Consiglio Nazionale delle Ricerche

DETERMINA DI ANNULLAMENTO DELLA PROCEDURA DI AFFIDAMENTO DIRETTO DI CUI ALL'ART. 36, COMMA 2 LETT. A) DEL D-LGS N. 50/2016 PER ACQUISIZIONE SERVIZIO DI GOLD OPEN ACCESS DELLA PUBBLICAZIONE SCIENTIFICA DAL TITOLO *"ENHANCED PERFORMANCE AND DURABILITY OF LOW CATALYST LOADING PEM WATER ELECTROLYZER BASED ON A SHORT-SIDE CHAIN PERFLUORUSULFONIC IONOMER"*

IL DIRETTORE

Visto il Progetto comunitario HORIZON 2020 - FCH JU (Fuell Cells and Hydrogen Joint Undertacking) denominato High Performance PEM Electrolyzer for Cost-Effective Grid Balancing Applications (HPEM2GAS), nell'ambito del quale il CNR ITAE è partner scientifico nel ruolo di coordinatore (Grant Agreement N. 700008 del 04/03/2016);

Visti i risultati di una parte dell'attività di ricerca condotta dal CNR ITAE nell'ambito del Progetto HPEM2GAS di cui alla pubblicazione scientifica dal titolo "*Enhanced Performance and durabiliy of low catalyst loading PEM water electrolyzer based on a short-side chain perfluorusulfonic ionomer*", valutata, revisionata e accettata in data 05/09/2016 dalla Rivista *Applied Energy*, editata dalla casa editrice Elsevier (stato attuale della pubblicazione: Article in press);

Visti i seguenti documenti:

- *Draft plan for the dissemination and exploitation of the project's results*, lettera c), della Commissione Europea e dell'organismo Fuell Cells and Hydrogen Joint Undertacking (allegato alla presente);
- *H2020 Online Manual* – sezione *Dissemination & Exploitation of results* e *Open Access & Data management* (allegato alla presente);

i quali stabiliscono che i soggetti beneficiari di azioni Horizon 2020 devono provvedere a dare ampia diffusione a tutte le pubblicazioni scientifiche derivanti dal medesimo programma tramite il servizio di open access (accesso aperto) da parte dell'editore scientifico della medesima pubblicazione;

Vista la necessità da parte del CNR ITAE di provvedere all'acquisizione da parte dell'editore Elsevier del servizio di gold open access all'articolo "*Enhanced Performance and durabiliy of low catalyst loading PEM water electrolyzer based on a short-side chain perfluorusulfonic ionomer*" (Article in press in Applied Energy Journal);

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Vista la *Decisione di contrattare e atto di nomina RUP* Prot. CNR ITAE N. 0000229 del 10/02/2017 relativa alla procedura di affidamento diretto di cui all'art. 36, comma 2, lett. a) del D.Lgs N. 50/2016 per l'acquisizione del servizio di gold open access alla pubblicazione scientifica dal titolo "*Enhanced Performance and durabiliy of low catalyst loading PEM water electrolyzer based on a short-side chain perfluorusulfonic ionomer*" (Article in press in Applied Energy Journal);

Rilevata, in riferimento all'acquisizione del servizio di gold open access della pubblicazione scientifica dal titolo "*Enhanced Performance and durabiliy of low catalyst loading PEM water electrolyzer based on a short-side chain perfluorusulfonic ionomer*" (Article in press in Applied Energy Journal), la possibilità di poter acquisire tale servizio solo da Elsevier, in quanto editore della rivista Applied Energy Journal;

Rilevata nella *Decisione di contrattare e atto di nomina RUP* Prot. CNR ITAE N. 0000229 del 10/02/2017 l'erronea indicazione della procedura di affidamento diretto di cui all'art. 36, comma 2, lett. a) del D.Lgs N. 50/2016, la quale presuppone ai fini del suo corretto espletamento l'effettuazione da parte della Stazione Appaltante di un confronto concorrenziale tra due o più preventivi di spesa;

Considerata la necessità che sia assicurato il principio di correttezza nell'affidamento di appalti pubblici, così come statuito dall'Art. 30 del D.Lgs n. 50/2016, recante *Attuazione delle direttive 2014/23/UE, 2014/24/UE e 2014/25/UE sull'aggiudicazione dei contratti di concessione, sugli appalti pubblici e sulle procedure d'appalto degli enti erogatori nei settori dell'acqua, dell'energia, dei trasporti e dei servizi postali, nonché per il riordino della disciplina vigente in materia di contratti pubblici relativi a lavori, servizi e forniture;*

Considerata la necessità che sia assicurato il principio di buon andamento dell'azione amministrativa, così come statuito dall'Art. 97 della *Costituzione delle Repubblica Italiana*;

DETERMINA

in virtù dei poteri di autotutela di cui agli Artt. 21 octies e 21 nonies della L. n. 241/1990, la disposizione dell'annullamento della *Decisione di contrattare e atto di nomina RUP* Prot. CNR ITAE N. 0000229 del 10/02/2017.

