

Guidelines on the Funding of Research and Development Projects within the Framework of the “Innovation Programme for Roads”

Mobility and therefore the demands made on the traffic infrastructure will continue to increase. Even now, the roads bear the brunt of goods and passenger traffic.

Innovative concepts, materials, technologies as well as methods and procedures must be developed and investigated to make the road system efficient and viable for the future. Innovation and its implementation in road and bridge construction must be stepped up here.

In view of the expected increase in traffic, one point of focus must be placed on the durability of the road infrastructure, for which innovative ideas must be promoted to reduce maintenance expenditure. However, roads of the future must also be more intelligent, more economical, safer and more environmentally compatible, with fewer follow-on costs for users and operators alike.

The framework programme of “Innovation Programme for Roads” describes how research funding is to contribute to achieving the objectives of “Roads in the 21st Century”.

1. Funding purpose, legal basis

1.1 Funding purpose

The funding purpose is to conduct research and development projects in the innovation fields which are described in the framework programme of “Innovation Programme for Roads”.

1.2 Legal basis

Projects can be funded in accordance with the provisions of these Guidelines, Sections 23 and 44 *Bundeshaushaltsordnung* - BHO (Federal Budget Code) and the General Administrative Provisions issued in this respect. There is no legal entitlement to the granting of funding. The granting authority shall decide at its due discretion within the scope of the available budgetary resources.

Funding is given on the basis of Commission Regulation (EU) No. 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (“General Block Exemption Regulation” - GBER) (Official Journal L 187 dated 26.6.2014, P. 1) and accordingly is compatible with the internal market within the meaning of Article 107 (3) of the Treaty on the Functioning of the European Union and exempted from the duty to register pursuant to Article 108 (3) of the Treaty on the Functioning of the European Union.

2. Subject matter and scope

In principle, research and development projects shall be funded in the following innovation fields:

- Safe and reliable roads
- Intelligent roads
- Energy-efficient roads
- Low emission roads
- Roads as part of people's living environment
- Sustainable roads, and
- Roads as innovators.

Details are set out in the framework programme "Innovation Programme for Roads" .

The focal topics of the respective innovation fields are essentially stipulated in individual funding announcements which are published several times a year (see also section 7.1 here).

3. Eligibility for funding

Business enterprises which, at the time the funding is disbursed, have a permanent establishment or branch in Germany, universities and non-university research institutes are entitled to apply.

Only under certain circumstances can project funding for additional project-related expenses and costs be granted to research institutes which receive basic finance from the Federal Government and/or federal states, in addition to their institutional funding.

It is not permitted for the grant recipient to pass on the grant to another recipient (ultimate recipient) (Administrative Provision (VV) No. 12 to Section 44 BHO).

Applicants are not entitled to a grant who have failed to satisfy a repayment order based on an earlier decision of the EU Commission on the determination of the inadmissibility of aid and its incompatibility with the internal market, and undertakings in difficulty pursuant to Article 1 (4) letter c in conjunction with Article 2 (18) letters a to e of Regulation (EU) No. 651/2014 are not entitled to a grant.

No aid shall be granted to applicants in respect of which insolvency proceedings have been applied for or instigated on their assets. The same shall apply to applicants who are obliged to submit, or have submitted, information on their assets pursuant to Section 802c of the Code of Civil Procedure (ZPO) or Section 284 of the Tax Code (AO). If the applicant is a legal entity represented by a statutory representative, this shall apply insofar as the corresponding obligations in Section 802c ZPO or Section 284 AO apply to the statutory representative by virtue of his obligation as statutory representative of the legal entity.

4. Conditions for participation

Funding requires that

- in terms of the topic and research and development objectives, the projects can be classified in the framework programme of “Innovation Programme for Roads” as well as in these Guidelines and the separate funding announcements;
- there is a considerable government interest in funding (Section 23 BHO) which cannot be satisfied or cannot be satisfied to the requisite extent without funding;
- the project has not been commenced before funding is granted. The start of the project shall always be the conclusion of a contract to deliver and perform which is attributable to the project execution.

The applicants must have the requisite technical qualification and sufficient staffing and financial capacities and the basic technical equipment to conduct the project.

Furthermore, the applicants must provide evidence of sufficient credit standing.

The requirements set out in Number 2.1 of the Framework for State aid for research and development and innovation (2014/C 198/01) shall apply to research institutes. They may be exempted from the application of European aid law on the basis of Number 2.1.1 of this Framework. In these cases, if the research institute carries out activities of both economic and non-economic nature, it must be possible to clearly separate the non-economic activities and the economic activities and their costs, funding and revenues. The economic and non-economic activities shall be separated in accordance with the requirements in paragraphs 17ff of the Framework. Proof of the correct assignment of the costs, funding and revenues may be provided during the course of the project for which application is made.

