



Setting up an ERIC

**Expert Group on Health
Information
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ERIC - European Research Infrastructure Consortium (*Council Regulation (EC) No 723/2009 of 25 June 2009*)



- A **legal instrument** at EU level, to facilitate the joint establishment and operation of RI of European interest.
 - **Legal personality** recognized in all Member States
 - **Qualifies as an international organization for the purposes of VAT** (exemption under certain limits and conditions from VAT and excise duties) **and Public Procurement Directives**

ERIC Regulation

- Adopted in 2009 by Council to facilitate the joint establishment and operation of Research Infrastructures of European interest among several countries and amended in December 2013 to better reflect contributions of associated countries in particular in terms of voting rights
- An ERIC is not a Union Body and the Commission Implementing Decision is not a funding decision
- First Report on the application of the ERIC Regulation was adopted by the Commission on 14 July 2014 COM(2014) 460 final and transmitted to Council and European Parliament

ERIC Regulation

- An easy-to-use legal instrument providing:
- the spirit of a truly European venture
- a legal personality recognized in all MS
- flexibility to adapt to the specific requirements of each research infrastructure
- some privileges / exemptions allowed at a national level similar as for intergovernmental organisations
- a lighter process than creating an international organisation

ERIC Regulation

- Article 187 TFEU (ex-171 EC Treaty)

The Community may set up joint undertakings or any other structure necessary for the efficient execution of Community research, technological development and demonstration programmes.

ERIC Tasks and Requirements

Principal task: establish and operate a Research Infrastructure, on a non-economic basis (limited economic activities are however possible)

Five requirements to be met:

- necessary for European research
- added value in the development of ERA and significant improvement in relevant S&T fields
- effective access to European researchers
- contributes to the mobility of knowledge and/or researchers within the ERA
- dissemination / optimization of the RTD results

Membership of an ERIC

- Member States - Associated Countries - Third States - Intergovernmental organisations
- Minimum requirement of one MS with two other MS or AC for establishing or having an ERIC
- Always majority of MS and/or AC for votes in the General Assembly
- For an ERIC hosted by MS, amendments of Statutes shall require agreement of majority of MS member of that ERIC
- A State may be represented by one or more public entities or private entities with a public-service mission

Internal Structure of an ERIC

- statutory seat in a Member State or Associated Country; research locations anywhere
- mandatory bodies (General Assembly; Director/Board of Directors)
- members' liability may be limited to committed contribution, no capital requirement
- may specify in the Statutes a fixed liability above their respective contributions or unlimited liability
- In case of limited liability insurance is mandatory

Public Procurement and VAT

- ERICs may set their own procurement rules based on transparency, non-discrimination and competition.
- ERICs are exempted from paying VAT and excise duty.
- This is possible because ERICs are considered as international bodies/ organisations for the purposes of the Directives on public procurement, VAT and excise duties.

Law applicable to the internal functioning of an ERIC

- Union law, in particular the ERIC Regulation
- the law of the State where the ERIC has its statutory seat
- The ERIC's statutes and its implementing rules

Application process

- Governments and int. Org. which want to be members of a future ERIC agree on:
- technical description of the RI
- recognition of tax exemption as int.org/body by host
- limits and conditions of tax exemptions
- Provisions of the Statutes
- If members outside EU: recognition of legal personality and tax exemptions in the countries which want to be member of the ERIC



**State Of Israel
Ministry for Senior Citizens
Director General**

Jerusalem, September 16, 2013

Dr. Angelika Willms-Herget, Chair of the Council
Mr. Axel Borsch-Supan, Coordinator
SHARE-ERIC

Dear Madam, Sir,

Re: Accession to SHARE-ERIC

1. The State of Israel represented by the Ministry for Senior Citizens in view of its application for membership of SHARE-ERIC declares, in accordance with Article 9(5) of Regulation (EC) No 723/2009 of 25 June 2009 on the Community Legal Framework for a European Research Infrastructure Consortium (the "**ERIC Regulation**"), that:
 - (a) SHARE-ERIC shall have legal personality and capacity under the laws and regulations of the State of Israel in accordance with Article 7(1) and (2) of the ERIC Regulation;
 - (b) Its participation in Share-ERIC shall be subject to rules determined in application of Article 15 of the ERIC Regulation.
2. The State of Israel shall accord to SHARE-ERIC treatment equivalent to that following from:
 - (a) Article 5(1)(d) of the ERIC Regulation subject to the limits and conditions laid down in an agreement between the members of SHARE-ERIC; and
 - (b) Article 7(3) of the ERIC Regulation.
3. This Declaration shall bind the State of Israel from the time of its entry into force pursuant to paragraph 4, and for as long as it remains a member of SHARE-ERIC.

Application process (Step 1)

- Commission verifies completeness of application
- If application complete:
 - With support of independent experts verify whether the Research Infrastructure complies with Article 4 of the Regulation (scientific relevance, effective access, etc.)
 - Examines compliance with the administrative requirements (minimum Member States, statutes contain all necessary elements, etc.)
 - Applicants are informed by the Commission of outcome of the assessment and are invited to modify their application taking into account the feedback received.