Il Direttore del CNR ITAE

FRENI SALVATORE VINCENZO
27.02.2017 10:41:22 CET

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Proposal template - annex

Draft 'plan for the dissemination and exploitation of the project's results'

Research and Innovation actions
Innovation actions
Coordination and Support actions

Please follow the structure of this template when preparing your proposal. It has been designed to ensure that the important aspects of your 'draft plan for the dissemination and exploitation of the project's results', including strategy for knowledge management and communication activities are presented in a way that will enable the experts to make an effective assessment within the Impact criteria.

Please note that this document is a compulsory part of the proposal and its submission is considered part of the admisibility criteria.

⚠ **Page limit:** This plan should not exceed 5 pages. Any tables or graphs must be included within this limit. The minimum font size allowed is 11 points. The page size is A4, and all margins (top, bottom, left, right) should be at least 15 mm (not including any footers or headers).

a) **Draft 'plan for the dissemination and exploitation of the project's results'**

i) Provide a draft 'plan for the dissemination and exploitation of the project's results'. For innovation actions describe a credible path to deliver the innovations to the market. The plan, which should be proportionate to the scale of the project, should contain measures to be implemented both during and after the project.

> ⚠ *Dissemination and exploitation measures should address the full range of potential users and uses including research, commercial, investment, social, environmental, policy making, setting standards, skills and educational training.*
>
> ⚠ *The approach to innovation should be as comprehensive as possible, and must be tailored to the specific technical, market and organisational issues to be addressed.*
>
> ⚠ *You will be required to include an updated (or confirmed) 'plan for the dissemination and exploitation of results' in both the periodic and final reports. This should include a record of activities related to dissemination and exploitation that have been undertaken and those still planned.*

ii) Explain how the proposed measures will help to achieve the expected impact of the project. Include a business plan where relevant.

> ⚠ *As part of each participant business plan, please provide an estimate of any additional activities to be performed (additional investment in FCH technologies and related activities, not included in the project activities); use this to justify an increased impact of the project as a part of a bigger business plan of each participant.*
>
> ⚠ *Please note that the additional activities declared above will be used by the FCH2 JU to show further leverage of funds from private sources or any other public sources, e.g. regional, national funds (except other EU funding) and it will contribute to the in-kind commitment of the entire FCH community.*

iii) Where relevant, include information on how the participants will manage the research data generated and/or collected during the project, in particular addressing the following issues:[1]

- What types of data will the project generate/collect?
- What standards will be used?
- How will this data be exploited and/or shared/made accessible for verification and re-use? If data cannot be made available, explain why.
- How will this data be curated and preserved?

[1] For further guidance on research data management, please refer to the H2020 Online Manual on the Participant Portal.

⚠ *You will need an appropriate consortium agreement to manage (amongst other things) the ownership and access to key knowledge (IPR, data etc.). Where relevant, these will allow you, collectively and individually, to pursue market opportunities arising from the project's results.*

⚠ *The appropriate structure of the consortium to support exploitation is addressed in section 3.3.*

⚠ *You will be required to include an updated (or confirmed) 'plan for the dissemination and exploitation of results' in both the periodic and final reports. This should include a record of activities related to dissemination and exploitation that have been undertaken and those still planned.*

b) Strategy for knowledge management

- Outline the strategy for knowledge management and protection. Include measures to provide open access (free on-line access, such as the 'green' or 'gold' model) to peer-reviewed scientific publications which might result from the project[2].

⚠ *Open access publishing (also called 'gold' open access) means that an article is immediately provided in open access mode by the scientific publisher. The associated costs are usually shifted away from readers, and instead (for example) to the university or research institute to which the researcher is affiliated, or to the funding agency supporting the research.*

⚠ *Self-archiving (also called 'green' open access) means that the published article or the final peer-reviewed manuscript is archived by the researcher - or a representative - in an online repository before, after or alongside its publication. Access to this article is often - but not necessarily - delayed ('embargo period'), as some scientific publishers may wish to recoup their investment by selling subscriptions and charging pay-per-download/view fees during an exclusivity period.*

c) Communication activities

- Describe the proposed communication measures for promoting the project and its findings during the period of the grant. Measures should be proportionate to the scale of the project, with clear objectives. They should be tailored to the needs of various audiences, including groups beyond the project's own community. Where relevant, include measures for public/societal engagement on issues related to the project.

⚠ *You will be required to include a report of completed and planned communication activities in both the periodic and final reports.*

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[2] Open access must be granted to all scientific publications resulting from Horizon 2020 actions. Further guidance on open access is available in the H2020 Online Manual on the Participant Portal.

