

# SCIENCE FOUNDATION IRELAND

## Industry Collaboration Form FAQs Version 3

The Industry Collaboration Form or ICF has been designed to support researchers in engaging with industry partners and to assist in defining the relationship between the parties, their respective responsibilities, governance and regulatory matters, IPR, access to infrastructure and other materials before a project starts so as to ensure compliance with State aid legislation.

From **17 February 2021**, SFI will require that this form is completed and returned to SFI on or before the date that the Collaborative Research (or Intellectual Property Rights) Agreement has been 'agreed' with, or signed by, the relevant partner(s). This applies to all SFI Grant recipients where an industry collaboration is active at any point during the term of the Grant.

This form contains a **checklist of requirements** which should be completed to ensure that the project undertaken with the relevant industry partner is and will be compliant with the definition of "effective collaboration" as per the Framework<sup>1</sup>. Moreover, the ICF will help to ensure that there is a record available of how the collaboration was developed, thus informing future audits.

SFI strongly encourages the Principal or Lead Investigator and Project Lead (on the relevant project) to engage with the relevant Research Body's<sup>2</sup> TTO and legal advisors, if necessary, to support their understanding of the principles and definitions referred to therein. SFI has provided guidance and useful links, which can be found [here](#).

## Top level information

- A completed [Industry Collaboration Form \(ICF\)](#) must be returned to SFI on or before the date that the Collaborative Research (or Intellectual Property Rights) Agreement has been 'agreed' with, or signed by, the relevant partner(s).
- For Research Centres, the completed ICF should be submitted through SESAME as part of the monthly process for recording updates with CRAS.
- For Grants made under other Programme calls, the completed ICF should be submitted to the relevant programme call inbox.

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<sup>1</sup> The project must have the characteristics of an "effective collaboration" as set out in paragraph 28 of the European Commission's Framework for State aid for research and development and innovation (2022/C 414/01) (the "Framework") and satisfy one of the conditions set out in paragraphs 29 and 30 (as appropriate) of the Framework

<sup>2</sup> In this FAQ document the terms "Research Body" and "Institution" are interchangeable

- A completed ICF is required for all CRAs associated with research projects attributed to an SFI Grant.
- A completed ICF is mandatory for all CRAs where the industry contribution is being counted against cost share targets.
- A completed ICF is mandatory for all CRAs, regardless of whether the underlying project is partially or fully (wholly) funded by the industry partner(s)<sup>3</sup>.
- There should be one completed ICF for each signed CRA i.e., there is a one-to-one relationship between the ICF and the CRA.
- The industry partner(s) is not required to sign the ICF.
- The ICF is not a legal document; it is an aide memoir for recipients of SFI Grant funding and has been designed to ensure they are compliant with State aid law.
- An additional role of the ICF is to provide SFI with assurance, ex-ante, that the Grant recipients are aware and intend to comply (have committed to complying) with their obligations concerning State aid law.
- The attention of SFI Grant recipients is drawn to the following paragraphs of the Letter of Offer to which they have agreed, namely paragraph 1. *Research Grant* parts b) The Research Body is fully responsible for the Research Programme, the use of the Grant, and for the adherence by the Research Body, the Principal Investigator and all other members of the Research Team to the Grant Conditions and c) The Research Body has all due capacity and authority necessary to enter into and comply with its obligations under the Grant Conditions and paragraph 2. *Interpretation* part b) This Letter of Offer forms part of the Grant Conditions, and by signing the acceptances to this Letter of Offer the Research Body agrees to all of the Grant Conditions (as may be amended by this Letter of Offer).
- The ICF is relevant to all SFI Grant recipients where an industry collaboration is active at any point during the term of the Grant.
- In those Grants where industry engagement / cost share is not a requirement or mandated as part of the Grant objectives / deliverables, Grant recipients may still decide to collaborate with an industry partner. In these circumstances and where the Grant recipient has declared as part of their Research Outputs<sup>4</sup> that they are collaborating with an industry partner as part of the SFI Grant, they will need to complete an ICF and return it to SFI in accordance with the timelines prescribed (see following bullet point).
- The timing for completing the ICF and submitting it to SFI is directly linked to the timing of signatures being in place for the relevant CRA. This may be called out expressly in the Letter of Offer (e.g., for Strategic Research Partnership Grants), or may be defined by the timing of these collaborations being discussed and agreed during the term of the Grant (e.g., as they are for Research Centres), or they may arise in an unscheduled way (e.g., some Individual led / Investigator type Grants engage in industry collaboration).

