



*H2020-NMBP-HUBS-2019*

# **FlexFunction2Sustain**

**Open Innovation Ecosystem for Sustainable Nano-functionalized Flexible Plastic and Paper Surfaces and Membranes**

Starting date of the project: 01/04/2020  
Duration: 48 months

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**= Deliverable D1.6 =**  
**OITB Member Association Filed**

<b>Dissemination level</b>		
PU	Public	x
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
CO	Confidential, only for members of the consortium (including the Commission Services)	



*This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 862156*

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## Executive Summary

Deliverable D1.6 describes the setup of the FlexFunction2Sustain Open Innovation Test Bed (OITB) Association. It was expected to register the association until Month 12 of the FlexFunction2Sustain Horizon 2020 project. However, it turned out that the complexity and commercial activity of an Open Innovation Test Bed requires deeper legal evaluations and a revision of the model proposed in the original FlexFunction2Sustain project proposal. Details on the particular challenges in the OITB setup were presented earlier in *Deliverable D1.4* (“Basic Structure of SEP operation”). Identified challenges were: regulations related to possible (semi)commercial activities for non-profit association; considerations on liability risks for the association and its members; restrictions related to the antitrust laws and cartel laws; and finally internal conditions at individual members that must be fulfilled by the association statutes to allow them to become members.

Finally, the FlexFunction2Sustain consortium has worked out a model that satisfied all boundary conditions and different interests based on a European **non-profit** OITB association. The association will closely interact with for-profit companies who will commercialise the results created within in the framework of the FlexFunction2Sustian Open innovation Test Bed activities.

On February 7<sup>th</sup>, 2023 the association was created as non-profit association according the French 1901 law of association with a place of business in Paris, France. By that the association was registered officially by 27/02/2023 and to become operational by Month 36 of the project (March 2023).

The association is designed as open network of excellence for sustainable nano-functionalized flexible plastic and paper surfaces and membranes. It will secure the societal impact of the OITB based on the following association tasks:

- Technology information exchange for sustainable nano-functionalised flexible plastic and paper surfaces and membranes
- Framework to establish joint competencies
- Networking opportunities through events, seminars, webinars, conferences, etc.
- EU wide network of excellence through increased dissemination of OITB research results and offers
- Access to newest information about technology, regulation, standards
- Influence regulations, standards and future topics for public funding
- Create synergies with relevant organisations or networks
- Publish information on sustainability of plastic and paper based products and establish a trust brand for environmentally friendly plastic products
- Consolidate and maintain the OITB catalogue of offerings
- Create and sustain a brand under which results and assets of the OITB are disseminated
- Strategic collaboration with [one or more] external companies for commercial exploitation of OITB results

Besides the legally obligatory association bodies (General Assembly and Board of Directors), a set of standing technical committees and working groups will be established:

- Operation procedures and quality management: ensure efficient collaboration between members
- Knowledge, roadmap and trends: collect scientific and market trends, prepare roadmap documents
- OITB business and offerings portfolio: support members in setting up competitive OITB offerings
- Regulations and Standardisation: participate in standardisation bodies with “a European Voice”
- OITB interactions: synchronize with other OPEN INNOVATION TEST BEDS and maximize synergies
- Dissemination, regional developments, events: promote the OITB idea; establish events and workshops

The board of directors will be composed initially of 5 people, thereof minimum 2 from industrial partners. It is intended to form the first association’s board of directors from the following people: (1) Lorenzo Pastrana, INL – President; (2) Thomas Kolbusch, COATEMA – Industrial Vice President; (3) Christian May, Fraunhofer FEP – Research Vice President; (4) Robert Harrison, SHP Law Group – Treasurer and responsible for administration; and (5) Sandrine Lebigre, IPC – OITB development on Recycling and Biodegradability.

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## 1. Introduction

Deliverable D1.6 describes the setup of the FlexFunction2Sustain Open Innovation Test Bed (OITB) Association. It was expected to register the association until Month 12 of the FlexFunction2Sustain Horizon 2020 project. It turned out that the complexity and commercial activity of an Open Innovation Test Bed requires deeper legal evaluations and a revision of the model described in the original FlexFunction2Sustain project proposal. Details on the particular challenges in the OITB setup were presented earlier in *Deliverable D1.4* (“Basic Structure of SEP operation”). Identified challenges were: regulations related to possible (semi)commercial activities for non-profit association; considerations on liability risks for the association and its members; restrictions related to the antitrust laws and cartel laws; and finally internal conditions at individual members that must be fulfilled by the association statutes to allow them to become members.

