial Statement - CFS place.
12. Q. If we have activity in 2022 and 2023, is it also necessary to send a CTPC in February 2022?

Reply: Yes, if required (Method B) you should submit the CTPC for the 2 first years and another one by the end of the program.

13. Q. As our IKOP is always the difference between TPC and JUC the CFS already confirms TPC and therefore also IKOP. Why is a CTPC still needed? This would state the same information as the CFS.
   - If Method A has been applied for IKOP during the project lifetime, will any CTPC be required?
   - When should the CTPC be submitted and which costs should be audited in it?

Reply: If you report TPC (Total Project Costs incl. Ikop) higher than TEC (Total Eligible Costs), meaning you apply method B, the TPC should be certified by an auditor. CTPC should be submitted every 2 years.

If you report the TPC as method A, meaning the TPC is equal to the TEC, no CTPC should be provided as that amount is already covered by a CFS. Please keep in mind that the same method should be used for all periods.

14. Q. Slide 25 CFS related to Subcontracting says: “… => evidence of best value for money analysis (if required)” - > Question: What does exactly mean “if required”?

Reply: “If required” in the present case means if it is beyond your usual defined rules. If your internal rules define that no Best value for money should be made when the costs are below XXX amount, then you don't have to provide this analysis, but your auditor should explain the reason in the independent report.

15. Q. Slides mention that the auditor checks the payments … but this is not always the case for the auditor of the first level…. Normally the payment of the invoices is requested by the ex post-audit.

Reply: There is the possibility that the auditor of the first level could ask for it.

16. Q. We have been involved in Clean Sky 2 since 2017. We will finish our project involvement at the end of 2021. Throughout the 5 years, we have never needed to submit a CFS (we never exceeded the EUR 325k, during any 2 yr period). Now we are leaving/finishing the project / Clean Sky 2, will we need to submit a ‘final’ audited CFS?

Reply: The CFS is required (if the threshold is reached) and only based on projects signed. Then for 2014 till 2017 = one project, 2018 and 2019 = 1 project and from 2020 till 2024 the last project.

Therefore if the costs 2020 and 2021 do not reach the EUR 325k threshold no CFS has to be provided.
17. Q. What happens if an external engineering is working for the action with the same conditions as personnel, only contracted per hour, but contracted through a legal person (an engineering company, not a natural person)? Should it be considered ODC or a subcontracting?

Reply: If that external is under your supervision the costs should be declared as ODC as a temporary worker.

18. Q. You specified 143hrs/month, is this $1720/12 = 143.333$ what we have to use to convert hrs to PM?

Reply: Human effort (person-months) is the metric for time (effort) that the key personnel of organizations devotes to a specific project. The person-months should be consistent with each organization’s direct personnel (staffing) costs. For more information please follow this link: https://ec.europa.eu/newsroom/just/items/643967/en

19. Q. Should a scholarship be included in the GA or can it be included in personnel costs during the RP?

Reply: It should be included in your Personnel costs planned / budgeted.

20. Q. Normally, the bonuses based on financial results are paid the following year, approx in March. Can they be considered as eligible costs?

Reply: If the provision has been made in the account of the concerned year, meaning accrued, then you can include those accrued costs in the annual salary.

21. Q. If someone is employed directly on the project and only working for that one project, can they complete a certificate to confirm they have only worked on that project?

Reply: There is a special declaration to be made in case a person is working exclusively for a project (please see the template here below).

There is no obligation to keep time-sheets for periods covered by a declaration on exclusive work – see Annotated Grant “Persons working exclusively on the action” and “Records for personnel costs — Hours worked for the action.

Declaration template:
22. **Q. Various questions received concerning the amendment for the year 2022-2023**

**Reply:** 20-21 figures should remain unchanged while 2022-2023 will include the newly added activities. According to this approach, you shouldn’t move resources from 2021 to 2022 in case of delay.

