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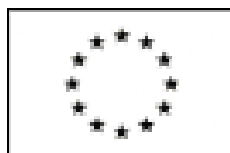
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Abstract

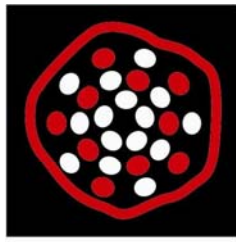
This paper is a synthesis report on potential administrative and legal barriers to joint research programmes in the Humanities. The survey-based information is gathered by HERA partner European Science Foundation (ESF).



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SIXTH FRAMEWORK
PROGRAMME



HERA

Humanities in the European Research Area

**A SURVEY OF
LEGAL AND ADMINISTRATIVE
BARRIERS
TO JOINT RESEARCH PROGRAMMES
(SYNTHESIS REPORT)**

**HERA Task 9.1
Deliverable 9.1.1**

November 2006

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1. INTRODUCTION

This paper is a synthesis report on potential administrative and legal barriers to joint research programmes in the Humanities. The survey is based on information that has been gathered by HERA partner European Science Foundation (ESF) from the other HERA consortium partners.

1.1 HERA

HERA (“Humanities in the European Research Area”) is an ERA-Net project involving 13 national funding agencies (FA) for the Humanities (incl. one ministry), two sponsoring partners (FNRS; SNSF) and the European Science Foundation (ESF), which in turn brings together 31 research councils, research performing agencies and academies that all support Humanities research, and which acts as a pan-European member in HERA.

Table 1. List of HERA partners and associated organisations

Acronym	HERA partners	Country
AHRC	The Arts and Humanities Research Council	UK
AKA	Academy of Finland	Finland
ASCR	The Academy of Sciences of the Czech Republic	Czech Republic
DASTI ¹	The Danish Agency for Science, Technology and Innovation	Denmark
ESF	European Science Foundation	--
ETF	Estonian Science Foundation	Estonia
FWF	Austrian Science Fund	Austria
FWO	The National Fund for Scientific Research (Flanders)	Belgium
IRCHSS	The Irish Research Council for the Humanities and Social Sciences	Ireland
NWO	Netherlands Organisation for Scientific Research	Netherlands
MHEST	Ministry of Higher Education Science and Technology	Slovenia
RANNIS	The Icelandic Centre for Research	Iceland
RCN	Research Council of Norway	Norway
VR	The Swedish Research Council	Sweden
Sponsoring Partners		
FNRS	The National Fund for Scientific Research	Belgium
SNSF	Swiss National Science Foundation	Switzerland

Detailed information about HERA can be found on the project website (<http://www.heranet.info>).

The overall objectives of HERA are:

- To stimulate trans-national research cooperation within the Humanities
- To enable the Humanities to play an appropriate and dynamic role in the ERA and within EU Framework Programmes
- To overcome fragmentation of research in the Humanities in Europe
- To advance new and innovative collaborative research agendas
- To improve cooperation between a large number of research funding agencies in Europe
- To attract more funding to research in the Humanities by raising the profile of the Humanities

¹ Since 1 May 2006 the Danish Agency for Science, Technology and Innovation (DASTI) has replaced the former Danish Research Agency (DRA), including also parts of the former department that dealt with research and innovation.

1.2. Work Package 9: Preparation of two joint research programmes

1.2.1. Scope and Aims of Work Package 9

The aims of work package 9 (WP 9) are to prepare the launch of two joint thematic research programmes in the Humanities. In doing so, WP 9 incorporates knowledge gained from other work packages, some of which have focussed on the description and establishment of best practice at the various national levels, as regards in the preparation and launch of research programmes, and on the project selection and management procedures under Calls for Proposals.

WP9 tasks will eventually also include the negotiation of national financial contributions for the research-funding mechanism. For this sub-task, it is envisaged that resources outside the budgets of HERA partners are explored, such as the EU Framework Programme, other national public R&D budgets etc.

The modalities for the launch of a joint Call for Proposals and for the assessment, selection and evaluation of proposals through a jointly agreed multilayered international peer review process are key elements that need to be addressed in the preparatory phase. The identification of excellence in European Humanities research has long been based on national research and evaluation systems, often embedded in legally defined national traditions for research-funding. These in turn have often determined assessment and selection procedures at national levels. This underlying complexity is the reason for which it was found that the first step in the preparation of a joint transnational research programme has to be a survey of existing administrative and legal barriers in individual national agencies. It seemed necessary to identify such barriers, which need to be addressed in the building of transnational, joint research programmes (JRPs).

1.2.2. Task 9.1

This report is a synthesis of a questionnaire-based survey to explore potential administrative and legal barriers to transnational European Joint Research Programmes in the Humanities that may exist (mainly) among HERA partners. It is based on feedback received from HERA partners and other ESF Member Organisations (see below).

The aim of the report is to identify such legal and administrative issues that need to be taken into consideration when planning the structure, procedures and rules for collaborative research programmes bringing together funding from various HERA partners (and, potentially, other funding agencies).

This report does not, therefore, aim at describing every single national system – also because a panorama of national best practice in the fields of application procedures, peer review and evaluation and impact has already been sketched under WP 3 and WP4. Nor does it aim at comprehensively presenting all the data gathered.

Based primarily on feedback on national practice and procedures, the analytical synthesis report wishes to highlight areas for intervention during the negotiations preceding the launch of a JRP. The report refrains from making recommendations as to which changes in the various national, legal systems governing the operations of funding agencies might facilitate the building of JRPs. The report does, however, on occasion suggest possible strategies to overcome specific procedural problems by way of concluding the analysis of some specific topics. This presentational mode is given greater prominence notably in the “conclusion” (see also below 2.4). Such concluding considerations are to be read as possible basis for future discussions, not as advice.

Chapter 2 presents the questionnaire and dwells on experiences made in the progress of data collection.

Chapter 3 gives a presentation of the problems identified at the various national levels, with special references to potential legal obstacles to joint research programmes at national level, as well as, occasionally, references to existing frameworks for transnational collaboration and coordination among funding agencies in which some of the obstacles have already been dealt with.

1.2.3. Other tasks of WP9

The survey on legal and administrative barriers will be one of the elements within WP9 that will contribute to the design of a programme management structure and procedures (Task 9.2). Task 9.2 can partly rely on best practices for national programmes as identified in other work-packages (notably WP3 - surveys of best practice in application procedures and peer review - and WP4), partly on HERA partners' experiences in existing other forms of transnational collaboration and coordination between funding agencies (other ERA-Nets and ESF-managed schemes such as EUROCORES and EURYI).

A jointly agreed science governance and programme management structure for the JRPs will need to be developed and decided upon by the HERA Network Board (NB). HERA should strive for consensus among its members to enable a large-scale partnership of funding agencies – HERA partners and others – to join and strengthen the JRP.

Task 9.3./4. will see the implementation of a joint research-funding initiative (two programmatic themes: “joint research programmes” JRPs) which will represent the culmination of this ERA-Net. The joint research programmes will be developed on the basis of an initial wide consultation of funding agencies on priority areas for funding and subsequent work of expert groups, which will lead to the formulation of “thematic reports” (WP6). Discussions and decisions by the HERA NB on these “thematic reports” will be the basis for the further development of these JRPs. The two themes to be selected are expected to cover two very different areas of Humanities research (e.g. technology-related, identity-related, discipline-related), involve different methodologies and address different audiences. For the themes selected for development into JRPs, the Work package leader (WPL) will identify HERA partners and other funding agencies to join the discussions on the development of a Call for joint research programmes. Such partners will be invited to send delegates to a preparatory meeting aimed at developing the Call text.

The development of JRPs is open for the full range of funding agencies for the Humanities, which is why this report occasionally refers to other funding agencies which are not HERA-partners. The preparatory meeting should bring together representatives from all funding agencies in Europe (and possibly elsewhere) which have been identified as showing interest in the themes selected.

Objective of the meeting will be to agree on a Programme Content Outline (PCO) - the basis for a joint Call for Proposals – which should include procedural matters, as well as guidelines and schedules for project selection and budgetary decision-making.

Participating funding agencies are expected to open a budget line for the funding of the Joint Research Programmes. The budgets are expected to include funds for programme networking and other related activities. Once a critical mass of partners has agreed to support research in the two thematic areas chosen, and to participate in the programme under the joint Call for Proposals, which has been developed from the PCO, the Call can be published.

2. QUESTIONNAIRE

2.1 Background and objective

The questionnaire used for this survey was devised by ESF's HERA programme officer C. Gossart in summer / autumn 2005. The themes and sections of the questionnaire were partly based on the discussions in the 1st annual HERA WPL meeting in The Hague in May 2005. A draft of the questionnaire was sent to HERA partners for comments. Some modifications were suggested by HERA partners, and the questionnaire was approved (see Annex II).

The objective was to consider the potential for legal and administrative barriers for all stages of the programme development. However, questionnaire and report emphasise such pre-funding activities, where agreement between partners is necessary for the launch of a programme. Less emphasis is placed on programme management issues, as they can be arranged more freely between participating funding agencies.

2.2 Structure

The questionnaire is divided in nine sections presenting the different stages of JRP preparation, development, implementation and funding².

Table 2. Nine stages of JRP design (as reflected in the HERA Questionnaire WP 9.1)

Phase	Pre-funding activities:	Number of scenarios in the questionnaire
1	Initiation: Pre-funding activities	18
2	Call procedures	9
3	Project selection process	23
4	Funding of the JRP	26
	Programme activities:	
5	Gender equality, social and ethical issues	8
6	Programme management issues	3
7	Reporting on JRP activities	6
8	Dissemination of information and results	4
9	Evaluation of the JRP	12
	Total	109

Respondents were asked to evaluate the importance of different potential barriers to the implementation of typical elements of transnational research programmes against the background of existing regulations in their national contexts. For each potential barrier, a scenario was presented in which an international JRP would be launched with certain conditions in place. Respondents evaluated the importance of the obstacle such conditions would represent for their organisations by crossing (x) one of the following rectangular boxes ("0" means no administrative barrier).

It had been recommended that HERA partners use the services of their legal departments to ensure that accurate responses be provided.

0	1	2	3	4
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nil	Very Weak	Weak	Strong	Very Strong

Were obstacles such that they represented legal barriers, respondents were requested to tick the corresponding box and were asked to provide supportive legal documentation. Usually this would be the relevant legal text(s) referring to the potential barrier, with their translation into English if necessary.

² This structure has been developed against the background of reports from other ERA-Net projects, e.g. BONUS (2005), "The Joint Baltic Sea Research Programme - Best Practice, Possibilities and Barriers", Publications n° 2; Kladakis G.M. and L.B. Olesen (2004a), "European Research Funding System in the Humanities", ERCH Survey; Report I. Kladakis G.M. and L.B. Olesen (2004b), "European Research Funding System in the Humanities, Best Practice", ERCH Survey Report II. NORFACE (2005), "Key to contents", unpublished report for Task 3.1 about barriers for joint activities.

Legal barrier?		Documentation provided (Y/N)	
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At the end of each question the respondents were invited to provide comments.

2.3. Data collection process

2.3.1. Experiences of data collection

The questionnaire was sent to 15 HERA partners (incl. the two sponsoring organisations; see Table 1, pg.3) and to 16 other European funding agencies from amongst the ESF Membership in October 2005 together with a brief letter explaining rationale for the exercise (see Annex I).

Table 3. List of funding agencies contacted (outside HERA consortium)

Acronym	FAs	Country
CNR	National Research Council	Italy
CNRS	National Centre for Scientific Research	France
CSIC	Council for Scientific Research	Spain
DFG	German Research Foundation	Germany
FCT	Foundation for Science and Technology	Portugal
FNR	National Research Fund	Luxemburg
HAZU	Croatian Academy of Sciences and Art	Croatia
NHRF	National Hellenic Research Foundation	Greece
NSFB	National Science Fund of Bulgaria	Bulgaria
OTKA	Hungarian Scientific Research Fund	Hungary
PAS	Polish Academy of Sciences	Poland
RPF	Cyprus Research Promotion Foundation	Cyprus
SAS	Slovak Academy of Sciences	Slovakia
TÜBİTAK	The Scientific and Technical Research Council of Turkey	Turkey
NURC	National University Research Council	Romania
VMSF	Lithuanian State Science and Studies Foundation	Lithuania

Most HERA partners had replied as requested by January 2006. By mid-July 2006 all HERA partners, as well as one sponsoring organisation (SNSF) and seven other funding agencies from amongst the other ESF member organisations had submitted the completed questionnaire. Nine funding agencies from outside the HERA consortium did not return a completed questionnaire.

