

BEYOND

D1.3 - Ethics monitoring report

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D1.3 - Ethics monitoring report

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EXECUTIVE SUMMARY

The deliverable D1.3- Ethics Monitoring Report, defines how research will be executed in the BEYOND project regarding the ethics monitoring, IPR strategies and Responsible Research and Innovation, in collaboration between the project partners and the independent ethics committee that will be established and operate during the project implementation to closely monitor and consult the consortium with regards to any activity involving ethics issues.

The document will present the main roles for the ethical monitoring of the project. The project involves the carrying out of household, building, DER, network, weather and market data collection in a set of 4 demonstrators in Greece, Spain, Finland and Serbia. For this reason, consumers participants will be involved in certain aspects of the project and data will be collected. This will be done in full compliance of the main legislation and more specifically Directive 2016/679/ EC (also known as General Data Protection Regulation, "GDPR") on Data Protection and Privacy which is currently in force in the Member States where the demonstrations will be carried out.

The deliverable documents the activities described in T1.3 - Ethics monitoring, IPR strategies and Responsible Research & Innovation. The updates on the Ethics Monitoring Process, will be reported in the 2 Periodic Reports of the project.



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Abbreviations and Acronyms

Acronym	Description
BIM	Business and Innovation Manager
DPIA	Data Protection Impact Assessment
DPO	Data Protection Officer
EAC	Ethical Advisory Committee
EU	European
GA	Grant Agreement
GDPR	General Data Protection Regulation
LEPI	Legal and Policy Issues
RRI	Responsible Research and Innovation
WP	Work Package



INTRODUCTION

This deliverable defines how research will be executed in the BEYOND project regarding the ethics monitoring, IPR strategies and Responsible Research and Innovation, in collaboration between the project partners and the independent ethics committee that will be established and operate during the project implementation to closely monitor and consult the consortium with regards to any activity involving ethics issues.

The document will present the main roles for the ethical monitoring of the project. The project involves the carrying out of household, building, DER, network, weather and market data collection in a set of 4 demonstrators in Greece, Spain, Finland and Serbia. For this reason, consumers participants will be involved in certain aspects of the project and data will be collected. This will be done in full compliance of the main legislation and more specifically Directive 2016/679/ EC (also known as General Data Protection Regulation, “GDPR”) on Data Protection and Privacy which is currently in force in the Member States where the demonstrations will be carried out.

The deliverable documents the activities described in T1.3 - Ethics monitoring, IPR strategies and Responsible Research & Innovation. The updates on the Ethics Monitoring Process, will be reported in the 2 Periodic Reports of the project. The post-grant agreement ethics requirements are documented in the respective deliverables of WP9- Ethics requirements.

The document is structured as follows:

Section 1 provides information of the relevant EU legislation, alongside with the legislation on the demo countries.

Section 2 identifies the main roles for the ethical monitoring of the project.

Section 3 provides the guidelines for the ethics monitoring and documents initial ethical risks.

Section 4 introduce the Responsible Research Innovation and how it is addressed within the project.

Section 5 documents how BEYOND will ensure gender balance during the implementation of the project.



1. Ethics in BEYOND

The BEYOND consortium is fully aware of the ethical implications of the proposed research and respects the ethical rules and standards of HORIZON 2020 Programme, and those reflected in “Article 19 – Ethical principles” of Charter of Fundamental Rights of the European Union. Overall, ethical, social and data protection considerations are crucial to this project.

The core ethical issues within BEYOND are addressed by fully complying with EU and national legislation. The **BEYOND Ethics Monitoring** will evolve around these main principles:

- Ensure transparency on all data collection and management practices performed by the project and notify all stakeholders that act as data producers.
- Confirm the (explicit and written) Informed Consent of the business actors that are the owners of the data and involved in the project pilot evaluation phase.
- Safeguard data protection, security and privacy issues through an integrated security and ethics management policy throughout technologies as well as data management practices in the project’s field of research (household energy consumption data & respective profiles).