23. **Q. Where is it stated that “budget transfers from a beneficiary to another don’t require an amendment”?**

**Reply:** The Grant Agreement (article 4.2) allows to transfer budget (not tasks) from one beneficiary to another, however given the complexity of the GAM, it is highly recommended to contact the Project Officer to get confirmation whether the transfer needs to be included in an amendment or not.

24. **Q. Is there price a threshold below which you don’t need to demonstrate the best value?**

**Reply:** Best value for money should be demonstrated in all cases except if your internal rules state that below X amount no tendering process is needed. This should be confirmed by the auditor in the independent report, who has to provide also the amounts concerned and the amounts below which no tendering should be done.

25. **Q. If someone is employed on one project for the whole year, their salary will be covered by the project. However, if they are split between two EU projects and do not do any other work for the organization, the allocation of costs will be based on hours, if they work less than 143.33 hours in one month across the 2 projects we would not be able to claim the full salary for that month but if they worked more that 143.33 the following month we would still only be able to claim the month’s salary, in this way we would have a shortfall of funding for the employee and their salary would not be covered by the two projects they are employed to work on, is there anyway round this?**

**Reply:** The way of defining the hourly rate, is explained in the slides. The hourly rate will have to be multiplied by the hours worked for the concerned project and supported with Timesheets. In any case, you cannot claim more that the total personnel costs of the employee.

26. **Q.- If a beneficiary is over the 325K threshold, it is clear they need a CFS. But if their LTP is below the threshold for the same period, do they also need to provide a CFS considering that the costs are claimed separately?**

**Reply:** No, the LTP should not provide a CFS if their claims are below the threshold. The LTPs have the same obligation to provide a CFS for their own claimed costs, with the same threshold of 325K€ and with the same constraints of providing a CFS for the costs 2020 and 2021.

27. **Q. During ex-post audits, we are asked for proof of payment of salaries and invoices... The banks make us pay the print screen of payments, can we recover these costs and how?**

**Reply:** No, these costs are not eligible.
28. Q. Question regarding Personnel costs category A.3. If an external worker is employed by a third party, not being a temporary work agency, but seconded to the Beneficiary for direct execution of tasks, how should costs be included? Based on the costs of the invoice sent by the external party or based on the hourly rate of similar employees?

Reply: In this case, the personnel is seconded from a third party which we call “in-kind contribution against payment”, the costs should be claimed in the personnel costs category, based on the number of hours worked and on the actual costs charged by that third party (no mark-up but the actual costs). Timesheets are compulsory. NB. Seconded personnel costs are never based on unit average costs but based on actual costs.

29. Q. Getting back to the Q&A related to “seconded personnel”: Does it mean that the related costs (which are invoiced between the parties) have to be claimed by the beneficiary to whom the employee is contractually belonging to and not by the beneficiary where the employee is working for?

Reply: Seconded personnel costs must be claimed by the beneficiary the employee is working for. The costs declared must be supported by reliable time records of the number of hours the person worked for the action. Those time records must be produced under the responsibility of the beneficiary/third party to whom the person is seconded. If the seconded is belonging to a beneficiary of the same GAM, it is the beneficiary employing that staff who has to report those costs.

Excerpt from the Annotated GA: **Secondment of staff between beneficiaries (or linked third parties)** — Is allowed, but it is the beneficiary/third party who employs the person who has to declare its costs (NOT the beneficiary/third party to whom the person has been seconded). The costs declared must be supported by reliable time records of the number of hours the person worked for the action. Those time records must be produced under the responsibility of the beneficiary/third party to whom the person is seconded.

30. Q. What happens with temporary unemployment situations (Furlough scheme, Chomage partial, ERTE, Cassa Integrazione, Kurzarbeit, …) that occurred mostly in 2020? What happens with these hours, should we remove them from the 1720 total hours?

Reply: If your questions relate to actual personnel costs incurred during Covid-19 period, please refer to the slides on this topic.

Reminder: Beneficiaries using Option 2 (individual annual productive hours) can remove the absence due to the period of confinement from the calculation of the annual productive hours. If you use Option 1 or 3, you cannot benefit from this flexibility but you may change to Option 2 provided that you apply it for all all personnel working during the reporting period in all ongoing GAs.