2.3.2. Responses

Most of the time the scenarios and questions were understood correctly by respondents despite the unusual format of the questionnaire; the ESF programme officer gave advice in cases of uncertainty.

Occasionally, respondents used the opportunity to add comments to their questionnaire response, mostly to further specify or explain their response. Such comments proved to be very useful, as for many questions great discrepancies obtained between the answers received from different funding agencies, which reflects the different organisational and legal structures of the partners and their differing mandates, traditions and practices.

The complete set of responses, incl. comments, is available as raw data on a restricted ESF website (www.esf.org/heraquestionnaire)

Respondents were also invited (9.13) “to mention other barriers that have not been addressed yet”. None of the HERA partners added any potential barriers – or areas in which barriers could arise - other than those addressed in the questionnaire.

Given that also in the consultation period prior to the circulation of the final questionnaire HERA partners did not request additional areas to be included, it can be assumed that HERA partners are confident that the survey represents an accurate picture of the relevant domains to be examined.

All HERA partners provided supportive documents to justify the legal barriers (see Table 4 and Annex III for a list). Most documents were submitted either in English or had been translated for the purpose of this exercise. They are available for HERA partners on a restricted website (see above).

2.3.3. Specificities of the responses

The respondents have indicated altogether some 160 “legal barriers”. It is to be noted, however, that not all of these “barriers” fall in the remit of research funding agencies. They may refer to issues related to social security measures or the format of contractual arrangements between funding councils and researchers - areas which can and will not be modified in the context of a single research programme or field.

As consequence, references to specific legal texts have been requested mainly in those cases in which discrepancies between the operational principles of HERA partners are significant and/or when there is a strong likelihood that there will be considerable obstacles for the given funding agencies to participate in a transnational JRP

On some occasions, HERA respondents referred to legal barriers from the point of view of existing national programmes. In some cases, and unless specific comments were received, a degree of uncertainty could be sensed in some of the replies, since this survey had to be conducted without reference to a set of options for financing models of which each may present different levels of operational (and sometimes also legal) barriers. It is remarkable that three HERA partners (IRCHSS, NWO, Rannis) did not indicate any legal barriers. The funding agencies concerned consider this as a good sign in terms of preparedness for transnational programmes.

2.4. Method of synthesis and presentation

The material to be analysed and to be presented in this report consists of answers from 21 respondents to 109 questions, divided in two parts (pre-funding activities and programme activities) and referring to administrative and legal barriers (a total of 4578 answers were received). In addition, respondents provided some free-text comments. Only three agencies of those who replied did not provide any comments at all.

The responses were examined separately for each question in order to recognize the emphasis and obstacles in different countries³.

In the questionnaire the potential barriers had been presented as possible scenarios for obstacles to emerge during the preparation and implementation of a JRP.

In Chapter 3 these scenarios have been turned into statements. These can later serve as the basis for a checklist when HERA partners prepare structure and procedures of the joint Call.

The statements have been listed under the headings indicating the same nine subsections which respondents are familiar with from the stages in the questionnaire. Within those subsections, statements have, however, not been listed in numerical order. Rather, an attempt has been made to list issues by their importance - notably in terms of barriers obstructing the objectives in each of the nine stages and, more generally, the launch of a Call (legal barrier; strong administrative barrier; other). Most of the weak and very weak administrative barriers are expected to be overcome, if necessary, during the programme preparation and development phase.

³ Answers were fed into “Microsoft Access” tables and then exported to “Microsoft Excel”. This allowed for easier filtering of responses: i.e. separation of legal and administrative barriers; separation of strong and very strong administrative barriers etc. and provided a better overview of emphasis on various issues.

Scenarios for which the analysis of responses did not lead to the anticipation of obstacles in JRP design are rarely dealt with in this report (more specifically in the end of each table in Chapter 3). Instead, the concluding remarks refer to the raw data available on the restricted website.

Scenarios which refer to legal barriers outside the remit of the funding agencies have also only been addressed, when there is a need to achieve harmonisation in order to launch a Call.

The numerical reference in brackets after each heading guarantees easy retrieval of the raw data presented on the restricted website..

Each subsection below therefore has a concise introduction which refers to the activities likely to be considered by HERA partners at that particular stage of JRP design, development and implementation.

Issues discussed are indicated through sub-headings (“topic”, in **bold**). The numbers in brackets (e.g. 1.9) refer to the numerical order of the scenarios in the questionnaire. The “statement” describes the issue at stake. This is followed, for some topics, by specific “comments” and examples gathered from the responses or comments that point to difficulties (in *Italics*). Concluding remarks by the authors aimed at summarising the issues. Comments on possible follow-ups have been mainly relegated to the concluding section..

Example:

Topic: **Mobility of researchers under a JRP** (1.9)

Statement: Research needs rather than the administrative regulations (or policy-driven concerns) should govern the mobility of researchers.

Comments: *All activities have to be justified in terms of research needs. This is a principle common to most of the funding agencies. Consensus is expected to be reached on the matter, should the question of mobility become important in the course of negotiations*

After each of the nine subchapters, responses have been gathered in tables, which indicate the degree of the obstacle presented in the view of the respondent. Responses from funding agencies that are not members of the HERA consortium have been placed in brackets.

The tables are followed by conclusions which present commonalities and existing consensus as well as the main obstacles and issues to be discussed.

3. ADMINISTRATIVE AND LEGAL BARRIERS

3.1. Pre-funding activities (initiation)

Issues to be agreed upon under “pre-funding activities (initiation)” vary from technical matters, such as “working language” for the JRP procedures and definitions of “key terminology” to more substantial issues of governance. The latter include the establishment of effective and efficient structures for financial decision-making and scientific quality control. The establishment of such structures depends on the possibilities and requirements of HERA partners in their own organisations.

The questionnaire presents pre-funding activities (“initiation”) in 18 different scenarios. In 12 of them the respondents had indicated obstacles, some of them including legal barriers.

JRP internal governance (1.4)

The highest body of JRP internal governance and its procedures should be in place before the Call is published.

A consensus obtains between FAs that highest body for internal governance is needed for a JRP.

Its composition, structure, role and mandate needs to be established. It may be advisable to keep overall programme governance and the control of scientific quality and monitoring separate. One possibility is to form a management board composed of representatives of FAs,

who will take final funding decisions. They will have overall responsibility for the review process but will establish an independent assessment and reviewing process. A separate scientific steering committee would be in charge of the continuous monitoring of scientific progress once the projects are funded.

FAs need to know the composition, role and mandate of a JRP committees well beforehand, notably as regards the management board, in order to get the approval for the delegation of funding decisions where needed.

Applicants should be aware of the procedures concerning the processing of applications when the call is published.

Thematic JRP (1.18)

A JRP can be a thematic programme.

FAs agree that the term “thematic programme” needs to be well defined in order to distinguish it clearly from the different forms of “bottom-up programmes” and targeted programmes which they operate. Thematic programmes can present problems for smaller countries (as mentioned, for example, by ETF) as there may be a lack of relevant expertise in some narrower fields of the Humanities. However, most HERA partners would allow participation in thematic programmes.

DASTI has indicated legal obstacles for thematic programmes in a domestic context. However, DASTI’s institutional predecessors had found ways to participate in ESF-managed, thematically circumscribed EUROCORES Programmes.

Critical mass (1.5)

A potential for a critical mass of research (at national level) should be identified for the thematic area chosen for the Call prior to participation in a JRP.

There is some disparity among respondents: FWO and NWO find that a critical mass of excellent researchers should be present prior to any engagement. On the other hand ETF and MHEST mention that in smaller countries the existence of a critical mass of research may depend on the research topic, especially in some narrower fields., A JRP might in fact help to correct such an imbalance; in the same vein AKA suggests that for a well-chosen, topical research, a JRP could be entered precisely into in order to initiate new research in a hitherto neglected field.

At any rate, a JRP is designed to gather scattered research expertise and competence across Europe and to make better use of existing resources and potentials by strengthening collaboration.

JRP initiation and FA governance (1.3)

Some Humanities divisions among HERA partners need approval (and often budgetary allocations) from higher levels of governance in their organisations in order to participate in the launch of a JRP.

Only AKA and AHRC indicated that they can take decisions independently and do not need approval from higher levels of governance. A number of HERA partners (FWO, ETF, NWO, RCN) indicated that they need approval from higher levels of governance.

All HERA partners should be aware of their own and their partners’ mandates as well as of the policy of their organisations concerning HERA at the very early stage of planning of JRP design, notably in view of the delegation of funding decisions.

Timelines for approval processes as required by the statutes of the respective organisations need to be considered in the negotiations and in the timelines to be published with the Call.

Planning of activities; unified timeline (1.6/1.7)

HERA partners agree that a unified timeline and anticipation is needed for effective decision-making in a JRP, notably in the pre-funding period and for the final decision-making, if delegation can not be achieved.

Should delegation of funding decisions to the FA representatives in the JRP governance not be possible, differences between FAs in the frequency and timing of national board meetings will add an additional challenge for a unified planning of activities: at the more flexible end, AKA hold relevant meetings almost every month, and also FWF has such meetings at least 5 to 6 times a year (Austrian legislation requires the FWF Board to take funding decisions (Codes of law, § 7 Abs.3 lit.a. FTFG idgF; timelines of international programmes and those of FWF must be made to fit).

Only through careful planning and anticipation, fault lines in the decision-making mechanisms of a JRP can be avoided. Applicable national timelines for relevant board meetings should be taken into account depending on the degree of independence that FAs have in their decision-making on transnational funding mechanisms such as JRPs. It must be avoided that some partners are lagging behind in their decision schedule, thereby obstructing the launch of the programme. In case a "common pot" funding mechanism is applied, it is expected that a unified timeline will be easier to set, in so far as a decision on the amount to be set aside for a JRP needs to be taken in principle at the outset of the process (ideally together with a clear delegation of specific programme related funding decisions to the JRP management board).

On a slightly different issue, FAs refer under this heading to the length of funding periods for which funding can be set aside. For example, in Estonia it seems to be difficult to plan funding for a period longer than a fiscal year. At the same time, ETF has shown in the past that it can efficiently deal with this issue in other transnational frameworks (e.g. under the "juste retour" mechanism of the ESF-managed EUROCORES Scheme).

Residency requirement for applicants (1.13)

Residency requirements for researchers can be a major eligibility issue for applicants.

The differences in treating non-national applicants requires particular attention by HERA partners in the JRP design, given notably the different degrees of accessibility of competitions to non-nationals and non-residents.

Ideally, applicants should not be required to have worked for a certain period of time in a given country or institution to be allowed to apply to a JRP.

However, if there are no restrictions on minimum residency periods, the consequence could be that any foreign researcher could apply for funding in a country participating in a JRP, and thus obtain employment at a research institution in that country.

FAs need to agree whether nationally applicable rules are accepted as the basis for eligibility.

Mobility of funded researchers (1.10)

In some cases funded researchers may need to seek approval if they are to work abroad for more than 3 months as part of a JRP activity.

An example for existing regulations is provided by Austrian legislation, which stipulates that if project leaders spend more than 3 months away from their research institution they must make arrangements in advance with the FWF to ensure that project employees are adequately supervised during this period (Codes of law, AVB Punkt 1.1 Abs.3).

Even though this is not an important obstacle, FAs should establish and clarify responsibilities for approval, if any, e.g. rules for researchers depending on their status (co-worker, project leader, PhD student etc) and employer and related timelines. Such information, if relevant, must be made available for researchers to develop realistic work-plans, e.g. where they involve field work or mutual visits to laboratories. The legislation in the country in question will need to be followed.

FAs need to agree how such nationally applicable restrictions are allowed to impact on work plans (eligibility).

Mobility and family (1.11)

Some restrictions apply regarding the mobility of families of academics funded (notably during "mobility" leave).