Collaboration projects must satisfy the conditions of Number 2.2.2 of the Framework.

The partners of a collaboration project shall regulate their collaboration in a written agreement. It must at least contain information on the collaboration partners, the expenses/costs and the funding volume applied for, the term, the work schedule, the exploitation plan and existing property rights as well as the collaboration coordinator.

In the case of collaboration projects in which at least one research institute participates, evidence must also be provided of a basic understanding of certain elements of the collaboration agreements required by the Framework before the funding decision is made in accordance with paragraph 27 of the Framework. It must regulate the principles of collaboration in the project and any (economic) exploitation of the project results in accordance with paragraphs 28 ff. of the Framework.

Applicants should check whether the intended project has specific European components and therefore whether EU funding is possible primarily. The results of this research must be communicated in the national funding application.

5. Type, scope and amount of funding

The grant for project funding shall basically be given as non-repayable aid in the form of part funding and shall be restricted to a maximum amount on disbursement.

Applied research and development projects shall be funded as part of the “Innovation Programme for Roads”.

The assessment foundation for grants to business undertakings is provided by the fundable project-related costs, up to 50% of which can usually be partially funded, depending on the proximity of the project to an application.

The maximum funding rate shall be oriented to the allocation of the fundable project-related costs to the research categories and aid intensities in accordance with Article 25 (2) and (5) GBER.

According to Article 25 (6) GBER, the GBER permits differentiated mark-ups which may lead to a higher funding rate.

If a project is subdivided into different parts, each part shall be allocated to one of the research categories.

It is assumed that the business undertakings involved in the project shall make an appropriate contribution.

The grant may not be added to other state aid – including aid pursuant to Commission Regulation (EU) N 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (Official Journal L 352 of 24 December 2013) – unless the other aid refers to different specifiable costs for which aid may be granted, or the maximum aid intensity applicable to this aid under GBER or the maximum aid amount applicable to this aid pursuant to GBER is not exceeded.

The assessment foundation for universities, research and scientific institutes and comparable institutions is provided by the fundable project-related expenditures (in the case of the Helmholtz centres – HZ – and the Fraunhofer Gesellschaft - FhG – the fundable project-related costs) which can be funded up to 100 %. In the case of research projects at universities, an additional administration allowance of 20 % of the grant can be provided. The additional administration allowance supports funding of the indirect project expenditure caused by the respective research project.

6. Other grant terms

The General Ancillary Provisions on Grants to Fund Projects on Cost Base (ANBest-P-Kosten) shall be part of the grant notice.

The General Ancillary Provisions on Grants to Fund Projects on Expenditure Base (ANBest-P) shall be part of the grant notice.

The grant may be a subsidy as defined in Section 1 (1) of the German Subsidy Act in conjunction with Section 264 of the German Criminal Code (StGB). Some of the information to be provided in the application procedure is therefore criminally relevant, as defined in Section 264 StGB in conjunction with Section 2 of the German Subsidy Act. Before approval of funding, the applicant shall be instructed on circumstances of relevance to subsidies and informed of the consequences of subsidy fraud under criminal law.

The grant recipients must provide the information and data on the project requested by the grant provider, which may be used by the grant provider or any third party commissioned by the grant provider for accompanying research and publicity work.

They are obliged to report on their research results during publicly accessible seminars and to put them up for discussion.

All grant recipients are required to make the research results available to the general public by publishing a final report.

Concomitant monitoring is provided for within the scope of the programme to achieve the objectives. The grant recipients are obliged – under consideration of the data protection provisions – to provide all data required for the evaluation of the funding programme and specified by us and to participate in questionnaires, interviews and other data surveys intended by the grant provider for the evaluation. Further details shall be regulated by the respective grant notice.

7. Calls for proposals

By way of supplement to these Guidelines and on the basis of the framework programme of “Innovation Programme for Roads“, a thematic focus is specified within the individual innovation fields several times a year by separate funding announcements.

The possibility exists to submit funding applications within the framework of these funding announcements.

Applications are made in the single stage procedure.

The individual funding announcements and further information are published at

http://www.bast.de/DE/BAST/Forschung/Forschungsfoerderung/Forschungsfoerderung_node.html.

The Federal Highway Research Institute (BASt) is the granting authority on behalf of the Federal Ministry of Transport and Digital Infrastructure (BMVI).

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