31. Q. In the HAF Decision n5 eligibility criteria, it states that self-employed persons with a direct contract with the beneficiary cannot be declared as personnel costs. Can’t they be claimed under A.2. category?

Reply: as per Annotated GA: A.2 The costs for natural persons working under a direct contract with the beneficiary other than an employment contract are eligible personnel costs, if:
(a) the person works under conditions similar to those of an employee (in particular regarding the way the work is organized, the tasks that are performed, and the premises where they are performed);
(b) the result of the work carried out belongs to the beneficiary (unless exceptionally agreed otherwise), and
(c) the costs are not significantly different from those for personnel performing similar tasks under an employment contract with the beneficiary.

32. Q. REPA? What does it mean?

Reply: Reporting and Payment process.

Some other useful abbreviations:

REPA = Reporting and Payment process
COPA = Complementary Payment (in case of contradictory procedure after the payment)
RP = Reporting Period
CFS = Certificate on the Financial Statements
CTPC = Certificate of Total Project costs including IKOP (therefore including costs that are not eligible in the sense of H2020)
LOC = Letter of Conclusion from the ex-post auditor
GMT (or GMT2) = the old IT tool used for the reporting (until 2017)
ABAC = Accrual-Based Accounting System (the EC Accounting System)

33. Q. Regarding the In-Kind contributions of the core partners (IKOP): Is there a contractual commitment about this contribution? Where is it stated? Is this contribution quantified in terms of % of the total project costs? Does this contribution depend on the nature of the Core partner (profit/non-profit org.)?

Reply: The in-kind contribution is defined in the CS2 founding regulation which can be found on our Website - It is not linked to the type of organization, but instead to the real costs incurred including those not eligible under H2020 rules (such as the actual indirect costs).

34. Q. Are there critical differences for IKOP rules for research entities?

Reply: No, the rules are the same, as far as you can justify the real costs.

35. Q. What if IKAA is higher in the end - can this be used to balance IKOP?

Reply: The objective set in the regulation concerns the In-Kind contribution (IKC) in total which includes IKOP and IKAA. It is only mentioned a minimum of IKAA, not IKOP.

Total IKC = 2,154,750 Me

Of which IKAA = minimum of 965,250 M€

However, the JU is monitoring both IKOP and IKAA to ensure that the objectives will be met in terms of Total IKC and minimum IKAA.
36. Q. Is the CTPC only required if EUR325k of JU contribution threshold is reached?

Reply: yes, correct. CTPC is required if you chose the method B and you reach the EUR 325k threshold.

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37. Q. The deadline to provide the IKAA planning seems to be the 15th of October according to the slide. However, in the guidelines, it says 1st of November. Is it possible to still inform about the IKAA planning in GMT2 for 2022 activities? Is it possible to provide an IKAA planning report in GMT2 for additional activities carried out in 2021? In case it is, should we present an IKAA planning per year (one for 2021 activities, another for 2022 activities).

Reply: Yes, we strongly encourage you to submit your IKAA plan now if this was not yet provided. The IKAA plan for the year 2021 has already been approved by the Governing Board of Clean Sky JU. Therefore, it will not be possible to provide one now. But for the year 2022, we strongly encourage you to submit your IKAA plan via GMT2.

38. Q. What happens if 2021 IKAA are reported after March 2022? It will be quite difficult to manage and deliver a CFS of 2020/2021 plus a CIKOP of 2021 and CIKAA.

Reply: There is a deadline set for the reporting of IKAA and CIKAA (01/03/2022). We proposed the same deadline for all the certifications so that your auditor can work on all the certificates while he is in your premises. However, we understand the difficulties to organize and submit all reports at the same deadline. For the IKAA (CIKAA), please keep in mind the time needed to assess and review your IKAA reporting before presenting them for the GB opinion. So preferably by May 2022 at the latest.

39. Q. In relation to the next Framework Programm, have any funding rates already been defined? Or will CAJU apply the same as defined under HEU or as applied in CS2?