Within the EU countries this is mostly a matter of financing and rules should be agreed. On the other hand, in Norway a foreign national who intends to stay longer than 3 months without intending to work is required to have a residence permit (Immigration Act). While some national regulations seem to exclude explicitly non-EU spouses and family members from undertaking gainful employment, exceptions are often made for researchers (e.g. Austria; GeO, §§ 20 ff. FrG, where such exceptions also apply specifically for Swiss citizens).

FAs need to agree whether and how such nationally or EU-wide applicable regulations impinge on eligibility.

Mobility of researchers under a JRP (1.9)

Research needs rather than administrative regulations (or policy-driven concerns) govern the mobility of researchers.

All funded activities have to be justified in terms of research needs. This is a principle common to most of the funding agencies. Consensus is expected to be reached on the matter, should the question of mobility become important in the course of negotiations.

Working Language (for administrative and evaluation purposes) (1.15)

The main JRP working language for administrative and evaluation purposes is English.

In general respondents have understood correctly that “working language” refers to application, peer review procedures and to other programme management activities, and not to the research output itself. Besides the Call text, “working language” covers all procedures and activities on the levels of programme management and project assessment.

Different perceptions of language issues obtain. ETF suggests practical translation and language support for applicants who are not near-native English speakers as well as a possibility to resubmit if the English language proficiency of the application is deemed not sufficient by the evaluators.

In Finland, for example, applicants have a right to apply in their native language (Law on Languages). However, according to observed practice, most Finnish applicants accept English as language of application in international programmes.

Applications should be submitted in English. Simultaneous applications in other national languages could be sent to respective FAs, where necessary. The assessment and ranking, however, will need to be based on the English version alone.

Definition of key terminology (1.1)

The key terminology for the JRP needs to be defined and published.

In some countries, certain key terms are legally defined. AKA, for example, has indicated some inflexibility, in so far as some terms such as “doctoral degree” are defined in legal texts (Act regarding higher education).

The matter of “key terminology” does not constitute a legal obstacle in the narrow sense. However, due to the different meaning certain terms may have in different national contexts, and notably due to the required use of English as a working language, it is in the interest of applicants to create a mutual understanding of nationally applicable terms, where no common definition can be reached.

In particular, FAs should define common terminologies for ambiguous terms such as “young researcher” before the Call is published. Partners who already have defined terms could contribute to a list of FAQs and a glossary that could be published along with the Call.

Type of research to be funded (1.16)

A JRP may deal exclusively with basic research.

Since all HERA partners are research councils (or similar organisations) this issue does not seem to raise any major problem. Quality control in the assessment process needs to be guaranteed. Some HERA partners, such as AKA, even have statutes that refer to its role as a funding agency for basic research (Act regarding the AKA, # 2).

Other issues raised at this stage (see Table 4 and questionnaire in Annex II) did not result in comments that indicate the likelihood of major obstacles arising. Some of the issues raised were not, strictly speaking, in the operational domain of the funding agencies. They have therefore not been discussed in this report. The raw data can be consulted on the restricted website (www.esf.org/heraquestionnaire).

Some of the issues revealed themselves as not constituting legal and administrative *barriers*, but being merely issues to be resolved through negotiations and harmonisations of current practice (which may, of course, be enshrined in administrative regulations).

Table 4. Pre-funding activities

	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	1.10	1.11	1.12	1.13	1.14	1.15	1.16	1.17	1.18
HERA partner																		
AHRC	1			4					4		4							1
AKA	LR 3	3	2	2	2	3	3	1	2		1	2		2	LR 1	LR 2	2	1
ASCR	1	1	2	2	1	2			2	1	2				1			1
DASTI	1	1	2	LR 4	1	3	2	3	2			1	1	1				LR 2
ETF	1	1	4	3	3	4	2	1	3	2	4	1		2				1
FWF	1		4	LR 4	3	LR 4	LR 4		4	LR 2	LR 4		3	1				
FWO	1	2	2	1	3	2	2	1	3		1	1		2				
IRCHSS	1	1	4	4		2	2	1	2	2	2	2	2	2				
MHEST			1	1	2	3	3	1	2			1		1				
NWO		4	1	3	3	3	2	2									3	
RANNIS		1		3		1	1		2					1				2
RCN	1		4	3	3	4	4	2	2		1	1	2					
VR	3	2	4	3	3	3	3		2		1	1		3	1		2	2
Sponsoring Partner																		
SNSF			1	1	3	1				2			3	2	2			
Other FAs																		
CNRS																		
CSIS	1	4	2	1			2											
OTKA			2		2		2											
PAS			2	2	2	3	3	1	3	2	3	2	1	1	1	3	1	1
RPF			1	3	2	1	1	2	3									
SAS			1		2	1	2	2	3	2	2	2	1	2	2	2	2	2
									3							2		
									2		1				2			

Explanatory notes:

LR= Legal regulation

Administrative regulations:

1=very weak

2=weak

3=strong

4=very strong

- 1.1. Definition of key terminology
- 1.2. Consultation of scientific community
- 1.3. JRP initiation and hierarchy
- 1.4. Appointment of Steering Committee
- 1.5. Critical mass
- 1.6. Planning of activities
- 1.7. Unified timeline
- 1.8. Barrier to interdisciplinarity
- 1.9. Mobility of researchers under a JRP⁴
- 1.10. Mobility of researchers⁵
- 1.11. Mobility and family
- 1.12. Attractiveness of mobility periods for researchers
- 1.13. Residency requirements for applicants⁶
- 1.14. Duration of JRP
- 1.15. Working Language (for administrative and evaluation purposes)
- 1.16. Type of research to be funded
- 1.17. Non-thematic JRP
- 1.18. Thematic JRP

⁴ Initially in the questionnaire: Criteria for mobility

⁵ Initially in the questionnaire: Mobility of scientists

⁶ Initially in the questionnaire: Period of residence

Conclusions:

The different activities in the pre-funding “initiation” phase clearly require careful planning and agreements.

HERA partners have chosen a top-down approach to the selection of thematic programmes and a bottom-up approach for the call definition with a complex consultation phase, involving surveys, workshops and scoping reports.

This leaves, however, the necessity to coordinate decision-making processes, as well as to harmonise certain procedural matters. For this, notably the respective mandates of HERA partners within their own organisations need to be clarified.

A very important issue to be discussed at the early stage are the role, mandate and structure of the internal governance structure (e.g.: management board and academic steering committee). Initially, the HERA Network Board can fulfil the function of the management board, as the most important decisions (financial model; timeline) need to be taken early on. Later, representatives of other funding agencies need to be integrated into the decision-making structure, so that this board would be composed of representatives of all FAs participating in the JRP.

In such a decision-making structure a management board would decide on the final selection of funded proposals and take other major decisions regarding programme operations. It would be informed by an independent peer review process and would commission evaluations. An academic steering committee would oversee daily operations, once the programme is running.

Agreement needs to be sought on the applicability of legal requirements that transcend the remit of research funding agencies (residency requirements etc.), and on issues related to the enhancement of researcher mobility.

For the launch of the programmes, FAs need to agree on a unified timeline, taking into account national regulations and decision-making processes (where necessary). Eligibility rules, insofar as they relate to the residency of researchers, need to be agreed upon, as do principles of mobility.

3.2. Call procedures

A common transnational call is the basis for a JRP. Most funding agencies have some experience with such a mechanism in bilateral and multilateral arrangements (such as EUROCORES; EURYI etc.).

In the JRP design it is necessary to build an explicit set of call procedures since obstacles can arise from a lack of harmonisation. Work carried out for HERA WP3 provides useful information on call procedures at national level, thereby pointing out differences and existing parallelisms. Nine scenarios in the questionnaire examined items that need to be addressed when defining common guidelines for calls.

Eligibility Criteria (2.1)

Eligible proposals for a JRP should be selected by using sets of criteria similar to those used at the national level.

Eligibility criteria differ across countries, and may refer to institutional as well as to intellectual factors. NWO, for example, requires research quality and innovative potential, in Austria only natural persons can apply for funding (§ (Codes of law, 4 Abs.1 lit.a. FTFG) and according to Slovenian law the criteria has to include also social, cultural and economical value, quality of research qualification as well as management capacities. In Denmark, the Board of DASTI is responsible for judging whether the proposal meets the standards required. Even though current practises among the HERA partners vary, they all converge in the quest for excellence.

For a JRP, funding agencies should agree on common criteria. A proposal will be included in WP9.2.

Scientific quality (2.2)

Scientific quality is the main criterion when selecting applications for a JRP.

There is a clear consensus among respondents that scientific quality should be the main criterion during the selection process. Additional criteria can be composed of appropriate combinations of nationally applying criteria and best practice in other existing transnational programmes.

Online / paper applications (2.8/2.9)

Applicants should submit both printed and online application to a JRP.

Most FAs prefer online applications and do not require paper-based applications. In the absence of established and recognised electronic signature systems, some duplication may be necessary. For example, FWF reports that besides online applications also original signatures are required from applicants and from the heads of their research institutions (Forms for projects p.7, 5.1. Abs.2).

Other issues raised at this stage (see Table 4 and questionnaire in Annex II) did not result in comments that indicate major obstacles. The raw data can be consulted on the restricted website.

Some of the issues revealed themselves as not constituting legal and administrative *barriers*, but being issues to be resolved through negotiations and harmonisations of current practice (which may, of course, be enshrined in administrative regulations).

Table 5. Call procedures

	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	<i>Explanatory notes:</i>
<u>HERA partner</u>										
AHRC		4								LR= Legal regulation
AKA	3	4	3	2	2	2			1	Administrative regulations:
ASCR		1	1			2			1	1=very weak
DASTI	LR 3	LR 4	1		1	1				2=weak
ETF	2	4	3	2	3	2	3		3	3=strong
FWF	LR 4	LR 4		1		1	3	LR 4	3	4=very strong
FWO	1	LR 4	1	1	1		1		2	
IRCHSS	2	3	2	2	2	2	1	4		2.1. Eligibility criteria ¹
MHEST	LR 3	LR 3	2	2		4				2.2. Scientific quality
NWO		4	3	1	3	2				2.3. Education and training
RANNIS	2	4	1	2	1					2.4. Support to young researchers
RCN	1	LR 4	2	1		1			4	2.5. Expectations from JRPs
VR	4	4	1	3	4	3	2		1	2.6. Contribution to society
										2.7. Open calls
										2.8. Online applications
										2.9. Paper applications
<u>Sponsoring Partner</u>										
SNSF	2	4		1						
<u>Other FA</u>										
CNRS	1	3	1	2		1				
CSIS	2	3	3	3	3	3		1	1	
OTKA		3		2	2				2	
PAS	2	2	1	3	2	2	1			
RPF		4	1	2		2		4		
SAS		3	3	2		1				

Conclusions:

Issues raised for this stage do not present major obstacles. Much will depend on the choice of the funding mechanism. Funding agencies organisation participating in the Call will agree, in the negotiation process on eligibility criteria. Guidelines should be provided early on by the HERA NB.

3.3. Project selection process

This section concerns the assessment and ranking of proposals. 23 scenarios were offered for consideration in the questionnaire. It emerged that there is need for negotiation on many issues, such as the timeline for the process, the format for the use of expertise in the project selection (choice of evaluators: internal⁷, external⁸, mixed⁹; mail and/or panel review), and the decision-making structure (scientifically; financially).

Other questions concern specificities of international collaborations, such as possible conflicts between national and supra-national levels (e.g.: compatibility of project duration with national timelines; difficulties in accepting the decisions of international experts). Also the desirability of appeal procedures needs to be agreed.

Ex ante consensus (3.1)

There should be consensus on project selection procedures before the launch of the JRP.

It is a fundamental requirement that project selection guidelines are defined before the launch of the Call. Applicants must be aware of the selection criteria before they submit their applications.

DASTI, for example, needs to know how the selection process is tied to the remaining decision making procedures before it can delegate funding decisions.

Peer review (3.8)

JRP proposals should be selected in an independent peer review process.

Some respondents (from Austria, Finland, Slovenia) report on legislation that requires an independent peer review.

