

CONTRACTUAL ARRANGEMENT
SETTING UP A PUBLIC-PRIVATE PARTNERSHIP IN THE AREA OF
ENERGY-EFFICIENT BUILDINGS
BETWEEN
THE EUROPEAN UNION
AND
THE ENERGY EFFICIENT BUILDINGS A.I.S.B.L. (E2BA)

The European Union, represented by the Commission, and The Energy Efficient Buildings A.I.S.B.L. (E2BA), the registered offices of which are in Avenue de Cortenbergh 52, 1000 Brussels, Belgium, hereinafter referred to as "the Private Side", (jointly hereinafter referred to as "the Parties"),

CONSIDERING THAT:

- The Horizon 2020 Framework Programme of the European Union for research and innovation¹ may be implemented through public-private partnerships taking the form of a contractual arrangement between the partners committed to support the development and implementation of research and innovation activities of strategic importance to the Union's competitiveness and industrial leadership;
- The Specific Programme Implementing Horizon 2020² has identified potential areas for establishing public-private partnerships;
- The Rules for participation and dissemination in Horizon 2020³ apply to the indirect actions to be financed by the Commission in the context of this arrangement;
- The Commission Communication of 21 September 2011 on Partnering in Research and Innovation⁴ recognises that public-private partnerships in research and innovation are a means of strengthening the Union's competitiveness in key areas of industrial research;
- In its Communication on "Public-private partnerships in Horizon 2020: a powerful tool to deliver on innovation and growth in Europe"⁵, the Commission has presented suitable areas for potential public-private partnerships based on contractual

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

³ Not yet published in the Official Journal.

⁴ COM(2011)572

⁵ COM(2013)494

arrangements, as well as the steps to be followed before they are launched, and one of these areas is Energy-efficient Buildings;

- The proposal received from the Private Side, which has been evaluated by Commission services assisted by independent experts, has been found to fulfil the criteria referred to in Article 19 paragraph 3 of the regulation¹ on Horizon 2020 Framework Programme for Research and Innovation; the multi-annual roadmap provided in the Annex can be taken as the basis to develop the co-operation under the present arrangement;
- Pursuant to Article 3 of the Statutes of E2BA, it will aim to contribute to cooperation activities in Energy-efficient Buildings, under a public-private-partnership in the context of the EU Research Framework Programme;
- This contractual arrangement constitutes an agreement in which the Parties will make their best effort to achieve the objectives. Neither Party shall be liable under this arrangement towards the other Party;

RECOGNISING THAT:

- The respective responsibilities of the Parties in the aforementioned areas are mutually reinforcing,
- Due regard should be given to the respective competences and operational frameworks of the Parties,

HAVE DECIDED THE FOLLOWING:

1. SCOPE: A public-private partnership in the area of Energy-efficient Buildings, hereinafter referred to as “the partnership”, is established between the Parties by the present contractual arrangement, to be implemented in an open, transparent and efficient way. The general objectives of the partnership in support of Union policies, and in particular of the specific objectives of the Horizon 2020 Framework Programme and the EU Industrial policy, are the following:

- To develop technologies and solutions enabling to speed up the reduction in energy use and GHG emission in line with the 2020 goals, e.g. through a higher renovation rate of the building stock at lower cost and to meet regulatory needs;
- To develop energy efficiency solutions in order to turn the building industry into a knowledge-driven sustainable business, with higher productivity and higher-skilled employees;
- To develop innovative and smart systemic approaches for green buildings and districts, addressing interoperability and standards, and helping to improve the competitiveness of EU building industry by providing cost-effective, user-friendly, healthy and safe products for smart cities.

2. **SPECIFIC OBJECTIVES:** The Parties intend to cooperate, on the basis of the multi-annual roadmap provided in the Annex, to develop, implement and support a multi-annual research and innovation agenda. The specific objectives of the partnership are the following:
 - Research & Innovation to integrate and demonstrate at least 40 new technologies, in particular:
 - 12 in Innovative construction e.g. building envelope, multi-target design, pre-fabrication methods, approaches adapted to public buildings or commercial/private-housing ones;
 - 12 in Cost-effective and high-performing building-retrofitting solutions, integrating energy equipment and storage, to multiply by 2.5 by 2020 the yearly renovation rate;
 - 8 in Interactive sustainable buildings for energy neutrality/positivity in a block of buildings, for a further 15% reduction at district and city scale in energy and emissions by 2020;
 - 8 in Performance monitoring tools to ensure energy efficiency during the service life, by providing the full performance predicted at the design phase and long-lasting quality in combination with durable components;
 - And by transforming energy efficiency into a sustainable business, to contribute to:
 - Increase private investment in research & innovation up to 3% of turnover;
 - 10 new types of high-skilled jobs through knowledge transfer and training;
 - Reduce energy and CO₂ respectively by 50% and by 80% compared to 2010 levels;
 - At least 100 demonstration buildings and districts will be retrofitted with ICT-based solutions and monitored to reduce up to 75% in energy use and help standardisation, and at least 10,000 dwellings will be engaged by 2020 through the project activities.
3. **ACTIVITIES, INVESTMENT and OUTPUTS:** The research and innovation activities to be co-funded under the Horizon 2020 Framework Programme in the scope of the partnership will be subject to the Horizon 2020 Rules for participation and dissemination. The Commission intends to allocate from the Union budget an indicative financial envelope of EUR 600 million for the period of 2014-2020 for those research and innovation activities (namely, EUR 525 million from DG Research and Innovation and EUR 75 million from DG Energy). These allocations will be included in the periodic Horizon 2020 work programmes. The Private Side commits to engage the stakeholder community to invest funds in research and innovation activities specific to the partnership domain both by complementing the Commission's support to the projects for the implementation of the research and innovation agenda within the Horizon 2020 Framework Programme, and to provide other outputs outside it, as mentioned in point 6 and in the Annex.
4. **GOVERNANCE:** The Parties will establish a Partnership Board as the main mechanism for dialogue to reach the objectives foreseen by this contractual arrangement. The Partnership Board will comprise members nominated by the Private Side, ensuring a proper representation of the wider community of stakeholders, and Commission officials representing the services in charge of the EU financial contribution to the actions to be