Reply: The funding rate will be the same as H2020. More information will be provided when the new calls under CA will be launched.
40. Q. Related to the next Framework Programme: -1) which is the advantage of using fixed daily rates? 2) Fixed daily rates - engineers book hours, personnel costs still based on actual costs (salary) - so I can’t see what the difference will be.

Reply: The main advantage is process simplification aiming to reduce administrative burden. More info will be provided when presenting the HE rules (next year).

41. Q. Will the timing of the next workshop be before the first CA call close? A good understanding of the rules will be required to create an accurate budget for the application.

Reply: There is no defined planning yet. But we intend to organize Info day(s) before the call closure, in which we will present details about different aspects (proposal preparation, technical, legal, admin and finance, etc ...)

42. Q. In relation to slide 39, what is the process for re-allocation of the delta (4,1M€ for LPA) to the SPD’s?

Reply: There is no specific process given by the JU to allocate the delta of funds internally within the SPD. This remains a decision of the Consortium. However, we strongly recommend to discuss the best option in the Steering Committee so as to ensure continuity of activities until mid 2023 (when the funding will be re-injected) and at the same time preserve the financial situation of the most vulnerable members.

43. Q. Some slides are a little bit different from the ones from the link

Reply: Correct. We have made some (very) minor corrections. But the content is 99.9% the same.

The final version of the slides will be published on the CS2 website together with this list of Q&As.
Ex-post audit session:

1. Q. Since 7% of beneficiaries will be subject to Ex-Post Audit according to the presentation, how are these beneficiaries selected in order to achieve the 10-15% expenditure along with the 7% of beneficiaries’ coverage limitation? Are the selected beneficiaries only some of the larger beneficiaries?

Reply: CS2 JU selects its samples on a random basis, focusing on high values, to achieve a proper coverage, but also including small projects and lower cost claims. Additionally, few cost claims are selected following a risk assessment (risk-based sample).

2. Q. Is there a greater probability to be selected for a second ex post audit if there has been a first audit on the same company before?

Reply: No, the selection follows criteria for establishing a representative sample. To avoid undue audit burden, the JU excludes beneficiaries after the second audit from the audit selection for the next two years, if the results of the two audits were satisfactory, i.e. the error stayed consistently below 2%.

3. Q. If an eligible bonus was incurred in the audited year (assuming that the current financial year had been closed at the time of reporting), and this bonus was paid in the next year, how can you justify the claim in the year for the FormC and CFS? Also, if bonuses are linked to the year EBITDA level criteria, which cannot be determined until next year after financial closure, the only way to be justified in the year is with an "provision" account. Will it be admissible an accounted provision in the year?

Reply: Costs have to be incurred in the reporting period, which means they have to be recorded in the beneficiary’s accounts pertaining to that period. If a beneficiary accrues the expense for a bonus, which was paid in the subsequent period, in the company’s accounts corresponding to the reporting period, the bonus costs are eligible. The evidence of the subsequent payment at the time of the audit should be available. If boni are calculated only after the closure of the last financial year and are not accrued in the accounts of the entity pertaining to that year, the beneficiary may not include them in the calculation of the hourly rates.

4. Q. Could you provide explanations about the impossibility to register hours under other internal project codes other than the official EU project name according to the Grant Agreement? What can a beneficiary do if during the same period, the beneficiary incurs in hours for an EU project execution and another project execution?

Reply: As explained in detail in the financial presentation, slides of day 1 of the Financial Workshop, hours charged to JU projects must be clearly identifiable with a unique reference to official names or codes of the JU project in the Grant Agreement. This should be reflected in the beneficiary’s time recording. Alternative names or codes would not be traceable for the auditors and may lead to potential disallowances. For other projects, the beneficiary should use different codes to enable a clear distinction of hours allocated to individual projects.
5. **Q. Is it required to adjust the 1720 hours in option 1 in case of technical unemployment due to Covid (Belgium)**

**Reply:** In case of unemployment due to COVID-19 restrictions, beneficiaries should shift to Option 2 (for the full fiscal year) - please refer to slides presented in the presentation of Day 1 for the COVID special measures.