In fact, FAs agree that the ranking of projects recommended for funding should be the responsibility of those who have the required scientific expertise. A combination of independent external referee assessment and discussions in a selection panel (whose members meet in person) can be envisaged and would reflect current practice in most FAs and in transnational programmes they participate in.

Selection of reviewers (3.11/3.12)

FAs can partly delegate the selection of reviewers to the body managing the JRP review process.

Some agencies (RCN) seem to reject the idea that the selection of reviewers itself should be made by the decision-making body. AHRC also wonders, in this context, about the need to involve the higher-level governance.

AKA, for example, normally has to approve the reviewers of the projects that it funds, but it can delegate the assessment process including the selection of reviewers to the administrating body (as is current practice under the ESF-managed EUROCORES Programmes).

Once the procedure to select reviewers is agreed upon – especially under a "common-pot" financing system – the approval of the reviewer selection process to be carried out by a management agent will need to be approved by the management board.

Conflict of interest (code of conduct for assessors) (3.7/3.15)

JRP guidelines should comprise regulations for the identification of conflicts of interest to be applied when selecting referees to assess JRP proposals.

In most of the countries legislation requires appropriate measures to ensure that referees do not have potential "conflicts of interest" (e.g. for FWF: Codes of law, § 22 Abs.2 FTFG in Verbindung mit § 7 Abs.1 Z.4 AVG).

Clear statements about "conflict of interest" regulations have to be prepared and published prior to the Call.

⁷ I.e. people formally connected to the organisation's decision-making body such as MOs, committees, steering groups.

⁸ I.e. persons recruited from the scientific community, private organisations. They should not decide on funding.

⁹ Some partners can require a national evaluation prior to the international one. If this is to be done it is important that national evaluation criteria do not conflict with the joint agreed criteria for the international evaluation panel.

Funding agencies such as FWO and also the WP3 report are satisfied with the "Declaration of Interest" statements used in the EUROCORES Scheme and recommend it for the JRP selection process.

JRP guidelines should include regulations on how reviewers are to conduct their work (code of conduct for assessors)..

Respondents agree that there should be such guidelines for reviewers, incl. a statement on ethical standards to be upheld, on "conflict of interest" regulations to be applied, as well as a confidentiality agreement. Existing guidelines of HERA partners and successfully used agreements under other transnational programmes (EUROCORES) could serve as a basis for the elaboration of such guidelines.

Anonymity of reviewers (3.20/3.21)

JRP regulations might guarantee total anonymity of reviewers.

While for most of the FAs the anonymity of reviewers is an important principle, this issue divides the respondents.

For FWF (Funding Guidelines), ASCR (Principal legal rules and regulations, ACT No. 130/2002 Coll. § 21 -7) and MHEST (Rules on code of action), legally binding texts require the anonymity of reviewers. At the same time DASTI (Public Records Act), AKA (Act regarding publicity) and VR (Decree on Freedom of the press, 1949:105, Ch.2) do not guarantee total anonymity. FWO proposes as one possible solution that applicants see the report and that referee identities are kept anonymous. Existing transnational programmes have adopted such a procedure to overcome the problem highlighted.

The question of anonymity of referees could be overcome by adopting the procedure applied in EUROCORES Programmes could be useful where applicants have a right to know the names of the referees which are represented only as a list without any direct reference to the assessments.

Freedom of information (3.6)

Applicants should be able to access the content of the review of their application.

In several countries (Czech Republic, Denmark, Finland, Ireland (Fol), Sweden, UK) this is part of standard procedure or even regulated by the law.

There also seems to be agreement that by exercising their "right to reply", applicants are given a formalised feedback procedure to access referee assessments for comments. Equally, applicants are to be provided with reports from the assessment panels.

It is recommended that the names of members of the assessment panel and of the body of external referees be made public in published lists, without, however, linking names to individual proposals assessed.

Appeal procedure (3.5)

Certain countries require the possibility for failed applicants to appeal.

There are some disparities regarding the right to appeal. Some respondents find that this should depend on the legislation of the country that administers the Call. This would be the solution if "common pot" is applied. Under "a la carte" funding the right to appeal would only be available for applicants from those countries which allow it (e.g.: NWO).

In Slovenia (Rules on Financing, II, Art.9) applicants have a legal right to appeal. In Sweden this is possible only when it concerns employment, not a grant unless there has been an administrative error in the procedure (Decree, 2000:1199, §25). Finnish legislation denies the right to appeal (Act regarding the AKA).

Nationality and place of residence of JRP leaders (3.2/3.3)

JRP leaders are supposed to reside in the country of one of the funding JRP partners.

This is mainly an administrative issue to be specified in the Call text (eligibility), and therefore of pertinence also to stages 1 and 2. Nationality per se should not be a problem as long as JRP leaders conduct research in one of the participating countries, if formal applicants are research

institutions in one of the countries financing the Call, and, more generally speaking, if nationally applying residency requirements are fulfilled.

Some countries refer in their legally binding rules and regulations to nationality or residence: according to Austrian legislation (Funding guidelines) nationality is indifferent as long as the JRP management has accepted qualifications to perform the required research. Similarly, NWO states that researchers of any nationality can apply as long as they are affiliated to Dutch universities or institutions.

FWF also indicates that Project Leaders must work in or for an Austrian research organisation (Funding guidelines, p 1; § 2 in Verbindung). FWO suggests that the person who is leading an individual project should have the nationality of the given country.

There is an urgent need to address this as an eligibility issue (not at the level of project selection).

Nationality of reviewers (3.13)

Reviewers may work in the same country as applicants.

The nationality of reviewers (or their current institutional affiliation) is not a major concern for most respondents. Some of the respondents from smaller countries hold as a principle to avoid choosing reviewers which work in the same country as applicants. However, this does not concern nationality.

FWF has a legal requirement for referees of Austrian projects to work outside Austria in order to avoid potential conflict of interest (Funding Guidelines)

Financial recompensation for referees / reviewers (3.17/3.18)

Some FAs may wish to determine the rate of the fee to be paid to reviewers

There are considerable disparities between current practices applicable in FAs at the national level. Some FAs (AKA, IRCHSS, MHEST) reward reviewers financially, while NWO and FWO do not pay any fees at all.

AKA suggests that the fee should be in accordance with national fees, precisely because there are considerable differences across countries. This, however, would create a two-tier system, difficult to manage and to justify, and is practically impossible under a common-pot funding system.

It is therefore necessary that an ex-ante agreement is reached in principle between the funding agencies participating in the Call.

Gender equality (3.23)

Gender equality cannot be strictly applied in the nomination of reviewers.

Striving for gender equality is seen as an essential and good principle by all funding agencies. However, reviewers for research projects should be selected based primarily on scientific expertise, not for their gender.

This is regulated on national level for FWF in Austria. In Sweden the legislation requires VR, in general terms, to work towards gender equality (Regulation letter, Mål 4: 1.1.1.1.; Decree § 2). Elsewhere, AKA reports that in Finland a minimum of 40/60 gender balance should be applied in national funding schemes concerning selection of reviewers (Plan of Equality). Respondents acknowledge, however, that such targets are rather difficult to be met in some fields of study.

Written assessments (3.16)

Written assessments are considered important for the transparency of decision making processes.

In general, respondents don't describe giving comments as compulsory or legally required. Some specific comments refer to current practices: FWO, for example, suggests that grades should be explained when the grade is excellent or bad, but not the grades in between. There are strong indications that as good administrative practice such comments are useful for transparency purposes (but also as concise information) for the final funding decision making.

There is some need to agree that for written assessments to be considered important for the transparency of decision making processes they need to be more than a marking exercise, and contain elements that argue for a certain level of assessment.

Duration of the project selection process (3.19)

The selection of JRP applications should preferably not take longer than six months.

FA feedback concurs that there should be a proper balance between the length and the quality of the process, even though there seem to be no legal obligations in this field.

The structure of the project selection process with clearly defined roles for the operations of the various levels (e.g. external peer review, panel, final financial decision making), and, most crucially, the establishment of a unified timeline for the decision-making process (especially in cases in which “common-pot” funding is not adopted) are factors likely to have an impact on the streamlining and speed of the selection procedures.

There is a fear that selection processes in an international competition may take longer than in national programmes. On the other hand, the centralised, delegated decision-making structure for a “common-pot” funding mechanism is expected to dramatically reduce the time needed between the ranking of projects proposed by the assessment panel and the final decision by multiple funding bodies: for unlike under “juste retour” funding mechanism, here one can establish a decision-making process uncoupled from national decision-making timelines.

Table 6. Selection process

	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	3.10	3.11	3.12	
HERA Partner													<i>Explanatory notes:</i>
AHRC	4		4				4	3	3				LR= Legal regulation
AKA	LR 4	2	1	2	LR	LR 4	LR 3	LR 4	2		LR 4	3	
ASCR	2					LR 3	LR 2	3					Administrative regulations:
DASTI	LR 4	LR 1	1		LR 3	LR 3	LR 4	1	2		1	2	1=very weak
ETF	4		4	1		3	4	3				1	2=weak
FWF	LR 4	LR 3	LR 4			4	LR 4	LR 4				4	3=strong4=very strong
FWO	4	1	4	4			3	4	1			1	
IRCHSS	4	3	3	2	1	LR 4	4	4	1			3	3.1. Ex ante consensus
MHEST	2				LR 3	1	LR 3	LR 4	1			3	3.2. Nationality of JRP leaders
NWO	4	3	3		LR	2	4	3					3.3. Place of residence of JRP leaders
RANNIS	2	1	4		1	3	4	3			2	2	3.4. Feedback from applicants
RCN	4	3	3		2	2	LR 4	3	1		1	3	3.5. Appeal procedure
VR	3	1	4	1	1	LR 4	4	3	2	1	1	3	3.6. Freedom of information
													3.7. Conflict of interest when selecting referees
													3.8. Peer review
													3.9. Joint peer review
Associated Partner													3.10. Two stages selection process
SNSF	3		3	2			2	3	2			3	3.11./ 3.12. Selection of reviewers ¹
Other FA													
CNRS	2		2	2			1	2	1		2	2	
CSIS	2			2	3	3	3	4	1	1	1	1	
OTKA	4				2	2	2	2		2	2		
PAS	3			2	3	3	3	1	1	1	2	3	
RPF	4	3	3			3	4	4				3	
SAS	3				1	3	2	2				2	

	3.13	3.14	3.15	3.16	3.17	3.18	3.19	3.20	3.21	3.22	3.23		
HERA Partner													
AHRC			4	3		4	3	4				2	3.13. Nationality of reviewers
AKA		1	3	2	2	3	2		LR 4	1	LR 3		3.14. Institution of reviewers
ASCR			2	1			1	LR 3					3.15. Code of conduct for assessors
DASTI	1	2	3	1	1	1	1		LR 4				3.16. Written assessment ¹
ETF			4	3		3	2	2				2	3.17./ 3.18 Financial compensation for reviewers ¹
FWF	LR 4		3	4		4	3	LR 4				LR 3	3.19. Duration of the selection process
FWO			2	4		3	2					2	3.20./ 3.21 Anonymity of reviewers ¹
IRCHSS		2	4	4	1	4	1	3	1				3.22. Evaluation and ranking
MHEST			LR 4		2	2	LR 3	LR 4				1	3.23. Gender equality
NWO			4	3		2	2	3				1	
RANNIS	1		2	4			2		2	1			
RCN	2		4	4	2		2	1	1				
VR	1	3	3	3	1	2	1	1	LR 4	1	LR 4		
Associated Partner													
SNSF			3	4		3	2	4					
Other FA													
CNRS		3	3	3	1	1	1	4				3	
CSIS	1	1	3	3	3	1	3			1			
OTKA			2	3			2	3				3	
PAS	1	1	2	1	3	1	2	2		2		2	
RPF			4	4	3	4	3	4					
SAS		2	2	2									

Conclusions:

Funding agencies rightly hold issues concerning reviewer selection and “conflict of interest” (incl. confidentiality) for crucially important. After all – they form the basis for their funding decisions. Clear guidelines and rules for the whole selection procedure have to be agreed before the calls are published for the use of both FAs participating in the JRP and for reviewers (statements concerning “conflict of interest” and data protection etc.).