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<sup>3</sup> It is understood that the term “wholly or fully funded” by industry satisfies the condition set out in paragraph 29(a) of the European Commission’s Framework for State aid for research and development and innovation (2022/C 414/01) (the “Framework”) which states: “Where collaboration projects are carried out jointly by undertakings and research organisations or research infrastructures, the Commission considers that no indirect State aid is awarded to the participating undertakings through those entities due to favourable conditions of the collaboration if one of the following conditions is fulfilled (a) the participating undertakings bear the full cost of the project”, etc.,

<sup>4</sup> The SFI Research Outputs are drawn directly from the data entered into the SESAME Research Profile, which must be completed by all SFI grant holders in January each year. Please see <https://www.sfi.ie/funding/award-management/reporting-procedures/> for further details.

## General

### A. Why has SFI introduced an Industry Collaboration Form?

This form is designed to support researchers and their respective Research Bodies (RBs) in being compliant with State aid regulations.

The ICF contains a checklist of requirements which should be completed to ensure that the project undertaken with the relevant industry partner is and will be compliant with the definition of “effective collaboration” as per the Framework. Compliance with State aid is not a new requirement; all Grants made by SFI are awarded on the basis that activities undertaken are non-economic in nature or operate according to the principles of “effective collaboration”.

The PI and their respective TTOs and Research Offices should ensure they understand the definition of “effective collaboration” and the sharing of responsibilities.

### B. What is the difference between an undertaking and industry partner?

An industry partner is commonly referred to as an “undertaking”. The concept of an “undertaking” under EU competition rules is an entity that is engaged in an “economic activity” (offering a good or service on a market) regardless of its legal status or the way that it is financed.

### C. Who should complete and sign the ICF?

The ICF should be completed and signed by the **Project Leader**, who oversees the direct management of the budget and deliverables associated with the project in question.

If the Project Leader is not the **Principal Investigator**<sup>5</sup> on the Grant (as per the Letter of Offer) to which the CRA is attributed the PI should also sign the form. However, if the project takes place within a Research Body that is different to that associated with the Principal Investigator (as per the Letter of Offer) it will be acceptable for a **local signatory** to sign in their stead as long as it is in accordance with the authorised signatory provisions described in the relevant inter-institutional agreement. If no formal signatory provision is described or where no inter-institutional agreement exists, then the local signatory provided should be that of a named co-PI as specified in the Letter of Offer who is affiliated with the Research Body where the CRA exists.

The “Authorised Institutional Signatory” can be a member of the RB or TTO etc.; it is up to each RB / Institution<sup>6</sup> to decide how to manage this signatory in line with its own signing policies. Since this could be subject to audit, it is recommended that there should be an inter institutional signing policy in place to support how governance is assured across multiple Research Bodies in receipt of funds under the SFI Grant in question.

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<sup>5</sup> As outlined in SFI Grants GT&Cs Lead Investigator means the Principal Investigator, unless otherwise specified in the Letter of Offer. These terms are interchangeable.

<sup>6</sup> In this FAQ document the terms “Research Body” and “Institution(al)” are interchangeable

## **D. Submission**

### **Following the submission of the ICF, will SFI respond that the project can go ahead as planned?**

The purpose of the ICF is to provide SFI with assurance that the project will be undertaken as an “effective collaboration”. The information captured therein should be high level and affirm that the project undertaken is and will be compliant the Framework. If the form cannot be completed (in the affirmative) then the Project Lead, industry partner, TTO, will need to revisit the structure of the project until it can since there can be no granting of State aid.