Finally, the FlexFunction2Sustain consortium has worked out a model that satisfied all restrictions and allows the creation of a **non-profit** Europe-wide active OITB association. The association will closely interact with commercial partners who will commercially exploit the OITB results and the catalogue of offerings created within the association’s framework.

The setup of the association, its organisational bodies and the statutes are presented in the following sections.

## 2. Results and discussion

### 2.1. Founding Members of the Association

The association is founded by the following by **7 members** of the FlexFunction2Sustain project consortium, who bring complementary expertise and services to the OITB as described in the FlexFunction2Sustain project Handbook ([https://flexfunction2sustain.eu/wp-content/uploads/2021/08/Project-handbook\\_FINAL.pdf](https://flexfunction2sustain.eu/wp-content/uploads/2021/08/Project-handbook_FINAL.pdf)) in Deliverable D8.10 and in the FlexFunction2Sustain OITB catalogue of offerings.

A final legal approval by all partners and several formal steps (e.g. receiving an official power of attorney of the legal representatives of the some OITB members) are was required before creating the association and took much more time as originally planned. On February 7th, 2023 the association was created as non-profit association according the French 1901 law of association with a place of business in Paris, France. The association was registered officially by 27/02/2023 and to become operational by Month 36 of the project (March 2023).

Long name	Short name	Country
Fraunhofer Gesellschaft	FHG	DE
Joanneum Forschungsgesellschaft mbH	JOA	AT
Coatema Coating Machinery	COA	DE
SHP Law Group	SHP	FR, DE
Centre Technique Industriel de la Plasturgie et des Composites	IPC	FR
International Iberian Nanotechnology Laboratory	INL	PT
Amires s.r.o.	AMI	CZ

### 2.2. Objectives and tasks of the association

The **FlexFunction2Sustain association** is designed as an open, collaborative network of excellence for sustainable nano-functionalized flexible plastic and paper surfaces and membranes. It forms an active platform for the exchange and cooperation of inventors, scientists, technologists, producers, sellers and all future relevant partners for development and implementation in joint projects. The association will maximize of the FlexFunction2Sustain OITB and – together with other OITB – shall contribute to a common European voice in international standardisation bodies. Thematic focus is the surfaces modification of plastic and paper surfaces and membranes with nanotechnologies for sustainable and/or smart innovative products.

The statutes will specify the task of the association as follows:

- Technology Information Exchange for sustainable nano-functionalised flexible plastic and paper surfaces and membranes
- Framework to establish joint competencies
- Networking opportunities through events, seminars, webinars, conferences, etc.
- EU wide network of excellence through increased dissemination of OITB research results and offers
- Access to newest information about technology, regulation, standards
- Influence regulations, standards and future topics for public funding
- Create synergies with relevant organisations or networks
- Publish information on sustainability of plastic and paper based products and establish a trust brand for environmentally friendly plastic products
- Consolidate and maintain the OITB catalogue of offerings
- Create and sustain a brand under which results and assets of the OITB are disseminated

- Strategic collaboration with [one or more] external companies for commercial exploitation of OITB services and results

The association is set up as a non-profit legal entity. The commercial exploitation of the Open Innovation Test Bed Results is covered by a separate legal entity – the “Single Entry Point” (SEP) company. Here, multiple Single Entry Point companies can be active at the same time. Still, the association may and will receive income from its activities (membership fees, training activities, events, documents) which will be used for covering expenses for dissemination, events, and standardisation activities.

### 2.3. Business and sustainability plan of the FlexFunction2Sustain OITB association

The business and sustainability plan of the association is compiled in the Project Deliverable D1.5 “*Final OITB Business Plan*”. The business idea of the association is summarized as follows:

The Flexfunction2Sustain Open Innovation Test Bed (OITB) consolidates the efforts and goals of the EU Commission to re-industrialize Europe with new technologies and applications, especially in the field of nanotechnologies for smart and sustainable nano-functionalized plastic and paper surfaces and membranes. In addition, it forms an active platform for the exchange and cooperation of inventors, scientists, technologists, producers, sellers and all future relevant partners for development and implementation in joint projects. This platform serves higher ideational values and places the general benefit for society above the profitability of the association – that is why the association model was favoured. The service entry of the members, which ensures success, must, however, be organized in a profitable manner for them. Therefore, the Open Innovation Test Bed combines the services of its members in a project-, future-, and market-oriented manner. These services uniquely combine technology services, business development and services for evaluating, securing, and exploiting intellectual property rights. **The OITB extremely shortens the “time-to-market” cycle for its interest groups.**

