



**Experts Group on Health Information**  
**29-30 May 2013 Luxembourg**

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# Outline

- **Background ERIC Regulation**
- **Requirements for an ERIC**
- **State of Play of the ERIC**
- **Proposed ERIC Amendment**
- **Template and practical guidelines**
- **Article 15 ERIC Regulation**
- **ERIC and Horizon 2020**

## **ERIC Regulation adopted by Council in 2009**

- **An easy-to-use legal instrument providing:**
  - **the spirit of a truly European research venture**
  - **a legal personality created by Commission Decision recognized in all MS**
  - **flexibility to adapt to the specific requirements of each infrastructure**
  - **some VAT and excise duties exemptions granted at a national level comparable with intergovernmental organisations**
  - **a lighter process than creating a treaty based international organisation**



# Membership of an ERIC

- **Member States**
- **Associated Countries**
- **Third States**
- **Intergovernmental organisations**
- **An ERIC must at all times have at least three Member States as members.**
- **Member States shall jointly hold the majority of the voting rights in the assembly of members.**
- **A State may be represented by one or more public entities or private entities with a public-service mission**

- **Principal task of an ERIC: establish and operate a Research Infrastructure, on a non economic basis**
- **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**
  - **Contributes to the mobility of knowledge and/or researchers with in the ERA**
  - **dissemination / optimization of the RTD results**

- **ERICs are not bound by the procedures of the Public Procurement Directive but may set their own procurement rules based on transparency, non-discrimination and competition.**
- **ERICs will be 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.**
- **statutory seat in a Member State or Associated Country; research locations anywhere**
- **mandatory bodies (members' assembly; director/board of directors)**
- **members' liability**
  - ✓ **limited to committed contribution, no capital requirement.**
  - ✓ **may specify in the Statutes a fixed liability above their respective contributions or unlimited liability.**

## Article 15 and Internal Functioning of the ERIC

### Article 15- Applicable law and jurisdiction

- **Community law for the setting up and internal functioning of the ERIC- Law of the State of the statutory seat for other matters and - by the Statutes and their implementing rules**
- **Jurisdiction ECJ for litigation amongst members in relation to ERIC, between members and the ERIC and any litigation for which the Community is a party**
- **Internal functioning of the ERIC relates to for example:**
  - **Quorum for valid votes in the Assembly of Members**
  - **Duly appointment of Directors**
  - **Approval of budgets-workprograms**
  - **Admission of new members**

- **Who can apply?**

**States and intergovernmental organisations, including at least three Member States**

- **Submission of the application**

**Electronically to: [RTD-ERIC@ec.europa.eu](mailto:RTD-ERIC@ec.europa.eu) by the Permanent Representation to the European Union of the country of the statutory seat of the ERIC**