1.1 Legislation

The project’s framework all relevant legislations needs be considered, alongside with the general ethical principles. All partners performing research will act according to national and European legislation, and in line with national data protection provisions and the European data protection rules. The partners will also be required to follow agreed rules set by partners for the recruitment of participants, the implementation of activities, recording, analysis, and storage of data collected in the project. The guidelines on these issues are applied by all partners and periodically reviewed by the Ethical Advisory Committee of the project (see below). Each partner is responsible for compliance in their country and must be able to justify it and prove it to the ethical committee as well as observe national and EU legislation.

General Data Protection Regulation (GDPR): GDPR is considered and relevant ethical, legal and privacy concerns will be addressed respectively. BEYOND management structure will comprise a Data Protection Officer (DPO), which has significant expertise on GDPR. The DPO will be responsible for overseeing data protection strategy and implementation to ensure compliance with GDPR requirements. The DPO will also be in close collaboration with the Data Protection Officers of the Beneficiary organizations.

Arrangements will be prepared by the researchers to carefully protect the confidentiality of participants and their data. All personal information collected will be



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considered privileged information and be dealt with in such a manner as not to compromise the personal dignity of the participant or to infringe upon his/her right to privacy. Before consent is obtained, the researchers will inform prospective participants of any potential risks that might mean that the confidentiality or anonymity of personal information may not be guaranteed and the purpose for which personal information provided will be used.

Data Protection: The BEYOND solution will be consistent to the following European rules and regulations for data protection:

- Article 8 of the European Convention on Human Rights and the judgments of the European Court of Human Rights.
- Article 7 & 8 of the Charter of Fundamental Rights of the European Union.
- OECD 1980 Guidelines on Privacy.
- Council of Europe 1981 Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data.
- Council of Europe, Recommendation on human rights and biomedicine, concerning biomedical research, Strasbourg 25th of January 2005.
- Recommendation (97) 5 of the Council of Europe on the protection of medical data.
- Recommendation (83) 10 of the Council of Europe on the protection of personal data used for scientific research and statistics

1.2 Applicable Legislations in the BEYOND Demo Countries

The BEYOND project will collect data in 4 demonstrators in Greece, Spain, Finland and Serbia. The consortium demo partners will follow national requirements and obligations in the respective countries as described in the following sections.

1.2.1 Greece

The legislation for the Data Protection in Greece is the form of Law 4624/2019 ("Data Protection Law")¹, entered into force on 29 August 2019, which includes provisions in certain areas which are left by the GDPR to the discretion of member-states and

¹ https://www.dpa.gr/sites/default/files/2020-08/LAW%204624_2019_EN_TRANSLATED%20BY%20THE%20HDPA.PDF



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dissolves the legal uncertainty caused by the delayed supplementation of the Regulation and the parallel validity of Law 2472/1997.

The Greek demo has to comply with the GDPR legislation in the form of Law 4624/2019 (“Data Protection Law”).

1.2.2 Spain

The legislation for the Data Protection in Spain is presented in the Organic Law 3/2018², on the Protection of Personal Data and Guarantee of Digital Rights. The full name of the current regulation is the Organic Law on Data Protection and Guarantee of Digital Rights (Ley Orgánica de Protección de Datos y Garantía de Derechos Digitales -LOPDGDD).

This law came into force on 5 December 2018, repealing the former Organic Law 15/1999 on the Protection of Personal Data. The aim of the LOPDGDD is to adapt Spanish legislation to European regulations, as defined by the General Data Protection Regulation (GDPR), in force since 25 May 2018. Therefore, if we are addressing about data protection in Spain, the reference standard is the LOPDGDD. This law establishes the requirements and obligations in terms of data protection in companies on how to proceed with personal information, as well as the rights of users and consumers.

The Spanish demo has to comply with the GDPR legislation in the form of the Organic Law 3/2018, of 5 December.

1.2.3 Finland

The legislation for the Data Protection in Finland is the Finnish Data Protection Act (1050/2018) (the “Data Protection Act”)³ in force since 1 January 2019. This Act specifies and supplements Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), hereafter the Data Protection Regulation, and its national application.