funded under the partnership. The Partnership Board will establish its rules for procedure, based on a harmonised proposal provided by the Commission, covering inter alia issues related to confidentiality, transparency and avoidance of conflicts of interest. The Parties may also meet at high level to review the work of the Partnership Board, take stock of the progress achieved by the partnership and discuss further ways to enhance mutual collaboration. The Private Side will decide on its own governance structures and implement the appropriate consultation processes, based on openness and transparency, to ensure the adequate involvement of all relevant stakeholders in the preparation of the inputs to the Commission.

5. **SPECIFIC COMMITMENTS OF THE COMMISSION:** The Commission commits to duly consider inputs and advice from the Private Side in order to identify research and innovation activities to be proposed for financial support under the Horizon 2020 Framework Programme. For that purpose, the Commission commits to maintain regular dialogue with the Private Side during the preparatory phase of the drafting of the work programmes referred to in Article 5 of the Specific Programme. In this context, the Commission will ensure through the rules for procedure of the Partnership Board that the inputs and advice received from the Private side are developed through an adequate involvement of all relevant stakeholders and will put emphasis on the appropriateness of the Private side's governance structure regarding the openness to new members.
6. **SPECIFIC COMMITMENTS OF THE PRIVATE SIDE:** The Private Side commits to provide inputs and advice to the Commission to achieve the objectives of the partnership, in particular to contribute to the identification of research and innovation activities to be included in the Horizon 2020 work programmes in view of financial support following the calls for proposals. The Private Side also commits to the following:
 - Investments of at least a factor of 4 on top of EC contribution through in particular:
 - At least doubling the private resources allocated to demonstration targeting early adopters and to pilot implementation targeting fast followers;
 - Tripling the current level of investments in training by the supply chain and development of building skills (with at least 20% of companies engaged in training against current 7%);
 - Bring innovative results to the market via systematic use of the whole set of funding tools, fostered through a large conference (at least 300 participants) yearly to promote and monitor the use of cohesion funds within the broader smart specialisation strategy;
 - Implementing a cross-fertilisation platform which gathers all main public deliverables from projects, supporting clustering along main horizontal issues, as well as Yearly Project Review and four Yearly Technical Editions on cross-cutting issues;
 - Programme monitoring: yearly Impact and Project Review Workshop;
 - Contribution to potential standards in building retrofitting, e.g. for large action in social/public buildings. Manage a R+I forum for awareness and dissemination with at least 5000 members to exchange research needs and best practices in innovation-friendly demand side measures (i.e. pre-normative research, Regulations, Certification and Standards, Procurement, Socio-Economic Modelling and Planning,

SME engagement).

The Private Side will provide evidence of fulfilling its commitment to the objectives of the partnership, addressing the key performance indicators, and ensure that the specific commitments expressed in terms of investments, as indicated in the Annex, are respected. The Private Side will invite the Commission to attend its General Assembly and other relevant meetings, subject to its own procedures.

7. **MONITORING:** With due regard to their respective competences, institutional settings and operational frameworks, the Parties will regularly inform and consult each other, as appropriate, in particular in order to monitor the progress of the partnership towards its objectives and to assess the impact of its activities and the leverage of additional investments. The key performance indicators will include the following:

- At PPP implementation level
 - New systems and technologies developed in the relevant sectors;
 - Participation and benefits for SMEs;
 - Contribution to the reduction of energy use and CO₂ emissions;
 - Contribution to the reduction of waste;
 - Contribution to the reduction in the use of material resources;
 - New high-skilled profiles and new curricula developed;
 - Private investment mobilised in relation to the PPP activities;
 - Contributions to new standards.
- At project impact level
 - Scale of reduction in energy, material resources and waste;
 - Project results taken-up for further investments (into higher TRLs);
 - Trainings for a higher quality workforce;
 - Patents and activities leading to standardisation.

The Commission will regularly monitor the progress towards achieving the partnership objectives, for the duration of the contractual arrangement and for three years after its end, in particular on the basis of evidence to be provided by the Private Side.

8. **APPLICATION OF THIS ARRANGEMENT:** Any provision of this contractual arrangement takes precedence over the Annex. Any issues related to the interpretation and implementation of the present arrangement will be decided upon in consultation by the Parties. Amendments to this arrangement may be requested by any of the Parties by registered letter.

9. **DURATION AND REVIEW:** This contractual arrangement enters into force as from 1 January 2014 and will remain in force until 31 December 2020. Any of the Parties may communicate by registered letter at any time the motivated intention to terminate this arrangement. The termination will be effective three months after the sending of this

letter. No later than 30 June 2017 the Commission intends to undertake, with the assistance of independent experts, a review covering the performance of the partnership and the progress towards its objectives. On the basis of the review, the Commission may request amendments to this contractual arrangement or decide its termination. A final review will also be undertaken before the end of Horizon 2020.

10. ANNEX: Multi-annual roadmap for the partnership.

Done in duplicate at Brussels on 17 December 2013.

FOR THE EUROPEAN COMMISSION

FOR E2BA A.I.S.B.L



Máire GEOGHEGAN-QUINN
Commissioner for Research, Innovation
and Science



Emmanuel FOREST
Chairman