Dissemination & Exploitation of results

HOW TO

Under Horizon 2020, it's more important than ever to disseminate and exploit the results of your research and innovation project.

This applies to every stage of the programming cycle. It means:

- maximising the take-up of the new knowledge, both for commercial purposes and for policy making
- boosting research & innovation among participants in our programme and others who could benefit from the research conducted
- being accountable for expenditure and making sure that EU citizens benefit.

Experience shows it's not always easy to meet these goals. As an applicant, it's useful to keep the following in mind.

There's a close link between dissemination and exploitation. **Dissemination** (sharing research results with potential users - peers in the research field, industry, other commercial players and policymakers) - feeds into **exploitation** (using results for commercial purposes or in public policymaking).

There's often some overlap between dissemination, exploitation and communication, especially for close-to-market projects.

Guidelines For Your Dissemination And Exploitation Activities

We suggest you take a step-by-step approach to dissemination and exploitation when developing your proposals for an application. The guidelines below should help. They are meant for Leadership in enabling & industrial technologies and Societal challenges. They are not targeted at Excellent science, although you might consider some of them there, too. These guidelines are not compulsory.

1. **Link your proposal to the policy context of the call for proposals.**
   Calls usually specify the EU policy aims needing further research. How will your proposal help meet these aims? Give a detailed explanation.

2. **Involve potential end-users and stakeholders in your proposal.**
   If they're committed from early on, they may help guide your work towards applications. End-users could come from the regional, national and international networks of the partners in your consortium, or from the value chains they operate in. They could be involved as partners in the project, or, throughout its duration, as members of an advisory board or user group tasked with testing the results and providing feedback.

3. **Say how you expect the results of your project to be applied and give the main advantages of the new solution(s) you expect to emerge.**
   The results could be:
   - **direct** - like a manual, test, model, new therapy, better product or process, or improved understanding of mechanisms
   - **indirect** - like reduced material or energy usage, improved safety, or better-trained staff.

   Explain how you expect results like these to be applied. This could also depend on progress elsewhere in an innovation chain, in related projects or in adjacent fields - so outline these dependencies and any progress to be made in these areas.

4. **Show you understand the barriers to any application of your results.**
   How will you tackle them? Possible obstacles include:
   - inadequate financing
   - skills shortages
   - regulation that hinders innovation
   - intellectual property right issues
   - traditional value chains that are less keen to innovate
   - incompatibility between parts of systems (lack of standards)
   - mismatch between market needs and the solution.

   Your proposal should show you understand these impediments and how to tackle them. Involving disciplines such as economics, business, marketing and public administration could help overcome barriers.

5. **Think ahead. Once your research and innovation is complete, will you need to take further steps to apply it in actual practice?**
   Examples of further steps: standards to be agreed on, financing the testing, scaling up or production, promoting acceptance by consumers or other partners in a value chain. Policymakers may also establish follow-up steps to work the results into policies.
   You could also consider support schemes for follow-up steps, e.g. national programmes, InnovFin, EFSI, Regional Funds, Enterprise Europe Network (EEN), European IPR Helpdesk, European exploitation support schemes (more on ESIC in the Work Programme).

6. **Consider how you manage your data.** Think of use, ownership and access rights. The Commission is currently running a flexible **pilot study on open access to research data.** As set out in the Work Programme, your project will either
   - participate in this pilot study automatically, though an opt-out is possible, or
   - automatically *not* participate in the study, with the option of an opt-in.

   Open access means users can access research results free of charge, so the results can reach a much wider audience. However, taking part in the pilot project doesn't mean making all datasets openly available. Some data may have commercial value, or there may be other reasons for not opening it up (data protection, national security, etc.). As an applicant, think about how your data will be managed. Make sure curation abides by best practices, both during and after the project. Projects participating in the pilot project must establish a **data management plan** outlining how data is generated, curated and made accessible, within 6 months of starting work.
   See the open access section of the Online Manual for details.

7. **Prepare your exploitation and dissemination plan carefully.**
   This must be a distinct part of your proposal (unless the call states otherwise). There is no 'one-size-fits-all' template. However, the plan should be as **precise** as possible. Initially, this may apply only to the first steps and the final goal. During the project, you can update the plan and make it more detailed.
   - In what area do you expect to make an impact?
   - What needs might the results of your project meet?
   - What outputs will be created?
   - Where will the outputs be made available during and after the project?
   - Who are the potential users of your results?
   - How will you contact them?

   Dissemination shouldn't be an after-thought. It should be an ongoing dialogue with potential users during your project. They may be found among fellow researchers in your field, companies, investors, standardisation bodies, regulatory bodies, patient organisations, sectoral organisations, NGOs, the education sector, the public sector, etc. The Commission will publish your dissemination plan on CORDIS. For further guidance, see the **fact sheet** published by the EU Intellectual property rights (IPR) Helpdesk.