The Finnish demo has to comply with the GDPR legislation in the form of the the Finnish Data Protection Act (1050/2018) (the “Data Protection Act”) in force since 1 January 2019.

² <https://www.boe.es/boe/dias/2018/12/06/pdfs/BOE-A-2018-16673.pdf>

³ <https://www.finlex.fi/fi/laki/kaannokset/2018/en20181050.pdf>



1.2.3 Serbia

The legislation for the Data Protection in Serbia is the New Law on Data Protection of Personal Regulation (the "Law")⁴. The Law was adopted by the National Assembly of the Republic of Serbia, adopted in November 2018 and started to enforce in Serbia on 22 August 2019. It mainly represents the translated and adapted GDPR regulations in the national regulation. The Law was published in the "Official Gazette of RS", no. 87/2018, entered into force on 21 November 2018, applied upon the expiration of nine months. This law closely follows EU's General Data Protection Regulation (GDPR).

The Serbian demo has to comply with the GDPR legislation in the form of the New Law on Data Protection of Personal Regulation (the "Law").

1.3 Safeguards to respect ethics issues and legislations in the Demo Countries

In order to ensure respect of ethics issues and regulations in the different demos of the project and safeguard the rights of the participants (data subjects) in the project activities, several measures are taken within BEYOND project. Since the participation in BEYOND activities will be voluntary, safeguards will be in place to ensure that participants are able to give free, explicit and informed consent. All templates of the informed consent forms and information sheets (in language and terms intelligible to the participants) will be kept on file. All informed consent procedures and guidelines are further detailed in the deliverable D9.2-POPD - Requirement No.3.

⁴ <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2018/87/13/reg>



2 Ethics Management in BEYOND – Roles and Responsibilities

2.1 LEPI Office

The **Legal and Policy Issues Office (LEPI Office)** will provide advice to all the activities related to legal and policy issues that may arise in the project. The LEPI role will undertake the Legal office of UBITECH.

2.2 Data Protection Officer

The **Data Protection Officer (DPO)** will supervise the data protection and information security aspects including also the alignment with the GDPR regulation in force. The DPO will also participate in the Ethical Advisory Committee. The DPO role will undertake Dr. Sophia Karagiorgou from UBITECH.

According to the GDPR, Article 39, the role of the Data Protection Officer is to:

- inform the staff involved in data processing of their legal obligations;
- monitor compliance with legal requirements, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;
- provide advice where requested as regards the data protection impact assessment and monitor its performance;
- cooperate with the supervisory authority;
- act as the contact point for the supervisory authority on issues relating to processing, including the prior consultation, and to consult, where appropriate, with regard to any other matter;
- will facilitate liaison with each pilot to ensure that each trial meets the legal and best-practice requirements that BEYOND will adopt.

2.3 Ethical Advisory Committee

The **Ethical Advisory Committee (EAC)** is established to closely monitor any ethical issues that may raise in the project due to the management and processing of a multitude datasets, while involving legal related expertise to safeguard the legitimacy of the data sharing contracts to be delivered as part of the project activities. The Ethics Advisory Committee (EAC) will be responsible for guiding and monitoring that ethic issues are properly handled in BEYOND, and will act as an independent advisory body, to the LEPI and the DPO.



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The Committee will be appointed by the Project Management Board will be composed of representatives of the different demo partners in the consortium. Although the Ethical Committee members will be chosen among the members of the consortium, a requirement for membership is to not be involved directly in the activities of the project. In this manner, the Ethical Committee members will be able to act as independent consultants regarding BEYOND. The Ethical Committee members will internally appoint a chair, with rotating roles along the project duration. The Ethical Committee will also invite independent consultants, for example legal and ethics experts, to provide feedback and review ethics and data sharing-related topics in the project deliverables. Independent consultants will also be asked advice should some unforeseen or serious ethical issue occur during the project. These (external) consultants will be contacted through the existing network of the Ethics Committees or legal departments of each of the demo partners.