One possibility in the selection of reviewers could be that the peer review is organised as a two-stage process on the EUROCORES model. In this case JRP participants would suggest names of appropriate referees; in addition, ESF could make use of its wider pool of reviewers in order to complete the lists with supplementary expertise when needed. Under this model of peer review, reviewers are not reimbursed. ESF’s experience in organising international peer reviews for Pan-European schemes could also be useful when the selection criteria of funded projects are defined.

While clear codes of conduct, ample feedback, and the “right to reply” will strengthen the transparency and acceptance of the JRP in the scientific community, funding agencies seem to agree that the usefulness of the “right to appeal” still needs to be decided upon. Clearly, in case a “common pot” funding mechanism is applied to a transnational programme, this measure needs to be harmonised whatever the current rules of participating funding agencies.

The diverging approaches to the question of anonymity of reviewers can be overcome by procedural design. The procedure used in the EUROCORES Programmes could be useful, i.e. applicants have a right to know the names of the referees which are represented only as a list without any direct reference to the assessments.

3.4. Funding of the JRP

Establishing the basis for funding itself is the most difficult challenge for the JRP design. If the JRPs to be funded and developed as an outcome of the ERA-Net project HERA wish to register a significant progress beyond the existing transnational funding schemes (such as the EUROCORES Scheme) based on the principle of “juste retour”.

A model to be adopted could be the ESF-managed and EUROHORCS-supported EURYI Scheme, which has created a simple mechanism for the cross-border financing of research projects under a “common-pot” approach.

A “common-pot” financial model does, however, raise new challenges for national funding agencies: A decision-making structure needs to be devised that allows for the delegation of financial decision-making in order for national priorities not to interfere with the selection process. Researchers in some partner countries may not achieve the level of excellence required to access those funds. One may consider building a degree of flexibility into harmonised funding procedures which may allow for some redistribution and capacity building in the course of the project.

Activities for formulating a funding design were presented in 26 scenarios in order to explore obstacles to a flexible common pot mechanism among funding agencies.

The issue of degrees of budgetary autonomy (already raised at stage 1) is addressed again and is not to be underestimated. Similarly, there are discrepancies as regards the budgetary forward planning: some partners can decide on funding to be set aside for several years ahead, while others can only make funding decisions on an annual basis (due to annual grants provided by their respective governments). The use of a common pot might require national decision-makers to give up control over resources.

On the other hand, a significant contribution by the EC to a JRP managed under a “common-pot” funding mechanism as envisaged under the ERA-Net-Plus Scheme might be a strong incentive to establish such a mechanism and might attract the attention of national decision-makers.

“Common-pot” and decision-making (4.1/4.4/4.5)

A common-pot funding mechanism implies that only the merit and not the origin of an application determines the final decision for the allocation of funding.

Most HERA partners have endorsed “common-pot” as a possible funding mechanism for a transnational JRP. They would also allow for a management board to take final funding decisions, provided that all participating FAs are represented in this board.

Careful planning, clear definitions on decision-making on processes and mandates are required.

Some FAs have restrictions regarding common pot:

FWO indicated a legal barrier, since it can only invest in universities of the Flemish community (Management agreement). Yet, a “common-pot” might be considered as possible if the risk is small or new money is involved.

DASTI indicated that if approved by the Research Council, the Board of the Danish Councils for Independent Research as well as the Minister for Science, Technology and Innovation, Danish legislation will allow entering into a “common-pot” funding mechanism and can accept the delegation of some decision-making to a management board. The exact extent of this need (and possibility) for delegation needs to be defined.

In Austria, current practice foresees that final decisions must be made by the Board of FWF (Codes of law, § 7 Abs.3 lit.a FTFG).

Juste retour (4.3)

Funding allocated by a country to a JRP should benefit only its own researchers.

For obvious reasons of budgetary control most respondents are still more comfortable with this option, even though the merits of the “common-pot” funding mechanism may be acknowledged (see 4.1, 4.4, 4.5). “Juste retour” and “common pot” are practically incompatible. Therefore

some finely crafted adjustments are needed in order to satisfy those funding agencies that for evident capacity building purposes may need to insist on elements otherwise associated with the “juste retour” funding mechanism.

JRP design resting on “juste retour” mechanism would require significant administrative fine-tuning, is likely to involve longer timelines for decision-making (unless clearly determined budget-lines are set aside ex ante). Such an approach would represent little or no progress over existing transnational funding schemes, such as the EUROCORES.

DASTI refers in this context to legal obstacles that make it difficult for the Danish agency to participate “common-pot” funding (see 4.1/4.4).

AHRC, on the other hand, alerts to the possibility that under the currently envisaged ERA-Net Plus Scheme “juste retour” will not be a favoured funding mechanism and might lead to reduced EC contributions.

Cross-border funding (4.2)

There are limitations for FAs to pay directly to foreign institutions participating in the JRP.

Several FAs (FWF, FWO, RCN, MHEST, VR) report legal restrictions to their ability to make payments across borders to foreign institutions. On the other hand, those FAs, which have signed up to the EUROHORCS’ “Money follows Researcher” scheme have gained considerable experience in funding researchers that move to another country¹⁰.

Still, restrictions may apply, as in the case of Austria where reported legislation currently seems to restrict transfer of funds for a limited period to institutions in Switzerland, Germany and the Netherlands (Codes of law, § 2 FTFG).

The significance of this issue for the JRP design will entirely depend on the funding mechanism chosen and the protocols and procedures adopted. A “common-pot” would initially involve the most comprehensive negotiations, but would eventually abolish this obstacle (the “common-pot” solution does not, however, settle per se the eligibility issue – individual or institution – mentioned earlier on and below)

Mobility of funds outside the JRP network (4.17/4.18)

Money should not follow researchers if they move to an organisation outside the JRP network.

Most FAs disapprove of the allocation of funds to a researcher that moves to an organisation which is located outside the jurisdiction of the JRP participants. In fact, for some respondents (e.g. RCN) allocation of funds should be designated to institutions and not to individual researchers.

FWF (but also PAS) do not allow national funding to follow researcher even within the JRP on legal basis. According to Austrian bilateral agreements money could follow researcher to Switzerland, Germany and the Netherlands for a limited period (Codes of law, § 2 FTFG).

Budgets (4.8)

Funds should be granted on the basis of a detailed budget plan.

Most FAs (e.g. FWF, ASCR, AKA, RCN, MHEST) require detailed budgets from applicants. NWO suggests that in practise the administrator of the Call could check either whether declared costs are reasonable or at least that promised results are likely to be delivered. However, in a transnational programme such an approach can work only, if clear guidelines have been drawn up to indicate budget items.

Funding agencies must agree on unified terminology as regards budget items – otherwise assessments of “value for money” will become unmanageable.

Allocation of funds to institutions (4.19)

The organisation in which the researcher works should be recipients of the allocated JRP funds (rather than the researchers themselves).

¹⁰ All the HERA partners except for ASCR, IRCHSS and AHRC have signed the treaty. See <http://www.eurohorcs.org/ifr-downloads.aspx?mid=1>

This issue divides FAs and needs to be clarified. For example at FWF, ETF and NWO researchers are recipients of funds, not their institutions. On the other hand, AKA grants funding to the institutions, not to the Project Leaders. Since this is a legally defined principle for both FWF (Codes of law, § 4 Abs.1 lit.a FTFG in Verbindung mit Punkt 1.2 Abs.2 AVB) and AKA (Formal requirements for funding). FAs will enter detailed negotiations on this point before a Call is launched.

Legal status of applicant (4.20)

Private organisations, such as firms or NGOs, can apply for JRP funding only within very strict limitations.

This question divides respondents: some FAs (FWO, IRCHSS, RCN) do not allow collaboration with private firms while others do (AKA, NWO) within certain limits. One might consider allowing such institutions to join applications as associated partners without the right to apply for funds. The diversity of these approaches is compounded by the more general disparities in the definition of “eligible applicant (see above: e.g. in Austria and in Finland the applicant must be ‘natural person’, while in Norway it would have to be an institution). AHRC gives special status (“academic analogues”) to some cultural heritage institutions that perform research which entitles them to eligibility status.

Depending on the themes for JRPs – as yet to be decided upon - some ICT businesses or heritage industry firms may be interested in applying which would make this a very urgent matter to address.

Reallocation of funds (4.13/4.14)

If a funded JRP cannot fulfil its contract (or if a project team pulls out or does not fulfil its obligations) funds could be withdrawn and reallocated to the next JRP proposal in the ranking.

This issue divides respondents and needs to be agreed upon. Retroactivity and reallocation of funds would presuppose a reserve list of eligible proposals, with a decision necessary at the highest level of programme governance. Reallocation also depends on the moment at which such decisions are to be taken, and whether enough funding is left to successfully carry out another proposal.

In some countries funding would need to be returned to respective FA: in Belgium, Sweden and Austria (Codes of law, AVB Punkt 8.2. Abs. 6.) it is stipulated that unspent funds will be returned to the research councils. In Finland reallocations are allowed only during the year of the original funding decision.

Eligible expenses, incl. overheads and infrastructure (4.15/4.16)

JRP funding can cover expenses for basic equipment.

Widely different rules apply in different countries.

For many, basic infrastructures should be provided by the research institute, and maximum amounts (percentages of total cost) are set for specific equipment.

In the UK, the Full Economic Costs (FEC) principle applies. In Finland, all AKA funding (except personal grants) includes 12.5% overhead for basic equipment and research infrastructure (Formal requirements for funding).

FWF, on the other hand, is not allowed to finance overheads, infrastructure or basic equipment in their national funding schemes; this would amount to financing institutions – which FWFD is not allowed to do – as such payments fall in the remit of their basic budgets (Codes of law, § 4 Abs. 1 lit.a FTFG).

JRP funding could cover overheads, i.e. the use of the infrastructure and support staff of the organisation in which JRP research is carried out.

As a rule FWO does not allow overheads. Only after a decision of the Board of Trustees a percentage up to 10% is given directly by FWO to the concerned university. NWO does not fund overhead. Instead a maximum percentage of total cost is set for specific equipment.

Under a “common-pot” regime funding agencies must decide on how to deal with overheads (notably: whether they are covered from the “common-pot”, or whether national top-ups make up for the differences).

JRP funding and salaries (4.23)

JRP funding can cover salaries of JRP Project Leaders, and/or of junior researchers.

Most respondents do not object if the JRP funding covers the salaries of Project Leaders and junior researchers.

In Finland project funding does not usually cover salaries of project leaders. In Norway funding can cover salaries of project leaders, but does not usually cover full salaries of researchers who hold a position at one of Norway’s universities. Applicants to FWO can apply for personnel but not for their own wages.

In the Austrian context, FWF’s salary scheme is valid until a ‘collective agreement’ (Kollektivvertrag) is agreed upon (Codes of law, Punkt 2.1.1.1 Abs. 3 in Verbindung mit Punkt 15 AVB). Within the budget the project leader is free to pay higher salaries.

Decision on the amount of salaries (4.24)

National practice or FA rules determine the level of the salaries paid to JRP researchers.

The respondents agree that the salaries must be settled within the current, national salary agreements.

This is also legally required by the legislations in Austria (Codes of law, Punkt 2.1.1.1 Abs. 3 in Verbindung mit Punkt 15 AVB), Denmark, Finland and Slovenia.

Salaries of technical staff (4.25)

JRP funding can in some cases cover the salaries of technical staff, such as IT technicians.

No strong objections are expressed by respondents concerning the salaries of technical staff. Slovenia remarks that normative acts of research institutions determine the amount of salaries of technical staff in the domestic context.

AKA and RCN emphasise that salaries for technical staff should be covered only if their input is indispensable.

Generally, the eligibility of such salaries ought to be stated in the JRP guidelines.

Educational level of main applicant (4.21)

The main applicant should have a doctoral degree.

In general FAs require a doctoral degree from the main applicant.

This is legally regulated in Finland (Formal requirements for funding, 1.4). In Denmark the applicant must prove scientific qualifications equivalent to a doctoral degree (Act on the Research Advisory Systems). FWO demands that Project Leaders should be university professors.

In Slovenia also individuals from the private sector with a Master’s degree are eligible to apply.

Types of projects (4.7)

If eligible, the number of participants or the size of projects should not be a determining element in the project selection process.

The respondents agree that the scientific quality is important and not the number of participants or the size of the project.