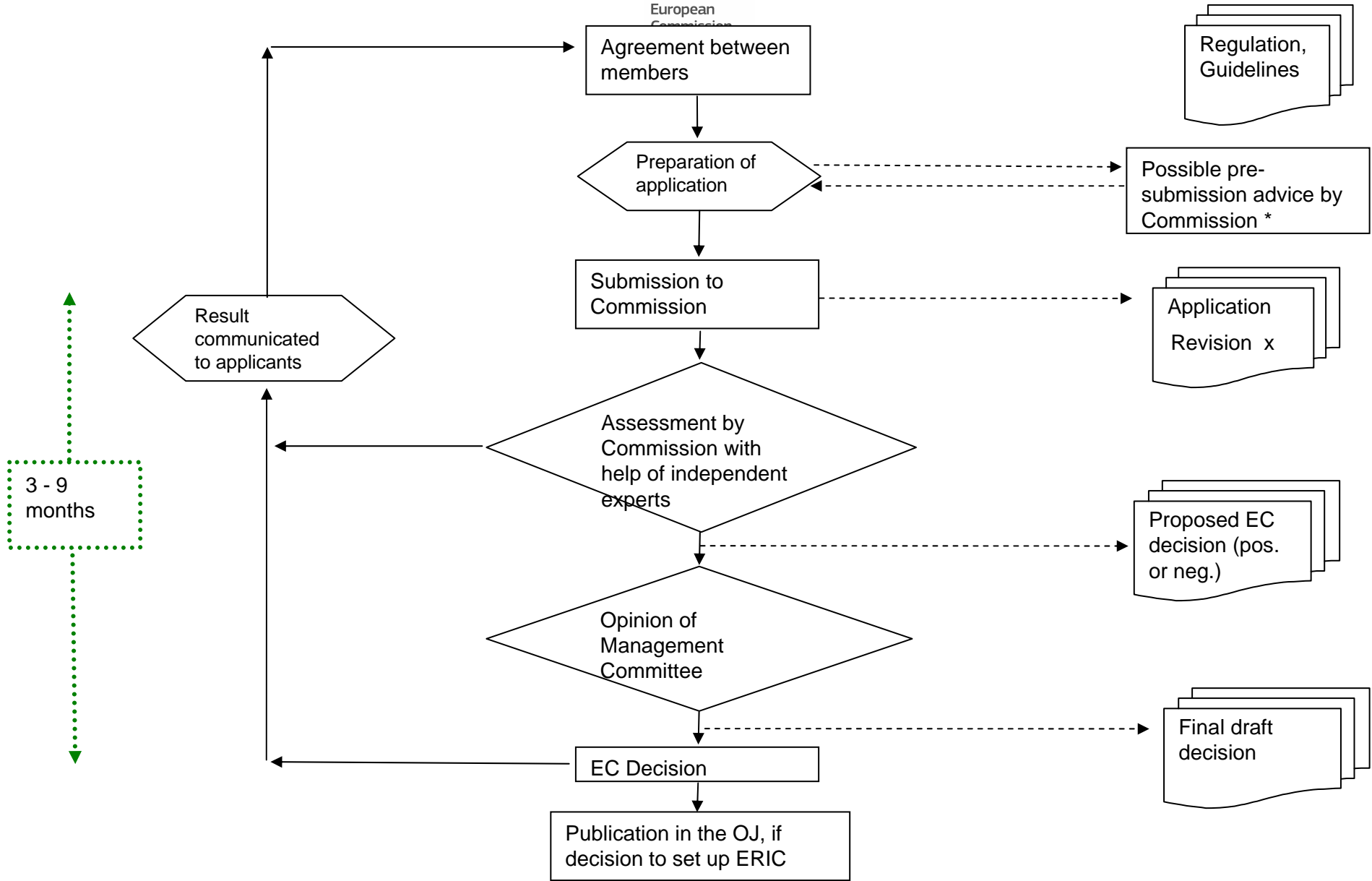
- **Language**

**Applications may be submitted in any official language of the European Union.**





European Commission



## **A. Check of completeness of the application (Art. 5)**

- **Official request to set up the ERIC by its future members**
- **Proposed Statutes (all elements of Art. 10 included)**
- **Technical and scientific description of the research infrastructure**
- **Declaration by host MS recognizing the ERIC as international body in the sense of the VAT and excise duty directives**
- **Agreement on the limits and conditions of the tax exemptions**
- **Recognition of legal personality and privileges of the ERIC by non-EU members, if applicable**

## Formal opinion of the ERIC Committee

- **The ERIC Committee will receive a request for a formal opinion on the decision of the Commission on the application**
- **It determines its opinion by qualified majority (i.e. same weighting of votes as in the Council)**
- **Regular meetings of the ERIC Committee are organized to keep the Committee informed**





# ESFRI roadmap 2010

10+38 new - or major upgrade of - Research Infrastructures of pan-European interest  
 (+ 3 additional projects from the CERN Council strategic roadmap for particle physics\*)

Social Sc. & Hum. (5)	Life Sciences (13)		Environmental Sciences (9)		Energy (7)	Material and Analytical Facilities (6)	Physics and Astronomy (10)		e-Infrastructures (1)
SHARE	BBMRI	ELIXIR	ICOS	EURO-ARGO	ECCSEL	EUROFEL	ELI	TIARA*	PRACE
E SS 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	SIAEOS	EISCAT_3 D	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**