To achieve that, the OITB interconnects knowledge-providers and production providers with research partners, innovators and industrial interest groups. The association **creates a framework for efficient collaboration on technical and business level** by providing standards for interactions as well as organizational and legal structures for successful collaboration. On the other hand, the OITB is also building technical and collaboration databases that go far beyond the functionality and value of today's technology.

The core capabilities of the OITB association consist of

- goal-driven partner facilitation of interested parties and services
- goal-focused combination of its members
- supply of structures to accelerate processes of decision-making
- customer and application-oriented information about suitable technology and production providers
- potent market access
- development of standardized framework conditions of cooperation
- accelerating cross-company project management

Interested parties may use the OITB offers to optimize their market knowledge, partner selection, technology knowledge, market access, organization procedures and project management in collaborative projects. This enables them to access new or previously blocked market shares.

The OITB strengthens the voice of the European industry (in the addressed market segment) in international standardization bodies and in establishing new EU specifications for products with sensitive applications (*e.g.*, food packaging or medical products ...).

The association will finance its activities from income generated through:

- membership fees (3000 ... 4,000 €) starting after the FlexFunction2Sustain H2020 projects ends
- sponsoring memberships with higher membership fees on voluntary base
- income from events, publications and congresses
- consulting and advisory activities
- participation in regional, national and EU funded network and technology projects

- license / commission fees from commercial single entry point (SEP) companies which exploit the OITB offerings catalogue commercially
- training activities and teaching courses and seminars for industry

The income will be used to cover administration expenses and to finance dissemination and education activities, participation in standardization bodies and others.

### 2.4. Association Brand Name and Corporate Design

The association brand name and corporate design has not been finally decided yet. The FlexFunction2Sustain project brand and logo (see the title page of this deliverable) has already reached a high level of awareness and so will be exploited for developing the association’s corporate identity. A professional marketing agency will secure a professional appearance on the market and in the society.

The association’s official registered name is “ESNA – European Sustainable Nanotechnology Solutions Association “.