3 Ethics Monitoring

In Section 5.1 of the BEYOND Grant Agreement it is described how ethic issues will be faced in the project. It is based upon a complete ethics self-assessment carried out in order to identify and deal correctly with any ethics issues that may arise from the project and to ensure that the project is compliant with applicable international, EU and national laws.

3.1 Ethics risks Monitoring, Assessment and Management

A procedure of ethics risk assessment with support of the LEPI-Officer will provide compliance with the European standards for research ethics. Therefore, during duration of the project all ethical issues shall be treated according to the following procedure.

The Article 29 Data Protection Working Party⁵ formulated nine criteria that categorize processing activities. The criteria are summarized as follows:

1. Evaluation or scoring, including profiling and predicting, especially from “aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behavior, location or movements” (recitals 71 and 91 GDPR).
2. Automated decision-making with legal or similar significant effect: processing that aims at taking decisions on data subjects producing “legal effects concerning the natural person” or which “similarly significantly affects the natural person” (Article 35(3)(a) GDPR).
3. Systematic monitoring: processing used to observe, monitor or control data subjects, including data collected through networks or “a systematic monitoring of a publicly accessible area” (Article 35(3)(c) GDPR). This type of monitoring is a criterion because the personal data may be collected in circumstances where data subjects may not be aware of who is collecting their data and how they will be used. Additionally, it may be impossible for individuals to avoid being subject to such processing in public (or publicly accessible) space(s).
4. Sensitive data or data of a highly personal nature: this includes special categories of personal data as defined in Article 9 (for example information about individuals' political opinions), as well as personal data relating to criminal convictions or offences as defined in Article 10. An example would be a general hospital keeping patients' medical records including diagnoses for disorders. Whether the data has already been made publicly available by the data subject or by third parties may be relevant. The fact that personal data is publicly available may be considered as

⁵ <https://ec.europa.eu/newsroom/article29/items/itemType/1360>



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a factor in the assessment if the data was expected to be further used for certain purposes.

5. Data processed on a large scale: the GDPR does not define what constitutes large-scale, though recital 91 provides some guidance. In any event, it is recommended that the following factors, in particular, be considered when determining whether the processing is carried out on a large scale:
 - a. the number of data subjects concerned, either as a specific number or as a proportion of the relevant population;
 - b. the volume of data and/or the range of different data items being processed;
 - c. the duration, or permanence, of the data processing activity;
 - d. the geographical extent of the processing activity.
6. Matching or combining datasets, for example originating from two or more data processing operations performed for different purposes and/or by different data controllers in a way that would exceed the reasonable expectations of the data subject.
7. Data concerning vulnerable data subjects (recital 75 GDPR): the processing of this type of data is a criterion because of the increased power imbalance between the data subject and the data controller, meaning the individuals may be unable to easily consent to, or oppose, the processing of their data, or exercise their rights.
8. Innovative use or applying new technological or organizational solutions, like combining use of fingerprint and face recognition for improved physical access control, etc.
9. When the processing in itself “prevents data subjects from exercising a right or using a service or a contract” (Article 22 and recital 91 GDPR). This includes processing operations that aim at allowing, modifying or refusing data subjects’ access to a service or entry into a contract.

Based on the criteria formulated by the Article 29 Data Protection Working Party, the following template was developed for describing a data processing activity and assessing the ethics risk of the data processing activity in the BEYOND project.



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TABLE 1: TEMPLATE FOR ETHICS RISK ASSESSMENT OF DATA PROCESSING ACTIVITIES

PART 1		
Data processing activity	Brief explanation of the data processing activity	
Does it involve processing of personal data?	Y/N	Brief explanation
Is there any exception (law) that supports the processing without DPIA?	Y/N/NA	Brief explanation
PART 2 – ethics risk assessment (only necessary for personal data processing without any exception for DPIA)		
Criterion	Y/N	Brief explanation
1.Evaluation, scoring, profiling, prediction?		
2. Automated decision making?		
3. Systematic Monitoring?		
4. Sensitive data or highly personal data?		
5. Large-scale processing?		
6.Matching or combining datasets?		
7.Vulnerable subjects?		
8.Innovative technology?		
9.Prevents subject from exercising rights?		
PART 3 ethics risk analysis (only necessary if the answer for any of the questions in Part 2 is “YES”)		
Analysis	Briefly describe analysis of risks	
DPIA likely to be required?	Y/N	