However, there may be reasons for inviting large research projects with many participants of different countries, rather than fund a higher number of small-scale projects. The rationale for this decision must be clearly stated when the call is published.

Table 7. Funding of the JRP

	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	4.10	4.11	4.12	4.13	Explanatory notes:
HERA Partner														
AHRC		1				<u>3</u>								LR= Legal regulation
AKA	1	2	2	1	<u>3</u>	1	2	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	2	2	Administrative regulations:
ASCR		2	1		2		<u>3</u>	LR 2			2		1	1=very weak
DASTI	LR 2	LR 2	LR 4	LR 4	LR 4	1	1							2=weak
ETF	<u>3</u>	4		<u>3</u>	4	1	2	4	2	2	2	1	1	3=strong
FWF	LR <u>3</u>	LR <u>3</u>		LR 2	LR 4		2	<u>3</u>					LR 4	4=very strong
FWO	LR <u>3</u>	LR 4		LR 4	4	1	2	LR <u>3</u>			1	2	4	
IRCHSS		<u>3</u>		2	<u>3</u>	1	1	<u>3</u>	1	1	1	2	2	4.1./ 4.4./ 4.5. Common pot and decision-making ¹
MHEST	1	LR <u>3</u>		4	<u>3</u>	1	1	LR 4		1	2		1	4.2. Cross-border funding ¹
NWO				<u>3</u>	<u>3</u>								2	4.3. Juste retour
RANNIS		1	4	1	1			1						4.6. Co-funding
RCN	4	LR 4	2	2	2			1					<u>3</u>	4.7. Types of projects
VR	<u>3</u>	LR 4	1	<u>3</u>	<u>3</u>	1	1	<u>3</u>			1	<u>3</u>	<u>3</u>	4.8. Budgets ¹
														4.9. Several points of payment per year
														4.10. Points of payment uneven
Sponsoring Partner														4.11. Multiple points of payment
SNSF	<u>3</u>	<u>3</u>	2	<u>3</u>	<u>3</u>			<u>3</u>	<u>3</u>		<u>3</u>		1	4.12. Transfer of unspent funds
														4.13./ 4.14 Reallocation of funds ¹
Other FA														
CNRS		1		1	1			1		1	2		1	
CSIS	1	1	<u>3</u>	1	2	1	1	1	<u>3</u>	1	<u>3</u>	1	1	
OTKA			2		2		2	<u>3</u>						
PAS	<u>3</u>	<u>3</u>	<u>3</u>	2	<u>3</u>	2	2	2	2	2	2	2	<u>3</u>	
RPF	4	1			4		2				1		1	
SAS		2	1	1	1	2	2				<u>3</u>	4		

	4.14	4.15	4.16	4.17	4.18	4.19	4.20	4.21	4.22	4.23	4.24	4.25	4.26	
HERA Partner														
AHRC					<u>3</u>	4		<u>3</u>			4		<u>3</u>	4.15./4.16 Eligible expenses, incl. overheads and infrastructure ¹
AKA	2	LR <u>3</u>	LR 1		2	<u>3</u>	LR 1	LR 1	LR 4	1	<u>3</u>	LR <u>3</u>	<u>3</u>	4.17./4.18 Mobility of funds outside the JRP network ¹
ASCR					<u>3</u>	<u>3</u>								network
DASTI	1	1			2	<u>3</u>	1	LR <u>3</u>			LR 4			4.19. Allocation of funds to institutions
ETF	1			1	<u>3</u>	4								4.20. Legal status of applicant
FWF	LR 4	LR 4	LR 4	LR <u>3</u>	LR <u>3</u>	LR 4	LR 4	LR 4		LR 4	LR <u>3</u>			4.20. Legal status of applicant
FWO	4		LR <u>3</u>	<u>3</u>	4	4	4	4	4	4	4	1	<u>3</u>	4.21. Educational level of main applicant
IRCHSS	2	1	2	<u>3</u>	4	2	4	2	<u>3</u>		4	2	1	4.21. Educational level of main applicant
MHEST					LR <u>3</u>			2			LR 4	LR 4		4.22. Type of position of main applicant
NWO	2	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>		<u>3</u>	<u>3</u>	2	4.22. Type of position of main applicant
RANNIS		1	2	2	4	<u>3</u>	1	<u>3</u>			2	1	1	4.23. JRP funding and salaries
RCN	<u>3</u>			4	4		<u>3</u>	4	4	2	4	1		4.23. JRP funding and salaries
VR	<u>3</u>	2	1	2	<u>3</u>	<u>3</u>	<u>3</u>	4		<u>3</u>	<u>3</u>	4	1	4.24. Decision of the amount of salaries
Sponsoring Partner														4.25. Salaries of technical staff
SNSF	1		<u>3</u>	1	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	4			4.26. National competition
Other FA														
CNRS	2	1	1	2	<u>3</u>	2	1	<u>3</u>	<u>3</u>	2	2			
CSIS	1	1	1	<u>3</u>	<u>3</u>	1	1	4	1	<u>3</u>	<u>3</u>	<u>3</u>	1	
OTKA					<u>3</u>	2	<u>3</u>	4	2	2	2			
PAS	2	1	1	LR <u>3</u>	4	4		<u>3</u>	1	1	2	2	2	
RPF	<u>3</u>			4	4						4		1	
SAS				<u>3</u>						<u>3</u>				

Conclusions:

There seems to be some agreement that there will be advantages in introducing a “common-pot” funding mechanism when launching a JRP, despite the significant legal and procedural challenges (notably for the three HERA partners DASTI, FWF and FWO). The process is likely to be helped along if the EC contributes to the “common-pot”.

A “common-pot” funding mechanism would mean a decisive step forward over the “juste retour” financing models, which have characterised existing transnational schemes, with the exception of the ESF-managed EURYI Scheme.

There is a need for developing harmonised rules for eligible costs, such as overheads, infrastructures and expenses – even though special provisions must be made in cases of higher than average costs, such as under the UK’s “Full Economic Cost” approach, while salaries (categories, levels; and related eligibility issues) will remain bound to nationally applicable rules (incl. salary schemes)..

A “common-pot” funding mechanism would necessitate a centralised decision-making structure, in which representatives of FAs, acting as members of the management board, would retain the control of major decisions.

In order to design a flexible financial management framework, issues such as the normal recipient of funding, reallocation of funding, the adoption (or otherwise) of the principle “money follows researcher” notably for mobility between countries which participate in the JRP, need to be addressed early on.

3.5. Gender equality, social and ethical issue

Gender equality and ethical issues were examined through rights scenarios. Measures to improve gender equality and to tackle other social and ethical issues largely fall within the nationally defined legal framework that binds participating funding agencies and funded institutions (e.g.: rules for parental leave, military service, social security or health care). Except for statement to that effect these legally binding nature of the underlying rules leaves no room for flexibility.

In other ethically sensitive issues, such as the protection of privacy, there seems to be a somewhat greater freedom of interpretation. By the same token, a higher degree of coordination will need to be applied by participating funding agencies.

Protection of privacy (5.6)

JRP procedures should formally regulate the collection and processing of personal data, and ensure that EC directives are met.

Respondents agree that the JRP design should meet all (legal) national privacy rules of involved countries. Consequently, rules to be formulated in the JRP design must be approved by all participating funding agencies. Protection of personal data concerns both applicants and reviewers.

FAs must comply with national regulations concerning the collection and processing of personal data, e.g. Austria (Data Protection Act), Czech Republic (Principal legal rules and regulations, Act 101/2000 Coll.), Estonia (Personal Data Protection Act), Norway (Personal Data Act), UK (Data Protection Act) etc.

Permits (5.8)

The JRP design does not need harmonised rules concerning the obtaining of permits from a health and safety, heritage, or ethics commission.

There is a consensus among the respondents that national rules should be followed. Applicants should comply with valid safety regulations and to obtain permits needed for the performance of their research in the country where they intend to carry out their research.

It is advisable that for cross-border projects some agreement is reached on the collection of all relevant permits through the Project Leader, so that none of the sub-projects is obstructed.

Ethical standards (5.5)

In the JRP application procedure programme leaders need to prove that they will enforce ethical guidelines.

Harmonisation of diverging national guidelines for specific JRPs does not seem feasible, practical or necessary. Current guidelines should form the basis for rules and statements of ethics policy of applicants' institutions (notably for regulations concerning human or animal experiments).

Social security and health insurance (5.3)

Funding must include provisions for social security or health insurance.

There seems to be consensus among respondents that full salaries must also cover social security and health insurance, following the respective national legislation. Such provisions must be included in the project budget and may contribute to diverging salary figures for researchers operating at the same hierarchical level.

Employer's liability (5.4)

There should be a provision for employers' liability as part of the JRP contract.

A number of FAs (ETF, AKA, MHEST, FWF and NWO) comment that provisions for employers' (the research institutions) liability should be made. This is, however, largely an issue that

transcends the domain of programme management and concerns the nationally applicable legal framework.

Maternity and paternity leave (5.7)

The JRP design should include agreement upon the applicability of the relevant legislation on maternity / paternity leave.

Long leaves are problematic in collaborative projects as they may crucially influence the progress of the project. However, this is an issue that, from a legal point of view, transcends the remit of funding agencies. The relevant national legislation will apply.

For example, ETF allows a 2-year break in case of parental leave; in Austria, women have a 16 weeks' mandatory maternity leave. Additional maternity / paternity leave up to 2 years is possible (GeO, § 3 Abs.1 und § 5 Abs.1 und §§ 15 ff. MschG). FWO, DASTI, AKA and VR all have reported on relevant legislation.

The responsibility for the orderly conduct and completion of the work-plan lies ultimately with the team of researchers.

Promotion of women (5.2)

The JRP will not operate separate funding rules to encourage applications by female scientists.

Respondents do not consider this an important issue in JRP design. Female scientists could be encouraged to apply in the form of statement in the Call text, as gender equality is emphasized in some countries, such as in Finland (Plan of Equality) as well as in Sweden where legislation requires additional effort from VR to work towards gender equality in the evaluation process (Regulation letter 1.1.1.1.; Decree §2).

Table 8. Gender equality, social and ethical issue

	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8
<u>HERA Partner</u>								
AHRC	1		4	2	3 LR	4		2
AKA	2	3 LR	3 LR	3 LR	3	3 LR	3	2
ASCR	2	2 LR	3	2		LR 3		
DASTI	2		LR 4		3	LR	LR 3	LR 3
ETF	1	1	4	3	3 LR	3	3	3
FWF			LR 4		LR 4	LR 4	4	4
FWO					2 LR	2 LR	3	2
IRCHSS	1		4	2	3	2	3	
MHEST	2	1 LR	3 LR	4	3 LR	3	2 LR	3
NWO	1	1	4		3	3	2	1
RANNIS	1	1			1	4	1	1
RCN	4	2	4	4	4 LR	4	4	4
VR	3 LR	3	2	4 LR	4 LR	4 LR	4 LR	4
<u>Sponsoring Partner</u>								
SNSF		2	2		2			
<u>Other FA</u>								
CNRS	1	1	1	1	2	3	2	1
CSIS	3	3	3	3	3	4	2	2
OTKA			3		3	4	2	3
RPF			4	4	4	4		4
PAS		1		2	1	1	1	1
SAS		1			2	2	2	1

Explanatory notes:

LR= Legal regulation

Administrative regulations:

1=very weak

2=weak

3=strong4=very strong

5.1. Mandatory gender perspective

5.2. Promotion of women

5.3. Social security and health insurance

5.4. Employer's liability

5.5. Ethical standards

5.6. Protection of privacy

5.7. Maternity and paternity leave

5.8. Permits

Conclusions:

The basic tenets underlying ethical and social standards and gender issues are quite similar across the countries surveyed. In practise, however, social security systems are always regulated by national laws. The same applies to safety regulations and permits. It will not be feasible, practical or necessary to try and implement changes in any harmonised fashion in the context of research programme design. This acknowledgement does, however, require some fine adjustments, as it has (potentially also financial) implications for the mobility considerations in a possible Call text.

Whatever funding mechanism is chosen, a matter requiring urgent attention and explicit agreement is the protection of privacy. Existing rules in international research programmes could be used as a model in composing formal regulations for collection and processing of personal data.