 Distributed research infrastructures  
 Single sited research infrastructures

ERIC established

ERIC in preparation



# State of Play

Application Step 1	Project	Host country	Members – (Observers)
2011 July	ECRIN*	FR	FR, DE, ES, IT
2011, July	EUROARGO	FR	FR, DE, BG, EL, IT, NL
2012, March	ESSurvey*	UK	UK, AT, BE, BG, CY, EE, FR, DE, IS, IL, LV, LT, NL, NO, PL, PT, SI, ES, SE (CH)
2012, July	BBMRI	AT	AT, BG, CZ, EE, FI, FR, EL, IT, LV, MT, NL, NO, ES, SE-(PL, CH)
2012, June	C-ERIC*	IT	IT, AT, CZ, HU, PL, RO, SI
2012, June	EATRIS*	NL	NL, DE, CZ, DK, FI, IT, NO, ES
2012 , October	DARIAH	FR	FR, AT, DE, DK, NL, SI
2012, June (pre-submission received)	Lifewatch	ES	Environmental Sciences
2013 (expected)	JIVE	NL	Physical Sciences and Engineering
2013 (expected)	EMSO	IT	Environmental Sciences
2013 (expected)	CESSDA	NO	Social Sciences and Humanities
2013 (expected)	ICOS	FI	Environmental Sciences
2013 (expected)	EU Openscreen		Biological and Medical Sciences
2014 (expected)	EMBRC		Biological and Medical Sciences
2015 (expected)	ELI		Physical Sciences and Engineering



## **Requirements for Associated Countries and Third States to become part as a member of an ERIC**

**Article 9(5) AC, third countries and intergovernmental organisations shall recognize that the ERIC shall have legal personality and capacity in accordance with Article 7 (1) and (2) and that shall be subject to rules determined in application of Article 15 (applicable law and jurisdiction) and provide a treatment of the ERIC equivalent to that as an international organisation for the purposes of the VAT and Procurement Directives**

**The Commission is preparing a template for the declaration of recognition which would satisfy the Regulation and which should offer a relative simple manner for AC, third countries and intergovernmental organisations to join an ERIC**



## **Proposed Amendment of the ERIC Regulation**

- **Commission proposal for Amendment of the Regulation COM(2012) 682 final, adopted by the Commission on 3 December 2012**
- **The ERIC Regulation provides in Article 9 for a distinction and difference in treatment between MS, AC, third countries other than AC and intergovernmental organizations**
  - **An ERIC needs at least three MS (Article 9(2)) as members and MS must jointly hold at any time majority of votes in the General Assembly (Article 9(3))**
  - **An ERIC may be hosted by MS or AC (Article 8(1))**
- **Proposed change to Article 9 by which:**
  - **Requirement of three MS is being replaced by one MS with two other MS or AC for establishing or having an ERIC**
  - **Requirement of majority of MS for votes in the General Assembly replaced by majority of MS and/or AC in the General Assembly**
  - **For an ERIC hosted by MS, amendments of Statutes shall require agreement of majority of MS member of that ERIC**

## **ERIC and Horizon 2020 – specific program- 4.1.1. Developing new world-class research infrastructures**

- **aim to ensure the implementation, long-term sustainability and efficient operation of the research infrastructures identified by the European Strategy Forum on Research Infrastructures (ESFRI) and other world-class research infrastructures**
- **Address specifically those infrastructures that are setting up or that have set up their governance, e.g. on the basis of the European Research Infrastructure Consortium (ERIC) or any equivalent structure at European or international level.**
- **Contribute to, as appropriate (a) preparatory phase; (b) implementation phase (e.g. R&D and engineering work jointly with industry and users, development of regional partner facilities aiming at a more balanced development of the European Research Area); and/or (c) operation phase (e.g. access, data handling, outreach, training and international cooperation activities)**



- **The Commission is in the process of updating the guidelines in view of the experiences of the first ERIC applications**
- **The Commission also provided a first working version of the Templates for the ERIC Statutes**
- **More elaborated versions of these documents should be available by Summer 2013**