6. **Q. Annual productive hours have to be ≥ 90 % of the standard annual workable hours: what do I do, if the amount is less than 90%? Shall the beneficiary calculate productive hours with the 90%-amount?**

**Reply:** As indicated in the Annotated Grant Agreement, Art. 6.2, if the number of standard annual productive hours is lower than 90%, the beneficiary must use the 90% figure or choose one of the other options (either option 1-1720 hrs or option 2 – individual productive hours).

7. **Q. During past years the total productive hours considered were 1752? Considering 146 hours per month, is that right?**

**Reply:** We refer to the presentation of the Financial workshop day 1, in which the different options for calculating the productive hours are described, be it on annual or on monthly basis. Annual productive hours can be established according to 3 options:

- Option 1: Fixed 1720 hours
- Option 2: Individual annual productive hours
- Option 3: Standard annual productive hours

8. **Q. Is there any rule or recommendation in place which defines how long a framework contract (FWC) may last in order to be considered as “valid”? in particular, after how many years needs a framework contract to be concluded / renewed/ tendered?**

**Reply:** There is no general recommendation regarding the frequency of a renewal of a FWC. In the case of ex-post audit, the beneficiary would need to show, that the FWC has been re-assessed periodically, following the company procurement policy, and that the FWC still ensures the best value for money. This process could be documented with a note to the file signed by the management, providing some relevant arguments for the further use of the FWC.

9. **Q. What is the planning for the next ex-post audits?**

**Reply:** In general, we are reducing the number of audits continuously each year when approaching the end of the programme. Hence, the audit activity related to H2020 projects will continue, but it will be reduced in the next years until the closure of the program.

The timing for the launch of new audits depends on the planning of the Common Audit Service of the Commission. Therefore, Clean Sky is not in a position to provide more detailed information. According to the H2020 rules, audits can be initiated up to 2 years after the final payment of the project.

10. **Q. How long is the ex-post audit process from LOA to LOC?**

**Reply:** The target of the Common Audit Service of the Commission (CAS) is 12 months.

11. **Q. What could a beneficiary do in the case that a subcontracting activity has changed compared to the initial planning in Annex 1 of Grant Agreement due to deviations in plan/estimation of costs**
Reply: When scope or value of subcontracting has to be updated as compared to the description in the annex 1 of the GAM, this needs to be communicated to the JU as soon as possible. If the JU has not been informed during the reporting period, the beneficiary needs to elaborate on the changes in the field of subcontracting in the annual report and provide the appropriate justifications. It is then up to the Ju’s Project Officer to approve the change or reject the exceeding costs.
Legal session:

1. **Q.** You said that all the expenses must be foreseen in the GAM, but how can we do with the expenses strictly related to the project occurring during construction and which were not foreseen?

**Reply:** Activities and associated funding should be included in the GAM annexe 1 (technical) and 2 (budget). In case of deviation, the beneficiary will need to provide justification which will be assessed by the JU when validating the costs claimed.

2. **Q.** Is there a way for the beneficiary to review the information currently submitted to CS2? E.g. LEAR

**Reply:** Beneficiaries can access the information regarding their organisation that the European Commission has via the Funding & Tenders Portal. This is visible on the menu “My organisations”. This includes information such as company name, address, LEAR etc.

3. **Q.** If we are finishing our resource commitment (and claims) under the EU and JU, at the end of 2021, will we still be liable to pay a proportion of the 2022 contribution (even if we completing no activities and not making any claims in 2022)?

**Reply:** Contributions of CS2 members to the administrative costs of the JU are proportionate to the level of funding received in the Grant Agreements. Therefore, if a member remains a beneficiary in the GAMs, but has finished all activities by the end of 2021 and will claim no additional costs in the GAMs 2022-2023, the member will not be expected to pay additional administrative costs.

4. **Q.** Where can the CS2 statutes be found?

