

EAIC Welcomes the EIC Board Code of Conduct for Consultants

September 2023

The European Association of Innovation Consultants (EAIC), with the support of the French Association of Innovation Consultants (ACI) and the Spanish Association for the promotion of R&I financing (AFIDI), expresses its appreciation for the proactive step taken by the European Innovation Council (EIC) Board in introducing the Code of Conduct for Consultants offering services to applicants in EIC calls. EAIC recognises the significance of such a framework in ensuring transparency, fairness, and ethical practices within the EIC programmes.

EAIC places paramount importance on upholding the highest standards of professionalism and ethics in the services provided by its members. To this end, EAIC has had a long-standing [Code of Conduct](#) that mandates its members to adhere to strict ethical guidelines when engaging with their clients.

EAIC welcomes the fact that the association played an active role in the preparatory phase leading to the public release of the proposed EIC Code, and thanks the EIC for thoughtfully integrating several of its recommendations into the current draft version. This collaborative effort exemplifies our shared dedication to the success and integrity of the European Innovation Council.

To enhance the effectiveness of the EIC Code, EAIC would like to offer a final set of content-related comments for consideration of the EIC Board (see annex). These suggestions are meant to strengthen the code and ensure that it meets the needs of all parties involved.

Furthermore, EAIC would like to seek clarification on the enforcement and revision mechanisms that EIC Board intends to implement for its Code of Conduct. Communicating these provisions will not only foster compliance but also facilitate a more robust and effective implementation of the code.

Once again, EAIC commends the EIC Board for taking this significant step towards fostering a culture of ethical conduct within its funding programmes. The Association look forward to a continued collaboration with the EIC Board and supporting European Commission services, in maintaining the highest standards of professionalism and integrity in the EIC programmes.

About EAIC

The European Association of Innovation Consultants (EAIC) gathers active Innovation Consultants in the field of European research and innovation projects. The Association aims to facilitate the exchange and promotion of best practices, as well as to uphold professional skills and expertise in European RDI funding. To date, the group gathers more than 50 members, active throughout Europe.

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Supporters

ASSOCIATION
des CONSEILS

INNOVATION

French Association of Innovation Consultants www.asso-conseils-innovation.org

AFIDI

Spanish Association for the promotion of R&I financing www.afidi.es

Annex to Public Statement “EAIC Welcomes the EIC Board Code of Conduct for Consultants” (September 2023)

European
Innovation
Council



European Innovation Council Board

CODE OF CONDUCT FOR CONSULTANTS OFFERING SERVICES TO APPLICANTS TO EUROPEAN INNOVATION COUNCIL CALLS

Version for comment, 31 July 2023

Introduction

This Code of Conduct aims to establish a set of minimum rules, which individual or corporate consultancies¹, offering services to support European Innovation Council (EIC) applicants, commit to apply in relations to their clients. It has been prepared and endorsed by the EIC Board following exchanges with stakeholders and is now published for possible comment from interested parties by no later than **Friday 22 September** to RTD-COC-EIC-BOARD@ec.europa.eu. Following this date, a final version will be published but consultancies are invited to already indicate their support for this proposed Code. The Code is voluntarily, but is expected to be adhered to by all those providing such services.

Given that the European Innovation Council targets start-ups, spin-outs, small companies, many potential applicants do not have the knowledge or time to develop their own proposals and in many cases turn to consultants (individual or company) to assist them with the applications and their management. Due to rapid growth of the European consultancy market, it is critical to advocate for transparency and to promote professionalism and ethical practices in the innovation consultancy market.

Notwithstanding the fact that Consultants must comply with the letter and the spirit of the law, they must also follow a set of business ethics principles such as quality of service, transparency, social and environmental responsibility, fairness of competition. This will also support the development of a single market for such services where applicants/ clients will have confidence to access relevant consultancy services from providers based in other countries. The EIC Board has designed this Code of Conduct with these principles in mind.

¹ The term ‘consultant’ includes all types of consultants (individuals) or consultancies (companies) providing consultancy services to their Clients on European Innovation Council calls, projects and initiatives (e.g. EIC Accelerator) in exchange for any type of remuneration or success fee.

Guiding Principles

Know-how, experience, and competencies

The Consultant shall always use their expertise, network, skills and work capacity to the best of their ability.

The Consultant shall solely accept assignments for which they have evidenced know-how and competencies to execute them. The Consultant shall clearly indicate to the potential Client at the offer stage their know-how, experience and track record regarding the specific European Project Call/Tender (or similar), clearly indicating which parts of the assignment will be subcontracted.

To be constantly up to date with the official requirements, Adhered Consultants commit to regularly consult official documents provided by the European Commission and other European bodies, as well as attend workshops related to Calls/Tenders provided by the European Commission and for which they provide consultancy for.

Ethics

None of the staff members of a consultancy company and independent contractors supporting an application development should act as an evaluator and/or jury member for those funding calls.

The Consultant shall not accept assignments for which they have reason to believe they cannot assist the Client effectively or timely.

The Consultant shall always maintain the highest ethical standards in the professional work undertaken and act solely in the interests of the Client, avoiding conflicts of interest. The Consultant shall not use confidential information made available by one Client, to benefit another Client.

The Consultant shall not at any time or for any purpose misrepresent themselves by the use of any title, symbol, logo (e.g. EIC) in order either to lend false authority to its representatives or to mislead the Client.

Except when the Consultant is hired to develop only a fraction of an application, the Consultant shall not accept assignments if the assignments are not financially viable (e.g. consulting costs exceeding the net monetary benefit) for the Client, unless the Client is fully aware and is willing to proceed with the assignment.