Gender equality measures are supported in many countries. However, respondents are reluctant to introduce separate funding rules to encourage applications by female researchers. Women could be encouraged to apply in the form of statement in the Call text.

3.6. Programme management issues

The questionnaire deals with programme management in only three scenarios, as it is expected that ESF makes relevant proposals under HERA WP9.2.

Many other issues need to be considered, but as most of them concern managerial and operational issues (rather than legal and administrative barriers) they are not mentioned in this report.

Formal contracting (6.2)

JRP leaders (or their academic organisation) should sign a formal contract.

Most FAs require a signed formal contract before any money is transferred (e.g. for FWF: Codes of law, Punkt 1.1. AVB). This is legally required also for AKA, MHEST, AHRC and OTKA.

JRP funding agencies need to agree, however, between which parties a contract can be signed (e.g.: project leader, research institution) so that the different national legislative requirements can be fulfilled (e.g.: in Norway only institutions can sign such a contract).

The contracting parties need to consider carefully that the contract conditions do not contradict mobility agreements and other JRP specific rules.

In case of a "common-pot" funding mechanism, it may be necessary to define the role of the agency that will be responsible for the management and transfer of funds that will cross borders. Among transnational "common-pot" funding mechanisms, ESF has played this role successfully in the EUROHORCS-supported EURYI scheme; this could serve as a possible model.

Proof of management design (6.3)

Applicants must submit proof for a project management design (detailed explanation of how they will work with their teams).

In most FAs this requirement is current practise (e.g. for Danish legislation: Act on the Research Advisory Systems). Funding agencies agree that this requirement should be included in the application guidelines.

Programme management (6.1)

The management board will be the final decision-maker in issues pertaining to overall JRP management .

The role of the management board in the day-to-day management of a JRP needs to be defined. It is important that all FAs are represented in the management board, which takes the final financial decisions.

The delegation of such decision-making authority should be decided during the programme preparation phase (e.g.: FWF's Board needs to take funding decisions (Codes of law, § 7 Abs.3 lit.a FTFG).

Table 9. Programme management issues

	6.1	6.2	6.3	<i>Explanatory notes:</i>
HERA Partner				
AHRC	2	LR 4	3	LR= Legal regulation
AKA	1	LR 3	3	Administrative regulations:
ASCR				1=very weak
DASTI	LR 2	3	LR 3	2=weak
ETF		4		3=strong4=very strong
FWF	LR 4	LR 3	3	
FWO	2	4	1	6.1. Programme management ¹
IRCHSS	1	3	2	6.2. Formal contracting
MHEST	1	LR 4	1	6.3. Proof of management design
NWO	1	3	3	
RANNIS	1	4	3	
RCN		4	4	
VR	3	4	1	
Sponsoring Partner				
SNSF	3	3	3	
Other FA				
CNRS	3	3	3	
CSIS	3	1	1	
OTKA	2	LR 4		
PAS	2	3	1	
RPF		4	4	
SAS		3		

Conclusions:

Judging by the responses received, programme management issues are unlikely to cause major obstacles in the JRP design.

However, many managerial and operational issues have been left out here, as differences over these issues cannot be considered legal and administrative barriers.

This is borne out by the fact that next to the responses received, which focus on the request of project management elements in the application, on formal contracts with the awardees, and on the decision-making role of the management board, no further comments regarding programme management were received.

It should be noted, however, that issues regarding the funding management (“money follows researcher”) have been dealt with under section 3, and are not repeated here even though they have implications for the project management. Most notably, funding agencies and institutional awardees may need to develop a format in which the mobility of funds is made possible.

Another crucial topic is the mandate of the management board and of the academic steering committee in the day-to-day management of the programme.

3.7. Reporting on JRP activities

Reporting generally includes financial reporting, reporting on failures to meet the original time schedule, descriptions of major scientific discoveries and results as well as the status of any proposed collaboration, educational activity, and publication.

Barriers to collaboration can arise for example from lacking agreement between partners on the contents of reporting (financial matters, social, ethical, gender issues) and whether continued funding is conditional upon these reports being judged positive.

Practical issues are also relevant, such as the frequency of reporting and the working language, as well as the question of whether reporting is carried out internally or externally. This step of JRP design was examined through six scenarios in the questionnaire.

Financial and scientific reporting (7.6)

Reporting should concern both financial and scientific issues.

Respondents agree that reporting should cover both financial and scientific issues. Austria (Codes of law, Punkt 9.2.1.1 AVB), Slovenia and Hungary have legal requirements on scientific contents in reporting.

Details of the structure of reporting can be decided between participating agencies after the Call has been launched (but some indications on reporting should be included in the Call text).

Frequency and Conditionality (7.1/7.2)

Agreement is needed on annual and mid-term reporting (and on whether funding is conditional to successful reporting).

Respondents seem to agree that there should be mid-term and final reporting. Whether annual or bi-annual reporting is needed is less clear. Agreement needs to be established on the contents of reporting.

Some FAs (FWF, ETF, RCN) require annual financial reports, with frequency requirements for scientific reports varying from 1-2 years (RCN, ETF) to the once at the end of the project (FWF: Codes of law, § 21 Abs. 2 FTFG und Punkt 9 ABV).

For AKA annual funding is subject to reporting only if the use of funds exceeds 15% of the annual allocation.

Recipient of the report (7.5)

Project leaders should report to national funding organisations as well as to the JRP governance.

Austrian (Codes of law, Punkt 9.1.1 und 9.2.1.1 AVB) and Slovenian (Rules on procedures of implementing the budget) legislations require that project leaders report to the respective FA. Usually the reporting would be made to the authority which signed the contract. It may be necessary to have reporting both at national and JRP level, in which case some planning is needed at the JRP design stage. Care should be taken to facilitate the implementation of an external evaluation process (and to avoid double reporting).

Table 10. Reporting on JRP activities

	7.1	7.2	7.3	7.4	7.5	7.6
<u>HERA Partner</u>						
AHRC	<u>3</u>	<u>3</u>				<u>3</u>
AKA	1	2	2	2	2	<u>3</u>
ASCR						2
DASTI			1		1	<u>3</u>
ETF	4	4			4	<u>3</u>
FWF	LR 4	LR 4	4		LR 3	LR 4
FWO	2	4				4
IRCHSS	<u>3</u>	<u>3</u>	<u>3</u>		2	<u>3</u>
MHEST	1	<u>3</u>			LR 3	LR 3
NWO	<u>3</u>	2	<u>3</u>		<u>3</u>	<u>3</u>
RANNIS	<u>3</u>	<u>3</u>	2		1	4
RCN	<u>3</u>	<u>3</u>	1			<u>3</u>
VR	2	2	4	1	2	4
<u>Sponsoring Partner</u>						
SNSF	2	<u>3</u>		4	<u>3</u>	4
<u>Other FA</u>						
CNRS	2	<u>3</u>	1	1	2	<u>3</u>
CSIS	<u>3</u>	2	1		1	<u>3</u>
OTKA	LR 4	LR 4	2		2	LR 4
RPF	4	4			4	4
PAS	2	2	2	2	<u>3</u>	<u>3</u>
SAS		1	2	2	2	2

Explanatory notes:

LR= Legal regulation

Administrative regulations:

1=very weak

2=weak

3=strong4=very strong

7.1./ 7.2. Frequency and Conditionality

7.3. Publishing

7.4. English language

7.5. Recipient of the report¹

7.6. Financial and scientific reporting¹



Conclusions:

Reporting requirements (content, language, frequency etc.) depend on the institution which will receive the reports. It seems practical to require reports in the working language of the programme, also in order to facilitate external reviews.

Funding agencies must agree on the contents (and possibly format) of financial and scientific reporting.

In order to facilitate external evaluation processes, reports could be submitted simultaneously to the respective funding agencies and to the management board.

3.8. Dissemination of information and results

The dissemination phase was examined through only four scenarios in the questionnaire. One focus for further discussion should be on the use of online depositories for research produced thanks to funding under the JRP, another one should be on intellectual property rights issues.

Confidentiality agreement (8.2)

Referees and assessment panel members are bound to sign a confidentiality agreement, declaring that they will not use the content of the proposal and the result of their evaluation.

This basic principle is general practise in funding agencies. The wording of a confidentiality agreement should be agreed upon and included in the documentation to be supplied as code of conduct with the review and evaluation guidelines.

Confidentiality agreements are required by legislation in Austria (Codes of law, § 22 Abs.3 FTFG), Czech Republic (Principal legal rules and regulations, ACT No. 130/2002 Coll.), and in the UK (Data Protection Act and Freedom of Information Act).

Dissemination by funding organisations (8.3)

Funding organisations have the right to publish documents relating to the JRP they have contributed to fund.

It is a part of the general practise that the FAs can refer to and disseminate results of the scientific research that they finance. This should be defined in the JRP guidelines. DASTI indicates that it only requires the right to publish the titles and RCN reserves the right to publish the project summaries. Diffusion rights are required by Finnish, Slovenian and Swedish legislation.

Intellectual Property Rights (8.1)

Great care must be taken to harmonise the needs for research dissemination and Intellectual Property Rights.

Some of the respondents seem to indicate that dissemination needs would overrule Intellectual Property Rights. This can clearly be referring only to very general dissemination needs, in line with general statement indicating the nature of publicly funded research.

Agreements ought to be drawn up that allow to make exceptions.

Different research funding agencies have different rules for the safeguarding of and support for Intellectual Property Right. According to Flemish legislation, for example, Intellectual Property Rights are, if net profits are concerned, legal property of the host university.

This is an issue of greatest relevance for the researchers, research institutions and research funders participating in cross-border activities and must be addressed with great urgency.

Acknowledgement of support (8.4)

FAs require acknowledgement of support in publications.

It is current practice in many FAs that researchers acknowledge their sources of funding. The use of an acknowledgement phrase has to be stated in the guidelines.

In most cases, this requirement is an administrative matter, but it has been legally enshrined by AKA and ASCR.

Table 11. Dissemination of information and results

	8.1	8.2	8.3	8.4	<i>Explanatory notes:</i>
<u>HERA Partner</u>					LR= Legal regulation
AHRC		LR 4		<u>3</u>	Administrative regulations:
AKA	2	<u>3</u>	LR 1	LR <u>3</u>	1=very weak
ASCR	2	LR <u>3</u>	2	LR <u>3</u>	2=weak
DASTI	LR 2	4	<u>3</u>	<u>3</u>	3=strong4=very strong
ETF	<u>3</u>	4	4	4	8.1. Intellectual Property Rights ¹
FWF		LR 4	4	4	8.2. Confidentiality agreement
FWO	<u>3</u>	2		<u>3</u>	8.3. Dissemination by funding organisations ¹
IRCHSS	2	1	2	4	8.4. Acknowledgement of support
MHEST		<u>3</u>	LR <u>3</u>		
NWO	2	<u>3</u>	<u>3</u>	<u>3</u>	
RANNIS	<u>3</u>	<u>3</u>	2	<u>3</u>	
RCN	2	4	<u>3</u>	2	
VR	LR 4	2	LR 4	1	
<u>Sponsoring Partner</u>					
SNSF	2	4	4	<u>3</u>	
<u>Other FA</u>					
CNRS	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	
CSIS	<u>3</u>	4	1	4	
OTKA		4	<u>3</u>	4	
PAS	2	4	4	4	
RPF		4		4	
SAS	2	1	1	1	

Conclusions:

In a context of international research collaboration there is an urgent need to harmonise the use of research information by research funders.

Most FAs seem to reserve for themselves the right to use research results for their own PR needs. It seems to be understood that public funding presupposes public information (which used to be limited to acknowledgement of funding).

Rules regarding dissemination do, however, have implications on Intellectual Property Rights, and need to be defined in the guidelines for applicants.

3.9 Evaluation of the JRP

The final step of the JRP is the evaluation of the programme. 12 scenarios have presented the matter.

Possible obstacles in this post-funding stage are not dissimilar to those identified during the selection phase and include conflicts between national and supra-national levels, composition of panels, compatibility with national deadlines as well as the ways of using international experts.

Outcome expectations (9.6)

The FAs will evaluate the quality of scientific outcomes.