For more details of **reporting on dissemination & exploitation of results**, see the Periodic reporting section.

Reference documents

- Dissemination of results - Article 29 of H2020 annotated model grant agreement
- Exploitation of results - Article 28 of the H2020 annotated model grant agreement
- Fact Sheet - the Plan for the Exploitation and Dissemination of Results in Horizon 2020

Related links

- EU Intellectual property rights (IPR) Helpdesk
- H2020 Online Manual: Open access & Data management

PARTICIPANT PORTAL

Open access & Data management

These pages guide you through

- context and rules on **open access** covering beneficiaries in projects funded or co-funded under Horizon 2020 and
- **data management under Horizon 2020** for applicants and beneficiaries who take part in the **extended pilot on open access to research data**

What is Open Access (OA)?

Open access can be defined as the practice of **providing on-line access to scientific information that is free of charge to the reader.** In the context of R&D, open access typically focuses on access to *'scientific information'* or *'research results'*, which refers to two main categories:

- **Peer-reviewed scientific research articles** (primarily published in academic journals)
- **Research data**

More details about Horizon 2020 provisions for open access to publications and data is given below.

OPEN ACCESS TO PUBLICATIONS

Under Horizon 2020, each beneficiary must ensure open access to all peer-reviewed scientific publications relating to its results.

Beneficiaries can freely choose between the most appropriate route towards open access for them:

- **Self-archiving** (also referred to as 'green' open access) means that a published article or the final peer-reviewed manuscript is archived (deposited) in an online repository before, alongside or after its publication. Repository software usually allows authors to delay access to the article ('embargo period') if this route is chosen beneficiaries must ensure open access to the publication within a maximum of six months (twelve months for publications in the social sciences and humanities).
- **Open access publishing** (also referred to as 'gold' open access) means that an article is immediately provided in open access mode (on the publisher/journal website). Publishers sometimes charge so called Article Processing Charges (or APCs) to make articles open. **Such costs are eligible for reimbursement during the duration of the project** as part of the overall project budget.
  Furthermore, the EU funded pilot project **OpenAIRE** (Open Access Infrastructure for Research in Europe) provides support for open access costs incurred after the end of the grant for FP7 projects.
  In the case of gold open access publishing, open access must be granted *at the latest on the date of publication* and you also have to deposit a copy in a repository.

OPEN ACCESS TO RESEARCH DATA

Research data is information (particularly facts or numbers) collected to be examined and considered, and to serve as a basis for reasoning, discussion, or calculation.

Open access to research data - the right to access and reuse digital research data under the terms and conditions set out in the Grant Agreement.

Horizon 2020 Open Research Data Pilot and Data Management Plan

In Horizon 2020 the Commission has launched a flexible pilot for open access to research data (ORD pilot). The pilot aims to improve and maximise access to and re-use of research data generated by Horizon 2020 projects, taking into account

- the need to balance openness and protection of scientific information
- commercialisation and IPR
- privacy concerns
- security
- data management and preservation questions

Scope of the pilot

- In previous Work Programmes the ORD Pilot was limited to some areas of Horizon 2020.
- As of the Work Programme 2017 the Open Research Data pilot is extended to cover all thematic areas of Horizon 2020 per default. However, the Commission recognizes that some research data cannot be made open and applies the principle of **'as open as possible, as closed as necessary'**. It is therefore possible to opt out of research data sharing at any stage - before or after the signature of the grant agreement - but reasons have to be given e.g. for intellectual property rights (IPR) concerns, privacy/data protection concerns, national security concern, if it would run against the main objective of the project or for other legitimate reasons (see General Annex L of the 2017 Work Programme adopted at 25 July 2016).

Data set

The Open Research Data Pilot applies primarily to the data needed to validate the results presented in scientific publications. Other data can also be provided by the beneficiaries on a voluntary basis.

Data Management Plan

Participating projects will be required to develop a Data Management Plan (DMP), in which they will specify what data will be open: detailing what data the project will generate, whether and how it will be exploited or made accessible for verification and re-use, and how it will be curated and preserved.

Costs associated with open access to research data, including the creation of the data management plan, can be claimed as eligible costs of any Horizon 2020 grant.

Reference documents

- Guidelines on Open Access to Scientific Publications and Research Data in Horizon 2020
- Guidelines on Data Management in Horizon 2020
- Scope of pilot indicated in the introduction to the Horizon 2020 Work Programme
- H2020 Annotated Model Grant Agreement - Open access to scientific publications
- H2020 Annotated Model Grant Agreement - Open access to research data

Related links

- European Commission Open Access Policy (Open Science)
- OpenAIRE - Open Access Infrastructure for Research in Europe
- European IPR Helpdesk factsheet "Publishing vs. patenting"

PARTICIPANT PORTAL