### 2.5. Association bodies

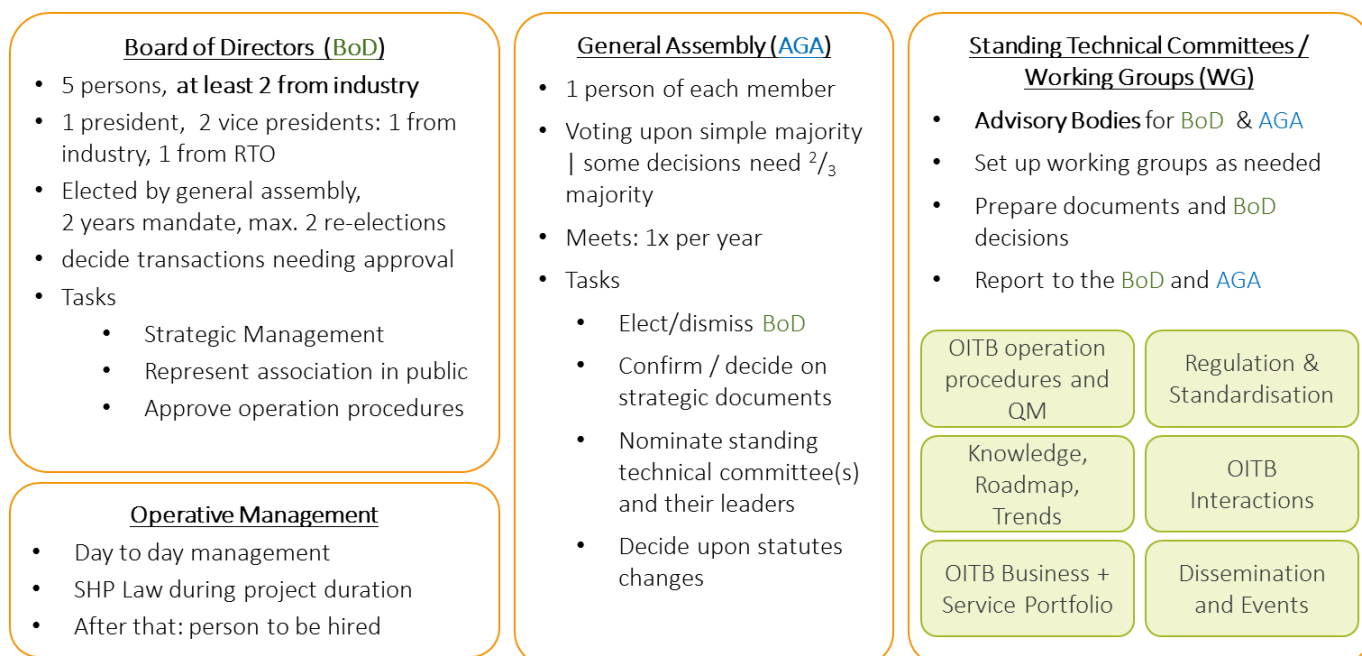


Figure 1: Overview of the ESNA Bodies

Figure 1 illustrates the organisational setup of the FlexFunction2sustain Association. The association will create the relevant association bodies namely the Board of Directors (Executive Board) as Strategic Management Entity and the General Assembly as ultimate decision making body. A draft of the association statutes is attached to this deliverable document and describe the roles of the two association bodies in detail.

Beyond that, the FlexFunction2Sustain association will establish a set of standing technical committees and working groups which address several activities of the Open Innovation Test Bed. Initially six different technical committees will be created. They are summarized in the following table.

Group Name	Leader	Activities
OITB operation procedures and quality management	JOA FHG-FEP	Establish operational procedures for technical collaboration among OITB members (e.g., metadata formats, material and progress tracking) and for documentation and quality control.



Group Name	Leader	Activities
		Further FlexFunction2Sustain OITB business processes and guidelines (such as communication strategy; continuous improvement.) are maintained within this group.
Regulation and Standardisation	IPC	Participate in Standardisation Bodies and represent standardisation projects of OITB and its members; coordinate pre-normative experimental and conceptual activities; Continuously review standards and regulations and suggest revisions where appropriate.
Knowledge-Management, Roadmaps	COATEMA	Collect scientific and market information, trends or reports, establish an OITB internal knowledge-base and prepare technical white papers and the FlexFunction2Sustain OITB roadmap documents.
OITB-Interactions	INL	Exchange information, experience and best practice with other OITB and relevant projects (e.g., pilot lines or digital innovation hubs). Synchronise dissemination and exploitation activities with other OITB and share and align the catalogue of offerings to create joint services and maximize synergies in the EU Open Innovation Ecosystem.
Dissemination and Events	tbd.	Prepare public dissemination and teaching materials; prepare and organize FlexFunction2Sustain events; consult the board of directors and the members on attending trade-fairs and conferences and coordinate joint dissemination activities; manage the interaction with the single entry point (SEP) companies.
OITB Business + Service Portfolio	tbd.	Maintain and continuously update the FlexFunction2Sustain Catalogue of offerings; Support member in directing their service offerings towards market needs and in preparing their service descriptions; suggest invitation of new association members.

## 2.6. Commercial exploitation of the OITB results

The OITB results are all outcomes related to the commercialisation of joint OITB member's services resulting from the project partnership work (both within the FlexFunction2Sustain Horizon 2020 Project and in projects implemented within the framework of the association). Those results will be valorised in the association brand. Those results will be for example, the logo; the offerings catalogue; a communication kit with promotional material; contract templates or any kind of process scheme.

Commercial exploitation of the OITB catalogue of offerings shall be done through a separate (legally independent) limited liability company that is referred to as "Single Entry Point Company" (SEP). Multiple SEP may be contracted at the same time. Single entry point companies are "authorized dealers" for the OITB offerings and coordinate for their customers' research and development activities based on the OITB members services. The association will select at least one (likely multiple regionally segmented) SEP **through a public tender**. The SEP and the Association will sign a framework collaboration contract.

Based on market knowledge received in customer interactions, the SEP will support the OITB in adjusting its' catalogue of offerings towards market needs. The FlexFunction2Sustain Association will provide to the SEP access to the OITB brand including *i.e.* the logo; the offerings catalogue; a communication kit with promotional material; contract templates and guidelines for OITB internal procurement. The SEP will be encouraged to incorporate OITB members as regional advisors and agents to improve the customer experience of SME in each EU country. Any SEP will be required to pay a flat licensing fee for using the OITB brand after the OITB catalogue of offerings as reached a certain maturity.