Part 1 of the template is filled for all data processing activities, whereas part 2 is filled only for personal data processing for which there is no exception supporting the data processing without DPIA (Data Protection Impact Assessment). If the answer for any of the questions in part 2 was “Yes”, a more detailed analysis of the data processing activity will be performed (i.e., measures taken to reduce ethics risk), which is documented in part 3 of the template.



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The completed ethics risk assessment is then submitted to the LEPI-Officer, who will evaluate the issue and provide feedback. Based on the LEPI-Officer’s assessment the project partner can either implement the proposed mitigation or consult the project’s DPO.

3.2 Ethical Risks

A preliminary list of identified ethical risks along with their contingency planning is presented in the section below. The importance of each risk is determined by two factors: impact and likelihood.

Potential Significant Risks	Impact/ Likelihood to occur	Proposed Counter Measures / Contingency Plans	Relevant WPs
Legal provisions regarding the collection and processing of personal sensitive information	High/ Low	Any original records or data to be collected from the demo partners for the project needs will be destroyed after that, if keeping them is forbidden by law of the country in which the information was collected, stored and analysed.	WP2, WP3, WP4, WP7, WP8
Difficulty in ensuring the security of personal data in the pilot sites	High/ Low	Special attention will be given to ensure confidentiality and for incorporating PET technologies to ensure protection from data breaches. Consortium partners have the capacity and the experience to cope with the delivery of security mechanisms, if needed.	WP2, WP3, WP4, WP7, WP8
Lack of Transparency in the pilot sites	High/ Low	The Ethics Monitoring Report and the Data Management Plan will foresee the necessary provisions in order to both minimize this risk as well any other similar that may arise during the project lifetime. Furthermore, during the pilot trials the responsible partners will inform participants and relevant authorities on the details, the scope and the purposes of the data collection process and the necessary documents will be created by	WP2, WP3, WP4, WP7, WP8



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		the consortium pilot partners in order to get an ethical approval.	
Use of IT Equipment - Installation and use of equipment on the pilot sites	Medium / Low	The demonstration partners have previous experience and expertise to coordinate and successfully complete the necessary technological installations. They can ensure that any equipment will be installed with minimum intrusion to the relevant actors and within the provisions of the respective legal provisions of each country.	WP2, WP3, WP4, WP7, WP8
Official Authorizations (where appropriate)	High / Low	Refers to cases where relevant pilot site authorities will need to be notified in order to provide official authorizations. A careful study of local/national legislative constraints will be performed early in the project. Based on these findings, within the work of WP1 and WP2, the consortium and especially the demonstration partners will proactively notify relevant stakeholders and ensure appropriate authorizations based on the provisions of the Data Management Plan.	WP1, WP2, WP3, WP4, WP7, WP8

The aforementioned ethical risks will be updated during the project's lifespan, in order for the Ethics Management members to regularly check ethical issues that may arise and provide promptly any mitigation actions.



4 Responsible Research and Innovation (RRI)

Responsible Research and Innovation ⁶ is a process where all societal actors (researchers, citizens, policy makers, business) work together during the whole R&I process in order to align R&I outcomes to the values, needs and expectations of European society.

Innovation management in BEYOND will be based on a decision framework which will be implemented within the PSC. It will help to identify the type of innovations and evaluate these in terms of potential, impact and the scope required to turn innovations to effective and sustainable commercial solutions. Some of the BEYOND solutions may have complex value chains and require a range of actors to cooperate to find suitable business models, as well as very specific innovation frameworks. BEYOND will therefore apply the Responsible Research and Innovation (RRI) approach, that aims to bring together all relevant actors during the whole project duration and innovation process in order to better align both the process and its outcomes with the values, needs and expectations of business and society. The BIM will oversee related activities, supported by partners with different views involving a good mix of players from industry and end-users to cover a broad perspective to address society needs and new business models.

