



SPANISH ELIGIBILITY CRITERIA FOR FUNDING AND NATIONAL FUNDING RATES FOR 2009

A. Eligibility criteria for funding

Detailed information on the eligibility criteria for funding applicable to ARTEMIS projects, including the participation of Spanish entities, will be available through the AyudaTEC website: <http://WWW.MITyC.ES/ARTEMIS>

1) Type/nature of participants

Beneficiaries must belong to one of the following categories:

- Enterprises.
- Research Organizations.
- Groups and Associations of Enterprises.

2) Legal/administrative/financial conditions

2.1) Administrative requirements

- Every national participant has to be established in Spain.
- To be eligible, every Spanish participant must include the Spanish "Entity Identification Code" (*CIF: Código de Identificación Fiscal*) in the proposal (for example, in the Technical Annex), and in the documentation provided to the Spanish Public Authorities.
- To be eligible, every Spanish participant must be registered in the Registry for R&D entities of the Spanish Ministry of Industry, Tourism and Trade, in accordance with Ministerial Order ITC/570/2006. The registration number must be included in the proposal (for example, in the Technical Annex). It will be mandatory at the FPP stage.

2.2) Legal requirements

It will be mandatory to fulfil all Spanish current legal requirements for applying for public grants:

- In particular, the requirements of article 13 of the Spanish General Law of Grants and its Rules, according to the Royal Decree 887/2006, in order to obtain the condition of beneficiary. Such as, the fulfilment of the obligations of payment of social security contributions and taxes, and of withholding or reduction of the grants. One certification for taxes, one certification for social security contributions, and one statement of the fulfilment of the obligations of payment of withholding or reduction of the grants must be included in the proposal at the FPP stage (for example, in the Technical Annex).
- Also, the requirements of articles 21 and 25 of the Spanish General Law of Grants and its Rules, according to the Royal Decree 887/2006. One statement of the fulfilment of the obligations of articles 21 and 25 must be included in the proposal at the FPP stage (for example, in the Technical Annex).

- In addition, articles 29 and 31 of the Spanish General Law of Grants establish several requirements related to the amount of subcontracting and means of guaranteeing competition and transparency in the award of contracts, such as:
 - When the amount of the contract exceeds 30.000 € in the case of realization of civil works, or 12.000 € for equipment supplies and services, the beneficiary must obtain a minimum of three bids. Contracts have to be awarded to the bid offering best value for money, under conditions of transparency and equal treatment. This must be proved at the national justification stage.
 - The cost of subcontracting must not exceed 50% of the total cost for the Spanish participants.
 - A written contract must be signed when the subcontracting exceeds 20% of the grant awarded by Spanish Public Authorities and the total amount of the contract is higher than 60.000 €. The contract will be provided at the national justification phase.
 - Subcontracting with any other participant in the same project is not allowed.
 - Subcontracting costs from Public Research Institutes and Universities will be not eligible for Spanish National Authorities.
 - Spanish entities subcontracted by non-Spanish consortium members will not be considered eligible by Spanish National Authorities.

It will be mandatory as well to fulfil other applicable legal requirements ruled in the following legal texts:

- Community Framework for State Aid for Research and Development and Innovation (2006/C 323/01).
- Ley 38/2003, de 17 de noviembre, General de Subvenciones.
- Real Decreto 887/2006, de 21 de julio, por el que se aprueba el Reglamento de la Ley 38/2003, de 17 de noviembre, General de Subvenciones.
- Leyes anuales de Presupuestos Generales del Estado.
- Ley 47/2003, de 26 de noviembre, General Presupuestaria.
- Ley 30/1992, de 26 de noviembre, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común.
- Ley 30/2007, de 30 de octubre, de Contratos del Sector Público.
- According to the Article 13.6. (b) of the Statutes of the ARTEMIS JU, other financial and legal requirements in force at the moment of the adoption of a particular administrative decision.

The Spanish legal texts can be found on <http://WWW.BOE.ES>

2.3) Financial requirements

- Eligible costs will be those defined in the Community framework for State Aid for Research and Development and Innovation, adopted by the Commission on 22 November 2006 and published in the Official Journal of the European Union on 30 December 2006 (OJ C 323, 30.12.2006, p. 1).
- To be eligible, at the FPP stage each Spanish participant has to demonstrate clearly in the proposal (for example, in the Technical Annex) its solvency and financial capacity to carry out the project, and the Spanish Public Authorities have to assess it positively.