Application process (Step 2)

- Formal application in which the members commit to the Statutes and the financial provisions
- Formal Opinion of the ERIC Committee requested
- Commission internal procedure to arrive at a Commission Implementing Decision establishing the ERIC
- Publication of the Implementing Decision and the Statutes in the Official Journal of the European Union
- ERIC Implementing Decision enters into force on the third day following the publication in the Official Journal of the European Union

EATRIS Implementing Decision 7 November 2013



BBMRI ERIC Implementing Decision

22 November 2013

30.11.2013

EN

Official Journal of the European Union

L 320/63

COMMISSION IMPLEMENTING DECISION

of 22 November 2013

on setting up the Biobanks and Biomolecular Resources Research Infrastructure Consortium (BBMRI-ERIC) as a European Research Infrastructure Consortium

(2013/701/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular point (a) of Article 6(1) thereof,

Whereas:

- (1) The Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the French Republic, the Italian Republic, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden requested the Commission to set up BBMRI as a European Research Infrastructure Consortium (BBMRI-ERIC). The Kingdom of Norway, the Republic of Poland, the Swiss Confederation and the Republic of Turkey will participate in BBMRI-ERIC as Observers.
- (2) The Republic of Austria has been chosen by the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the French Republic, the Italian Republic, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Finland and the Kingdom of Sweden as the Host Member State of BBMRI-ERIC.

(3) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 20 of Regulation (EC) No 723/2009,

HAS ADOPTED THIS DECISION:

Article 1

1. A European Research Infrastructure Consortium for the Biobanks and Biomolecular Resources Infrastructure named BBMRI-ERIC is hereby established.

2. The statutes of BBMRI-ERIC are set out in the Annex. These Statutes shall be kept up to date and made publicly available on the website of BBMRI-ERIC and at its statutory seat.

3. The essential elements of BBMRI-ERIC Statutes for which amendments shall require approval by the Commission in accordance with Article 11(1) of Regulation (EC) No 723/2009 are provided for in Articles 2, 3, 6, 7, 16, 17, 18, 19 and 24.

Article 2

This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 November 2013.

For the Commission
The President
José Manuel BARROSO

BBMRI ERIC Implementing Decision 22 November 2013



ERIC Implementation

2011 SHARE (Survey of Health, Ageing and Retirement in Europe)

- 2012 CLARIN (Common Language Resources and Technology Infrastructure)
- 2013 EATRIS (European Advanced Translational Research Infrastructure in Medicine), ESS (European Social Survey), BBMRI (Biobanking and Biomolecular Research Infrastructure), ECRIN (European Clinical Research Infrastructure Network)
- 2014 Euro-Argo (European contribution to the international Argo Programme), CERIC (Central European Research Infrastructure Consortium), DARIAH (Digital Research Infrastructure for the Arts and Humanities), JIV (Joint Institute for Very Long Baseline Interferometry)

ERIC Implementation (2)

Four on-going ERIC applications:

ICOS (Integrated Carbon Observation System) (Finland)

Lifewatch (Spain)

EMSO (European Multidisciplinary Seafloor and Water Column Observatory) (Italy)

European Spallation Source (Sweden)

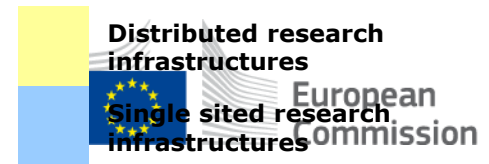
2010 ESFRI Roadmap

Social Sc. & Hum. (5)	Life Sciences (13)		Environmental Sciences (9)		Energy (7)	Material and Analytical Facilities (6)	Physics and Astronomy (10)		e-Infra-structures (1)
SHARE	BBMRI	ELIXIR	ICOS	EURO-ARGO	ECCSEL	EUROFEL	ELI	TIARA*	PRACE
ESS Survey	ECRIN	INFRA FRONTIER	LIFEWATCH	IAGOS	Windscanner	EMFL	KM3NeT	CTA	
CESSDA	INSTRUCT	EATRIS	EMSO	EPOS	EU-SOLARIS	European XFEL	E-ELT	SKA	
CLARIN	EU-OPENSREEN	EMBRC	SIOS	EISCAT_3D	JHR	ESRF Upgrade	SPIRAL2	FAIR	
DARIAH	Euro BioImaging	ERINHA BSL4 Lab		COPAL	IFMIF	NEUTRON ESS	SLHC-PP*	ILC-HIGRADE*	
	ISBE	MIRRI			HiPER	ILL20/20 Upgrade			
	ANAEE				MYRRHA				

RI's in the implementation phase

ERIC in preparation

HORIZON 2020
ERIC established



ERIC Implementation

- Until now all established ERICs concern distributed RIs
- Two ERICs- CERIC and JIV- not part of the 2010 ESFRI Roadmap
- Around 20 MS and associated countries are involved in ERICs as members or observers
- ERICs are hosted until now in 6 MS; Netherlands (CLARIN, EATRIS and when established JIV), Germany (SHARE), France (ECRIN, Euro-Argo, DARIAH) , Austria (BBMRI), UK (ESS) and Italy (CERIC)
- Future adoption of ICOS (Finland), EMSO (Italy), Lifewatch (Spain) and European Spallation Source (Sweden) would result in 9 MS hosting ERICs and include a first single site RI (European Spallation Source)

ERIC support

- Update of the Practical Guidelines to be published before Summer 2015
- Updated Templates for ERIC Statutes
- Template for Recognition ERIC by third countries
- Consolidated ERIC Regulation
- ERIC Implementation Report
- ERIC Network Meetings

http://ec.europa.eu/research/infrastructures/index_en.cfm?pg=eric



HORIZON 2020

**Thank you
for your attention**

Find out more:
www.ec.europa/research/horizon2020