This task also addresses the RRI which involves the participation of all stakeholders (from people in the research community to the institutions and Governments) through inclusive and participatory methodologies, in all stages of the research and innovation process, and all the levels of governance of research and innovation.

⁶ <https://ec.europa.eu/programmes/horizon2020/en/h2020-section/responsible-research-innovation>



5 Gender Equality

5.1 Gender Equality Principles

Gender Equality as a cross-cutting issue in Horizon 2020 and its three objectives:

- Gender balance in decision-making in managing Horizon 2020
- Gender balance and equal opportunities in project teams at all levels
- Gender dimension in Research & Innovation content

According to Article 33.1 “Obligation to aim for gender equality” of the Grant Agreement (GA), which states that *“The beneficiaries must take all measures to promote equal opportunities between men and women in the implementation of the action. They must aim, to the extent possible, for a gender balance at all levels of personnel assigned to the action, including at supervisory and managerial level.”*, and taking also under consideration the Article 16 “Gender equality” from the REGULATION (EU) No 1291/2013⁷ *“Horizon 2020 shall ensure the effective promotion of gender equality and the gender dimension in research and innovation content. Particular attention shall be paid to ensuring gender balance, subject to the situation in the field of research and innovation concerned, in evaluation panels and in bodies such as advisory groups and expert groups. The gender dimension shall be adequately integrated in research and innovation content in strategies, programmes and projects and followed through at all stages of the research cycle”* and Article 14 “Cross Cutting-issues” *“1. Linkages and interfaces shall be implemented across and within the priorities of Horizon 2020. Particular attention shall be paid in this respect to: ... (l) responsible research and innovation including gender;”*.

5.2 BEYOND Gender Equality Plan

The findings of BEYOND project are not foreseen to affect women and men differently and all the outputs are expected to be non-gendered. All BEYOND partners emphasize the importance of taking an inclusive and participatory approach to address gender inequalities.

The BEYOND consortium is fully committed implement a Gender Equality Plan to improve gender equality within the consortium and to promote gender balance not only for researchers but also for women involved as end-users.

⁷ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:347:0104:0173:EN:PDF>



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Thus far, female researchers are in key positions in the BEYOND Management Structure: Project Management, WP Leaders in WP1, WP6, WP9, DPO, the LEPI. Furthermore, key project contacts and researchers are females, while a continuous attempt will be made towards enhancing female participation.

Finally, gender equality will also be addressed in the demonstrations (gender-unbiased selection of demo participants/ occupants) and safeguards a balanced involvement in dissemination events with regards to keynote speakers but also the audience. the Dissemination and Dissemination Management will ensure that system user interfaces or published documents (i.e., scientific papers, white papers, etc.) do not contain any assumptions or biases with regard to sex and/or gender.

In the context of the project activities and management, the partners of the BEYOND consortium are all equal opportunity employers, actively working towards a better balance between male and female members of staff, flexibility of the workforce and benefits for all working parents.



Conclusions

The deliverable made an introduction on how research will be executed in the BEYOND project regarding the ethics monitoring, IPR strategies and Responsible Research and Innovation. The main roles for the ethical monitoring of the project were presented.

Since the project involves data collection from consumers participants in a set of 4 demonstrators in Greece, Spain, Finland and Serbia, the national and EU legislations that the demo partners need be in full compliance were mentioned.

The Ethics management structure and the ethics monitoring were also presented alongside with the identification of some initiative risks.

Finally, the deliverable introduced the Responsible Research Innovation and how it will be addressed within the project and the gender equality plan was presented in order to ensure gender balance in the context of the project activities and management.

The deliverable documents the activities described in T1.3 - Ethics monitoring, IPR strategies and Responsible Research & Innovation. The updates on the Ethics Monitoring Process, will be reported in the 2 Periodic Reports of the project.