3) Consortium configuration

- The participation of the Spanish industry in a given project must be 50% or more of the budget of all Spanish participants. This must be clearly stated in the proposal.
- At least one Spanish Partner must be an enterprise.

- Projects with the participation of research centres or universities alone will not be funded.
- When there is more than one Spanish participant in a project, one of them will act as Spanish Co-ordinator. The Spanish Co-ordinator must be an enterprise. The Spanish Co-ordinator must be clearly stated at the FPP stage in the Technical Annex.
- The Spanish Public Authorities can make all payments to the Spanish Co-ordinator. In such case, the Spanish Co-ordinator will distribute the funding among the other Spanish participants in the project. In this case, the Spanish Co-ordinator will be responsible for the technical and financial reporting to the Spanish Public Authorities of all Spanish participants in the project.

4) Conditions on the technical content/scope

- The earliest starting date of the project for charging the eligible costs will be the 1st of January of 2010.
- The Technical Annex has to include, for each Spanish participant, a breakdown and a schedule of the activities to be carried out. At the FPP stage these must be detailed at task level.
- A short résumé of all key researchers must also be included.
- The Public research Institutes and Universities must state in the Technical Annex a personnel breakdown by type (staff, contractor, etc), cost and time at FPP stage.
- The technical scope should accomplish the definition of “industrial research” or “experimental development” given in the Community Framework for State Aid for Research and Development and Innovation.
- Fundamental research activities will not be funded by Spanish National Authorities.
- At the FPP stage, large enterprises should describe the incentive effect of the aid on their R&D activities, according to the Community Framework for State Aid for Research and Development and Innovation. The following criteria may be used, together with other relevant quantitative and/or qualitative factors submitted by the Member State that made the notification:
 - *Increase in project size*: increase in the total project costs (without decreased spending by the aid beneficiary by comparison with a situation without aid); increase in the number of people assigned to R&D&I activities;
 - *Increase in scope*: increase in the number of the expected deliverables from the project; more ambitious project illustrated by a higher probability of a scientific or technological break-through or a higher risk of failure (notably linked to the higher risk involved in the research project, to the long-term nature of the project and uncertainty about its results);
 - *Increase in speed*: shorter time before completion of the project as compared to the same project being carried out without aid;
 - *Increase in total amount spent on R&D&I*: increase in total R&D&I spending by the aid beneficiary; changes in the committed budget for the project (without corresponding decrease in the budget of other projects); increase in R&D&I spending by the aid beneficiary as a proportion of total turnover.

More information can be found at <http://WWW.MITyC.ES/ARTEMIS>

- The Technical Annex will include for each Spanish participant a budget breakdown per concept and per year, according to the categories of eligible costs of the Community Framework for State Aid for Research and Development and Innovation.

- The concepts for the breakdown will be:
 - Costs of instruments and equipment to the extent and for the period used for the research project. If such instruments and equipment are not used for their full life for the research project, only the depreciation costs corresponding to the life of the research project, as calculated on the basis of good accounting practice, are considered as eligible.
 - Personnel costs (researchers, technicians and other supporting staff to the extent employed on the research project)
 - Cost of contractual research, technical knowledge and patents bought or licensed from outside sources at market prices, where the transaction has been carried out at arm's length and there is no element of collusion involved, as well as costs of consultancy and equivalent services used exclusively for the research activity.
 - Indirect cost: A maximum percentage of 20% of valid personnel costs justified can be applied, without any specific justification documentation. These indirect costs include the travel expenses, so they can not be included in other concepts.
 - Other operating expenses, including costs of materials, supplies and similar products incurred directly as a result of the research activity.
- To be eligible, a project must account for some kind of Spanish leadership. The fulfilment of one of the following criteria at the PO and FPP stage may be used to demonstrate it:
 - Leadership of the whole project.
 - Leadership of two work-packages.
 - Leadership of one work-package and two tasks.
 - Leadership of four tasks.
- Participants which have received any other national public funding for the same or very similar project, activities or tasks will not be considered eligible. At the FPP stage this must be stated in the Technical Annex for each Spanish participant.