The Consultant shall not accept assignments if the Consultant is not financially viable or there is a high risk that the Consultant will cease activity during the assignment period.

The Consultant shall inform the potential Client, before accepting the assignment, of all required documents and data needed to prepare and submit an application for a Call/Tender.

Commented [A1]: We believe this point should be at the beginning of the Ethics section, as it is by far the most crucial point.

In case the Consultant is aware that the Client will not be able to provide all the mandatory documents, or the Client will not have enough time or staff to assist with the preparation of the application, the Consultant shall not accept the assignment.

~~None of the staff members of a consultancy company and independent contractors supporting an application development should act as an evaluator and/or jury member for those funding calls.~~

Commented [A2]: We believe this point should be at the beginning of the Ethics section, as it is by far the most crucial point.

Transparency

Where the Consultant has economic or other interests in a competitor or other entity that can affect Client's interests, all such relationships shall be declared to the Client at the offer stage before receiving relevant information from the Client. If this is not possible for confidentiality reasons, the Consultant should protect confidential information by allocating different teams to the projects (i.e. Chinese walls).

The Consultant shall inform the Client of the official page (URL) where the Call/Tender is published, so the Client is aware they are able to apply directly if they wish and can also confirm information provided by the Consultant.

The Consultant should also inform the Client about the existence of the National Contact Points (NCPs) in the respective country and their role, as well as any exchanges with NCPs regarding ~~to~~ the specific Client case. The Consultant should not prevent the Client from sharing information with NCPs.

The Consultant is obliged to provide ~~to~~ the Client with all different account accesses (e.g. EIC AI platform) related to the Client's application.

In case of subcontracting activities, the Consultant shall inform the potential Client of what activities will be subcontracted and what information and documents belonging to the Client will be shared with the subcontracting party. In case of subcontracting activities or tasks in the proposal development process, the Client shall approve subcontracted tasks and subcontractors prior to engaging subcontractors. The fee structure must be transparent and clearly state what activities performed by any external party may represent an additional cost for the Client.

Specifically, if the Consultant is planning to use generative AI tools to support parts of the grant writing process, it should clearly indicate it to the Client, and confirm that the use of such tools will comply with the confidentiality obligations of the Consultants.

Before accepting the assignment, Consultant shall inform the potential Client of success rate (approved applications vs. number of applications) of previous Calls/Tenders if that information is publicly available, so Client is aware of the risks of not getting its application approved, especially in the case of upfront fees.

Confidentiality

The Consultant shall not disclose, or permit to be disclosed, confidential information concerning the Client's business and staff, project, innovation activities, technology, products and services, or any other sensitive information without Client's consent.

Quality

The Consultant, prior to undertaking an assignment, shall define in writing the scope, extent and the manner in which they will undertake the project, taking into consideration the Client's inputs and wishes when developing the proposal.

The Consultant will not accept an assignment with a scope so limited of which the Consultant is aware of, that the Client will receive either ineffective advice or advice so insufficient, that they need to seek additional advice in order to achieve the outcome expected by the Client.

Where a Consultant wishes to engage the assistance of a third party not linked with the Consultant to assist in undertaking the Client's project, they shall inform the Client which parts will be subcontracted and obtain their acceptance in writing or by formal agreement. The Consultant ~~is required to~~ **should make best efforts to** ensure that third parties involved in the application development act in line ~~to~~ **with** this code of conduct.

The Consultant will ensure that their quality control procedures are adhered to at all times during the assignment. The Consultant shall pay particular attention to keeping records of activities performed during the assignment and, if requested by the Client, perform an evaluation analysis together with the Client on the occasion of key milestones.

Fees

The Consultant and the Client shall agree upon the terms of the contract and in particular the methods of calculation of the fees payable in case they are not fixed.

Price must be clear and in case it depends on the success of the application or on other circumstances, the criteria to calculate the final price must be simple and transparent to implement.

The Consultant will not propose to the Client, as the only option for reimbursement, to own, partially or totally, or request long-term rights to, some of the Client's assets, including intellectual property and company shares. In case the Client prefers to remunerate the consultancy services in exchange for Client's assets (e.g. IPRs, shares), the Consultant should provide an option to the Client to buy back those assets at a fixed price within a set period (e.g. three years).

Commented [A3]: It is unclear what type of link the Commission is having in mind. It would be great if this formulation was clarified. For example, "linked third parties" (now called "associated partners" under Horizon Europe) typically relate to another party that has capital links or a long-standing commercial agreement. Therefore it should be clear that freelancers are not subcontractors, but linked parties, as long as their contract pre-dates the work to be done (as per EC's own definition of [in-house consultants](#))

Commented [A4]: It could be more realistic to write "should make best efforts" instead of "is required" because it may not be possible to ensure this. Strictly speaking, to ensure compliance, we should share the CoC with third party providers and get them to sign it and this may not be practical in all cases.

If the fees proposed by the Consultant do not include the project management activity in case the proposal is approved, the Consultant's proposal must clearly state in writing that project management is not included. Ideally, the Consultant should provide clear guidance in terms of expected fees for the management of the project in advance.

Final provisions

All Consultants that adhere to this Code of Conduct accept and have in place suitable measures which are designed to monitor the adherence to this Code of Conduct.

Consultancies are invited to state on their websites if they adhere to the Code.

Applicants are advised to use consultancies that adhere to this code and ensure that the terms of support offered by consultants conform with the code before engaging consultancy services.

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Commented [A5]: If consultancies state they adhere to the Code of Conduct but during the service they do not, there should be a method for the Client to complain to the EIC. The EIC can then request the Consultancy to remove the compliance statement. Or something similar.