It is not SFI’s role to grant permission for a project to proceed; however, where no ICF exists for a CRA which has been recorded against the relevant SFI Grant, the industry contribution will not be counted against the SFI Grant cost share (KPI) targets.

## **The Form**

### **E. What does the start date of the project or programme of research (with the industry collaborator) refer to?**

This is NOT the start date as per the Letter of Offer.

The start date, as recorded in SESAME, refers to the date a specific project or programme of research (with the industry collaborator) will begin with specific reference to the term as defined in the CRA. Thus, each completed ICF should be submitted to SFI on or before the date that the Collaborative Research (or Intellectual Property Rights) Agreement has been ‘agreed’ with, or signed by, the relevant industry partner(s).

### **F. Does “Title” mean the title of a specific project for which a CRA is to be signed?**

YES. It is not the title of the Grant.

### **G. What does Proposal ID/Grant reference number mean?**

It means that which was referenced in the Letter of Offer

### **H. Does “Project objectives” mean the objectives of the individual project for which a CRA is to be signed?**

YES. The project objectives should be the same objectives as those recorded in the CRA and any associated documentation concerning the project in question.

**I. Does SFI Programme mean, for example, Research Centre?**

YES.

**J. What is meant by Principal Investigator details?**

This means the contact details (name, email, office telephone number) of the Principal Investigator (PI) on the Grant as per Letter of Offer or as amended thereafter.

**K. What does Project Leader details mean?**

This means the PI (or FI) who will lead on the specific project in question (this could be the same as the PI), who may be from a different Research Body to the Principal Investigator. Please also refer to point C above.

**L. What does “Describe the independent parties and the objectives” mean?**

This means describe who all the individual players are, as per the CRA, and what the common objectives are i.e., summary points on the project objectives.

**M. What does “Cost1” and “Cost2” refer to?**

This refers to a breakdown of the cash and in-kind contributions being made by the industry partner(s) to the project in question, as defined in the CRA. This should be exactly the same information as that documented in the CRA and reported to SFI against cost share targets.

**N. What is the difference between “Authorised Institutional Signatory” and “Principal Investigator” (and likewise for Project Leader)?**

This will be guided by the RB/Institutional signing policy, for example, the Authorised Institutional Signatory could be the TTO person responsible for the management of the CRA. Please also refer to point C above.

**O. Multi Institutional projects in a Research Centre - If a CRA is cross institutional within a Research Centre, what signatories are required?**

In the first instance, the signatories should align with those contained in the CRA.

**P. Multi Centre / Multi Institutional Projects e.g., Spokes**

The signatories should align with those contained in the CRA.

**Q. What if there is more than one co-lead institution- involved in the parent Grant?**

Where an Inter-Institutional Agreement exists for a Grant, the signing policy specified therein should be followed. It is assumed that the signatories align with those contained in the CRA.

If no formal signatory provision is described or where no Inter-Institutional Agreement exists, then the local signatory provided should be that of a named co-PI as specified in the Letter of Offer who is affiliated with the Research Body where the CRA exists.

**R. What if the CRA is signed with a Charity/Not for profit entity? Is an ICF required then?**

YES, if the parties are engaging in collaborative research.<sup>7</sup>

The concept of an “undertaking” under EU competition rules is an entity that is engaged in an “economic activity” (offering a good or service on a market) regardless of its legal status or the way that it is financed. It is possible for a charity/not for profit entity to be considered an “undertaking” for State aid purposes for example where, in seeking to further its charitable aims, research is used to generate a financial return.

Notwithstanding the above, state funded collaborative research involving a university and a charity will not be considered to give rise to State aid, where the project complies with the conditions of an “effective collaboration” as per the Framework.

The ICF contains a checklist of requirements which should be completed to ensure that the project undertaken by the relevant parties is and will be compliant with the definition of “effective collaboration” as per the Framework.

SFI encourages all applicants and Grant recipients to actively consult with their Technology Transfer Offices where required and/or seek independent legal advice.

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<sup>7</sup> See footnote 1 above