**Reply:**

https://www.cleansky.eu/sites/default/files/documents/legal/council_regulation_establishing_clean_sky_2_06.05.2014.pdf

5. **Q.** The project is experiencing a delay. We have a subcontractor who will carry out wind tunnel tests, we had allocated their entire budget to fiscal year 2021. Must we shift part of the budget to 2022 via a contract amendment i.e. GAM 2022? Do we need prior acceptance from the Project Officer as well?

**Reply:** In the GAM amendment (extension to 2022-2023) the current GAM should be complemented only with the new activities and associated funding not included before (ie. period 2022-2023). The baseline 2020-2021 as defined in the current GAM should remain unchanged.

The eligibility of costs is covered by the fact that activities and associated funding are part of the action as described in Annex 1 (technical) and included in Annex 2 (budget) for the full period 2020-2023. However, when claiming costs and in case of deviations or delays, justification will need to be provided to JU.

6. **Q.** Could you summarise any actions legally required for ITD co-ordinators that are needed at the end of CS2 to formally close the programme?

**Reply:** The most important legal obligation at the stage of the closure of the Programme is a technical and financial reporting under the GAMs.

7. **Q.** When is the contract amendment due for extending into 2022?
Reply: In accordance with time schedule presented by the Head of Programmes unit in the last PCC meeting, all the amendments requests to the GAMs must be formally submitted to the JU consultation by the 19th of November 2021.

8. Q. With Clean Sky 2 finishing in December 2023 and final claims last dates of Feb 2024 for ITD beneficiary costs, what contractual terms would cover any further request to the ITD beneficiaries and co-ordinators after the date when funding is no longer available for work requested?

Reply: Once the GAMs are closed (all technical activities were implemented and the payment of the balance was paid by the JU followed by a release of an amount kept by the guarantee fund) the beneficiaries are bound with the following legal obligations:

- **Article 17.2 – Obligation to keep information up to date and to inform about events and circumstances likely to affect the Agreement**
  Each beneficiary must keep its information in the Participant Register up-to-date, including after the end of the grant.

- **ARTICLE 18—KEEPING RECORDS—SUPPORTING DOCUMENTATION**
  The beneficiaries must keep at least 5 years after the payment of the balance appropriate and sufficient evidence to prove the eligibility of all the costs declared, proper implementation of the action and compliance with all the other obligations under the GA.

- **Article 22.1.3 -Right to carry out audits**
  Audits may be started up to two years after the payment of the balance. They will be formally notified to the coordinator or beneficiary concerned and will be considered to have started on the date of the formal notification.

- **Article 22.2 -Investigations by the European Anti-Fraud Office (OLAF)**
  Under Regulations No 883/2013 and No 2185/96(and in accordance with their provisions and procedures), the European Anti-Fraud Office (OLAF)may —at any moment during implementation of the action or afterwards —carry out investigations.

- **Article 28.1 - Obligation to exploit the results**
  Each beneficiary must —up to four years after the period set out in Article 3 —take measures aiming to ensure ‘exploitation’ of its results.

- **ARTICLE 29 —DISSEMINATION OF RESULTS—OPEN ACCESS—VISIBILITY OF EU FUNDING**
  Unless it goes against their legitimate interests, each beneficiary must — as soon as possible—‘disseminate’ its results by disclosing them to the public by appropriate means (other than those resulting from protecting or exploiting the results), including in scientific publications (in any medium).

- **Article 31.5- Access rights for the EU institutions, bodies, offices or agencies and EU Member States**
  Access rights to EU institutions to the generated results for non-commercial purposes.
- **ARTICLE 43 — REDUCTION OF THE GRANT**
  If the JU finds (in particular following a check, audit, extension of audit findings, review or OLAF investigation) substantial errors, irregularities or fraud or breach of obligations under the GA, it may reduce the grant after the payment of the balance in proportion to the seriousness of the errors, irregularities or fraud or breach of obligations.

- **ARTICLE 44 — RECOVERY OF UNDUE AMOUNTS**
  Following ex-post audit findings linked to ineligibility of costs the JU may launch a recovery.