The evaluation of quality is reported as being required by Austrian (Codes of law, Punkt 9.2.1.1 AVB), Czech (Principal legal rules and regulations, ACT No. 130/2002 Coll.) and Hungarian legislation.

In fact, it is general practise in FAs to evaluate the quality of scientific outcomes of the programmes they fund. It is though that knowing the reviewers' opinion would also help in improving future programme design and project applications.

Financial auditing (9.1)

Audit work may be carried out by the organisation to which JRP leaders belong.

This question divides respondents. For most FAs this is an acceptable practice and Finnish law even presupposes that the organisation to which JRP leaders belong to will carry out the audit. In Austria, on the other hand, FWF is responsible for auditing the projects it funds. HERA partners should clarify this matter as soon as the funding mechanism has been decided; all funding agencies need to come to an agreement on this matter. European Commission (EC) rules might also have a bearing on auditing matters, at least in so far as ERA-Net-Plus funding is concerned.

Mid-term evaluation (9.5)

Some FAs prefer mid-term evaluation.

Several FAs (Rannis, ETF, NWO, AHRC and OTKA) prefer a mid-term evaluation for JRPs. The need and format for a mid-term evaluation depends on the duration of the programme, frequency of reporting (see 7.1) and the nature of evaluation (financial and scientific evaluation).

Suggestion and nomination of evaluators (9.7/9.9)

FAs should be involved when the JRP management board nominates evaluators. JRP partners (researchers) could also present candidates to be selected as evaluators.

Funding agencies should agree on task division in the selection of evaluators. The JRP management board would be asked to approve external evaluators. JRP Project Leaders may also be asked to propose evaluators, but not exclusively as there is a risk of "conflict of interest".

Gender equality in evaluation panels (9.12)

Strict gender equality cannot be applied in the nomination of evaluation panels.

As for the selection of reviewers (see 3.23.), most FAs welcome gender equality policies but the main criterion for the selection should be the relevant expertise.

Table 12. Evaluation of the JRP

	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	9.10	9.11	9.12	<i>Explanatory notes:</i>
HERA Partner													LR= Legal regulation
AHRC	1				<u>3</u>	4	2	2	2	2	2	2	Administrative regulations:
AKA	LR 1	2		2	2	<u>3</u>	2	1	<u>3</u>	2	1	LR 1	1=very weak
ASCR						LR <u>3</u>							2=weak
DASTI		1				<u>3</u>	2	1	<u>3</u>				3=strong4=very strong
ETF					<u>3</u>	4	1	1		1			9.1. Financial auditing
FWF					1	LR 4	4		<u>3</u>			LR <u>3</u>	9.2. Private auditing
FWO	1	4	1		2	4	4						9.3. Choice of evaluators
IRCHSS	1	1		1	2	<u>3</u>	2	2	1	2	<u>3</u>		9.4. Timing
MHEST	1	1		1		2	2	1	2				9.5. Mid-term evaluation
NWO					<u>3</u>	<u>3</u>	1						9.6. Outcome expectations
RANNIS	2	2			4	4		4	4	1	<u>3</u>		9.7./ 9.9. Suggestion of evaluators ¹
RCN	2	2			2	2	4	<u>3</u>	1	2	2		9.8. Nomination of panels
VR	<u>3</u>	2			2	4	2	1	2	1	1	LR 4	9.10. Selection of evaluators
													9.11. Value for money
													9.12. Gender equality in evaluation panels
Sponsoring Partner													
SNSF					2	<u>3</u>	<u>3</u>				<u>3</u>	2	
Other FA													
CNRS	2	1		1	1		2	2	1	2	1	<u>3</u>	
CSIS	1	<u>3</u>	1	1	<u>3</u>	<u>3</u>	1	<u>3</u>	<u>3</u>	1	4	1	
OTKA					LR 4	LR 4			<u>3</u>			<u>3</u>	
PAS	<u>3</u>	1	1		<u>3</u>	<u>3</u>		1	1	2	2	1	
RPF					2	2							
SAS						<u>3</u>		2				1	

Conclusions:

While there is wide consensus on the need for a final evaluation, there is some discrepancy about the usefulness of mid-term evaluations. Participating agencies need to come to some agreement on auditing work. This issue should be harmonised in a possible “common-pot” funding mechanism. European level requirements may also have a bearing on the structure of the process.

Funding agencies wish to play an integral part in the selection of evaluators, as well as in the evaluation of the funded projects.

4. CONCLUSIONS

The Introduction mentioned that the structure of this report should lend itself as basis for a “check list” in the process of JRP design. Through such a list, funding agencies should easily be alerted to the major challenges for transnational collaboration arising from the need to coordinate, if not necessarily harmonise, national regulations.

Some of the barriers presented here could be more easily addressed once the financing model for the JRP has been decided upon. In some cases legal and administrative barriers concern only national funding schemes and consequently FAs may have more flexibility in international programmes.

There may also be changes in legislations of HERA partners that refer to transnational programmes before the calls are published.

Topics for further discussion

The conclusions will focus on the issues that either include particular factors to be considered, differ considerably across countries or otherwise require more discussion, notably in four domains: decision-making, “common-pot”, selection process and post-funding management and monitoring.

Decision-making structure

Structure, tasks and mandate of the JRP governance

One of the main issues to be agreed upon is the structure of decision-making of the JRP. Especially if a “common-pot” funding mechanism is chosen, the JRP needs a central decision-making body.

If a JRP needs a robust decision-making structure, decision-making itself could be usefully divided up into two sectors – management and science – in keeping with current practice in most funding agencies at a national level.

A management board would have the overall management responsibility for the JRP. (incl. final funding decisions and management of collaboration). This board would be composed of representatives of FAs participating in the JRP, building on the experience of the current HERA Network Board. As representatives of the FAs, the management board has some delegated authority and can agree on unified timelines for decision-making etc. This is important particularly during the selection process.

For the scientific governance, there would be an assessment panel – appointed by the management board - which ranks JRP proposals after external peer review, recommend projects for funding to the management board and evaluates the funded projects.

The day-to-day scientific management of the programme will be overseen by an academic steering committee.

Mandate of individual funding agencies

In the process of deciding on the composition, role and mandate of such a governance structure, funding agencies must proceed in recognition of their own mandate as well as of the policy of their organisations concerning European collaboration at the very early stage of planning of JRP design.

Only AKA and AHRC have indicated that they can make decisions independently and do not need approval from higher levels of governance.

Members of the management board should have a clearly defined mandate which would imply some delegated authority, so that recourse to national level decision-making bodies can be avoided in the midst of the programme implementation.

“Common-pot”

The establishment of a “common-pot” funding mechanism is seen by many as an advantage; it may also contribute to a successful selection process in the ERA-Net-Plus Scheme as it is currently envisaged.

Most FAs have declared that they are, under the current legislation or with some adjustments to current practices, able to join a JRP that is based on “common-pot” funding. The three HERA partners who have restrictions (DASTI, FWF and FWO) are encouraged to seek advice on the degree of flexibility and requirements regarding the internal governance structure (conditions for the delegation of decision-making).

What requires careful consideration from JRP partners is the question which legal framework is ultimately best suited for the JRP model that all the partners can approve (coordinating organisation) so that a legal reference is available.

Many FAs have participated in a successful “common-pot” funding mechanism before (the ESF-managed and EUROHORCS-supported EURYI scheme). Such previous experiences could be utilised in the planning of the JRP design.

A JRP design that is not conducive to “common-pot” funding would not constitute a major advance over existing transnational programmes (such as the EUROCORES).

Allocation of funding

While most FAs are familiar with *juste retour* funding mechanisms at transnational level, this might not be the most appropriate approach under a possible future ERA-Net-Plus Scheme. Practices concerning the control of funds (institutions or individuals) need to be coordinated and, to some extent, harmonised (mobility!).

Another issue is whether funding can be reallocated to other projects in case of the failure of a research team.

Funding period

Funding agencies will need to agree on the length of funding periods in the JRP, which currently differ at national levels. Another issue needing attention is the fact that some FAs can make funding decisions for only a fiscal year while some other might earmark funds for several years.

Contents of funding

An agreement must be reached regarding overheads, infrastructures and other eligible expenses.

Differences between national salary scales and social security levels as well as regulations and permits are unlikely to be bridged for the JRPs since they are mostly determined by the various national legislations.

Mobility

A “common-pot” funding mechanism should encourage the mobility of researchers, rather than seeing it as obstacles for the JRP. Differing national regulations and experiences with the EURYI scheme make it necessary that guidelines be drawn up in time for the Call.

Besides rules for mobility, statements should also be included on residency and work permit requirements (notably for non-EU countries), as well as for professional arrangements to be considered when moving (e.g. supervision of JRP project during the absence of the project leader; field work which requires moving).

Selection process

Eligibility

Common eligibility criteria would help to harmonise the selection process (incl.: nationality; residency; affiliation, and the duration for which the relevant conditions must have been obtained prior to application). There are also as yet clear discrepancies in national regulations on whether applicant (and awardee) is a ‘natural person’ or an institution.

Administration

Previous experience of organising international assessment procedures will be vital for the logistics and the planning of application infrastructures (language, online applications etc.) and for the selection of reviewers (use of existing databases). Under a unified selection process

funding agencies must decide on a common approach to the recompensation of referees and assessment panel members (if any).

An important matter to be harmonised is the protection of privacy. Existing rules in international programmes (and applicable EC regulations) should be used as a model in composing formal regulations for collection and processing of personal data of applicants and reviewers

Guidelines (conflict of interest etc.)

A robust code of conduct (incl. guidelines for the declaration of conflicts of interest and confidentiality) are considered crucial for the transparency and trustworthiness of the new and common procedures. It had been suggested to adopt the practice used in the ESF-managed EUROCORES scheme.

Previous experiences can be usefully integrated into the formulation of guidelines. Funding agencies should approve guidelines including for example selection criteria as well as statements concerning conflict of interest and data protection.

The Call should contain the elements required for the applications (e.g. detailed work-plans and budgets, expected outcomes, ethical clearance), underlying political principles (e.g. gender balance, support for young researchers) and the selection criteria in the peer review.

Appeal and anonymity

Funding agencies agree on the usefulness of a right to reply feedback stage, through which applicants can comment on the referee reports.

While clear codes of conduct, ample feedback, and the “right to reply” will strengthen the transparency and acceptance of the JRP in the scientific community, funding agencies seem to agree that the “right to appeal”, should not feature among the characteristics of the Call.

The issue of the anonymity of reviewers needs to be addressed. It had been suggested to adopt the practice used in the ESF-managed EUROCORES scheme, where applicants have a right to know the names of the referees used without any direct link between the list of names published and the assessments.

Post-funding

Evaluation

While there is wide consensus on the need for a final evaluation, there is some discrepancy about the usefulness of mid-term evaluations. Agreement is to be reached also as regards the parties involved in the auditing work. This issue should be harmonised in a possible “common-pot” funding mechanism. European level requirements may also have a bearing on the structure of the process.

Funding agencies wish to play an integral part in the selection of evaluators, as well as in the evaluation of the funded projects.

Reporting

Frequency, content and addressee of project reporting depend on the requirements of the funding agencies participating in a JRP. Since these vary at national level, an agreement needs to be reached.

Many FAs require annual financial reports from the projects they fund at a national level. In order to facilitate interim and final external evaluations and in order to harmonise different national reporting requirements, reports could be submitted simultaneously to respective FA and to the organisation administrating the evaluation (in English).

Rules regarding dissemination (e.g.: acknowledgement of funding etc.) need to be defined in the guidelines for applicants.

A crucial issue in international research collaborations are concerns regarding Intellectual Property Rights. These need to be discussed and negotiated between the participating funding agencies. A clear statement as regards IPR should be made available at the time of the publication of the Call.

LIST OF ACRONYMS

EC	European Commission
ERA-Net	European Research Area Networks
ESF	European Science Foundation
EUROHORCs	European Heads Of Research Councils
FA	Funding Agency
HERA	Humanities in the European Research Area
JRP	Joint Research Programme
MO	Member organisation
NB	HERA Network Board
PCO	Programme Content Outline
SC	Steering Committee
SCH	Standing Committee for the Humanities
WP	Work package
WPL	Work package leader