European Research Infrastructure Consortium ERIC: legal framework

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The Committee on Industry, Research and Energy adopted a report drafted by Teresa **RIERA MADURELL** (PES, ES) and made some amendments to the proposal for a Council regulation on the Community legal framework for a European Research Infrastructure (ERI).

The main amendments are as follows:

Objective: the committee restructured the text in order to make the meaning of the proposed Regulation clearer. It was concerned to avoid confusion between the actual infrastructure and the legal entity created by the proposal. Members also clarified that the objective of an ERI shall be to facilitate and promote research of pan-European interest, either in an existing European infrastructure or in a new infrastructure established jointly by several Member States.

Furthermore, a new clause states that ERIs shall pay special attention to patents and other valuable rights and interests arising from intellectual work which come about during their activities and shall inform the Commission of such intellectual property rights by means of an annual report.

General requirements: these now include unlocking research potential in all EU regions, and improving research methods; contributing to the training of young researchers; and enhancing the efficiency of interdisciplinary research as a result of the concentration of research projects within a given time-scale .

The research infrastructure to be set up as an ERI shall submit **an impact assessment** with its application.

The members of a research infrastructure to be set up as an ERI shall commit the necessary human and financial resources for its establishment and operation.

Decision on the application: the Commission must take into account the needs identified in the European Roadmap on Research Infrastructures (ESFRI). In cases of refusal, applicants shall have access to the evaluation report.

Status of an ERI: a new clause states that In the case of infrastructures with a different legal form, the original legal person shall cease to exist when entered into the Commission's records, and the ERI shall operate as its successor in title by legal succession. They noted that the reason for establishing the ERI as a legal form is to provide a regulatory framework for infrastructures currently operating with different organisational forms and those which will be established in the future. It would be worth regulating how the change of format takes place in order to avoid the future legal position regarding high-value equipment and previous long-term commitments becoming confused.

Name: an ERI shall have a name containing the words 'European Research Infrastructure' or the abbreviation 'ERI' and a reference to its research area.

Membership: third countries and international organisations may join as members. If Community funds are being used by an ERI, the international or intergovernmental ERI members shall maintain their ERI status only if they commit to sending their internal and external audits to the European Court of Auditors

and to the Internal Auditor of the Commission. Should the Community become a member of an ERI either directly or through any intermediary, the Commission shall notify the two arms of the budgetary authority immediately.

Statutes: these must contain, inter alia, an investment policy; an anti-discrimination policy, taking particular account of gender equality and equal opportunities for the disabled; and an agreement on the individual authorised to deal with patents and other intellectual property rights and interests arising from intellectual work which come about during the activities of the ERI and the use to which the income deriving from such rights is put.

Community funding: should the Community at any time become a member of an ERI, that ERI shall be treated as a body having legal personality under Article 185 of the Financial Regulation. This also applies to an ERI which receives contributions (operative grants) under Article 185 of the Financial Regulation.

Report: the annual activity report must be submitted to Parliament and Council as well as any decision adopted regarding the circumstances referred to in the text where the ERI is in breach of the Regulation.