More details on the specification for the SEP and the intended contractual framework between the OITB association and the SEP companies are provided in the Deliverable D1.8 "*SEP Legal Entity Filed*". On the first version of this deliverable the external monitor requested to clarify the role/relation between the SEP and the regional entities that can also be used as "regional SEPs". Because this topic relates to the SEP activities it will be answered in detail in D1.8.

### 3. Conclusions

Deliverable 1.6 demonstrates the setup of the FlexFunction2Sustain association that represents the non-profit activities of the FlexFunction2Sustain Open Innovation Test Bed (OITB). The association is designed as an open network of excellence for sustainable and smart nano-functionalized plastic and paper surfaces and membranes. Finally, **the association was created in February 2023**. Based on that it is going to be operational from March 2023. The association is set up as French non-profit association and its activities address the societal aspects of the OITB. Six standing technical committees will be established to elaborate different aspects of the OITB activities such as *e.g.*, Standardisation; Dissemination; Market evaluation; Education or Interactions with other OITBs. Commercial Exploitation of the OITB results will be done by one or more separate Single Entry Point Companies within a framework contract. These companies shall pay a license fee to the FlexFunction2Sustain Association for the right of using the OITB brand and corporate identity, catalogue of offerings and operation procedures.

### 4. Degree of progress

Deliverable 1.6 is completed to 100 %.

### 5. Dissemination level

Deliverable 1.6 is public.

## 6. Appendix I – Receipt of Declaration of creation of the association



### PREFECTURE DE POLICE

Direction des Transports et de la Protection du Public  
SDPSES - BPAS  
section associations  
1 bis, rue de Lutèce  
75004 PARIS

Le numéro W751268742  
est à rappeler dans toute  
correspondance

**Récépissé de Déclaration de CREATION**  
**de l'association n° W751268742**

Vu la loi du 1er Juillet 1901 relative au contrat d'association ;  
Vu le décret du 16 Août 1901 portant règlement d'administration publique pour l'exécution de la loi précitée ;

#### Le préfet de police

donne récépissé à **Monsieur le Représentant**  
d'une déclaration en date du : **22 février 2023**  
faisant connaître la constitution d'une association ayant pour titre :

#### **ESNA - EUROPEAN SUSTAINABLE NANOTECHNOLOGY SOLUTIONS ASSOCIATION**

dont le siège social est situé : 48 rue Saint-Honoré  
75001 PARIS

Décision prise le : **07 février 2023**

Pièces fournies : Statuts  
Procès-verbal  
lettre de mandat  
liste des dirigeants

Paris 4ème, le 27 février 2023

Pour le Préfet de Police et par délégation,  
l'Adjointe au Chef du Bureau  
des Polices Administratives de Sécurité

Sidonie DERBY

Loi du 1 juillet 1901, article 5 - al 5,6 et 7 - Décret du 16 août 1901, article 3 :

Les associations sont tenues de faire connaître, dans les trois mois, tous les changements survenus dans leur administration ou leur direction, ainsi que toutes les modifications apportées à leurs statuts. Ces modifications et changements ne sont opposables aux tiers qu'à partir du jour où ils auront été déclarés.

Loi du 1 juillet 1901, article 8 - al 1 :

Seront punis d'une amende de 1500 € en première infraction, et, en cas de récidive, ceux qui auront contrevenu aux dispositions de l'article 5.

NOTA :

L'insertion au Journal Officiel des modifications portant sur le titre, l'objet, le siège social d'une association est facultative. Elle ne peut être exigée des tiers car le récépissé délivré par les services préfectoraux fait foi dans tous les cas.

La loi 78-17 du 6 janvier 1978 modifiée relative à l'informatique, aux fichiers et aux libertés, s'applique à la déclaration relative à votre association dont les destinataires sont les services préfectoraux et les services de l'Etat concernés. L'article 40 de cette loi vous garantit un droit d'accès et de rectification. Celui-ci peut s'exercer auprès du préfet ou du sous-préfet de l'arrondissement du siège de votre association, pour les données à caractère personnel concernant les personnes physiques déclarées comme étant chargées de sa direction ou de son administration.

## **7. Appendix II – Association Statutes**