5) Conditions on exploitation/impact

- To be eligible, the Technical Annex has to include at the FPP stage for each Spanish participant a detailed explanation at European and Spanish levels about:
 - The future exploitation of the results of the project.
 - The estimation of its potential impact in terms of competitiveness, employment, market position, return on investment and added value.

6) Financial conditions

- To be eligible, the total amount of the whole Spanish participation in a single project must have a minimum budget of 500.000 Euros, in terms of total eligible costs.
- Every Spanish participant has to state which funding percentage applied for, and it must be justified at the FPP stage. Specially, medium and small enterprises type of organizations, must prove that they fulfil the European definition for medium or small enterprise in all their aspects. More information can be found at <http://WWW.MITyC.ES/ARTEMIS>

7) Specific requests for Spanish participants in the selected proposals

- After the evaluation and selection procedure of the ARTEMIS Joint Undertaking, the Spanish participants in the selected proposals must complete all the forms and documents requested by the Spanish Public Authorities, in order to conclude national grant agreements.

- These forms and documents must be electronically submitted to the Spanish Public Authorities before a specific deadline set by the Spanish Public Authorities. The submission should be made using an electronic signature.
- Every Spanish participant in the selected proposals must be registered and updated in the Registry for R&D entities of the Spanish Ministry of Industry, Tourism and Trade, according with Ministerial Order ITC/570/2006.

B. National funding rates for 2009

For the Call in 2009 the Joint Undertaking's additional percentage (JU%) will be 16,7%

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Type of Organisation Type of activity	Percentage of costs covered by national funding			
	Large Enterprises, Groups and Associations of Enterprises (1)	Medium Enterprises (1)	Small Enterprises (1)	Public Research Institutes and Universities (2)
Fundamental/Basic Research (3)	0%	0%	0%	0%
Industrial/Applied Research projects	23,3%	33,3%	43,3%	TOTAL Costs only 33,3%
Experimental development projects	23,3%	33,3%	43,3%	TOTAL Costs only 33,3%

Preparation of Part C:

Please note that for each proposal (Project Outline and Full Project Proposal), each Spanish participant must create a PDF file with the information requested by the Spanish authorities in order to check the national eligibility criteria. You must upload this in the ARTEMIS Proposal Submission system as Part C of the proposal (one file for each participant) **for both PO and FPP**. Specific information on the content and how to create this PDF file can be found at: <http://WWW.MITyC.ES/ARTEMIS>

Notes to the national funding rates:

(1) A **research organisation** may be qualified as an **enterprise** if it carries out an economic activity, which is an activity consisting of offering goods and/or services on a given market, in the terms established by the Community Framework for State Aid for Research and Development and Innovation (2006/C 323/01).

(2) **Public research Institutes and Universities:** public research organisations regulated by the Law 13/1986 of Promotion and General Co-ordination of Scientific and Technical Research, and to the public universities regulated by Universities Organic Law 6/2001, modified by Organic Law 4/2007.

(3) **Fundamental research costs** will not be funded by Spanish Public Authorities.

(4) **Costs breakdown:** The proposal (PO or FPP) will include for each Spanish participant a budget breakdown per concept and per year, according to the categories of eligible costs of the Community Framework for State Aid for Research and Development and Innovation. The concepts for the breakdown will be:

- Costs of instruments and equipment to the extent and for the period used for the research project. If such instruments and equipment are not used for their full life for the research project, only the depreciation costs corresponding to the life of

the research project, as calculated on the basis of good accounting practice, are considered as eligible.

- Personnel costs (researchers, technicians and other supporting staff to the extent employed on the research project)
- Cost of contractual research, technical knowledge and patents bought or licensed from outside sources at market prices, where the transaction has been carried out at arm's length and there is no element of collusion involved, as well as costs of consultancy and equivalent services used exclusively for the research activity.
- Indirect cost: A maximum percentage of 20% of valid personnel costs justified can be applied, without any specific justification documentation. These indirect costs include the travel expenses, so they can not be included in other concepts.
- Other operating expenses, including costs of materials, supplies and similar products incurred directly as a result of the research activity.