

# European Research Infrastructure Consortium

## ERIC: legal framework

2008/0148(CNS) - 25/06/2009 - Final act

**PURPOSE:** to establish a legal framework for setting-up a European Research Infrastructure Consortium ('ERIC') to facilitate the joint establishment and use of new research infrastructures at EU level. .

**LEGISLATIVE ACT:** Council Regulation (EC) No 723/2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC).

**CONTENT:** this Regulation establishes a legal framework laying down the requirements and procedures for and the effects of setting-up a European Research Infrastructure Consortium ('ERIC'). It comes about since the rules governing establishment, financing and operation of research structures were previously fragmented and regionalised. Accordingly, it has been necessary to establish a Community framework containing the procedures and conditions for the setting-up and operation of ERICS at Community level which are necessary for the efficient execution of the Community's RTD programmes. This new legal framework would complement other legal forms existing under national, international or Community law. In contrast to Joint Technology Initiatives (JTI) constituted as Joint Undertakings of which the Community is a member and to which it makes financial contributions, an ERIC should not be conceived as a Community body, but as a legal entity of which the Community is not necessarily a member and to which it does not make financial contributions. It will be for interested Member States, on their own or in conjunction with other qualified entities, to define their needs for the establishment of research infrastructures in this legal format, based on their research and technological development activities and on the requirements of the Community.

The following should be noted:

**Tasks and other activities:** the principal task of an ERIC will be to establish and operate a research infrastructure. An ERIC must pursue its principal task on a non-economic basis. However, it may carry out limited economic activities, provided that they are closely related to its principal task and that they do not jeopardise the achievement thereof. An ERIC shall record the costs and revenues of its economic activities separately and shall charge market prices for them, or, if these cannot be ascertained, full costs plus a reasonable margin.

**Application for the setting-up of an ERIC:** the entities applying for the setting-up of an ERIC must submit an application to the Commission. The application must follow the guidelines specified in the Regulation (e.g. the request to the Commission to set up the ERIC; the proposed Statutes of the ERIC; a technical and scientific description of the research infrastructure to be established and operated by the ERIC; a declaration by the host Member State recognising the ERIC as an international body. The Commission shall assess the application in line with the requirements laid down in this Regulation.

**Status, seat and name:** an ERIC will have legal personality as from the date on which the decision setting up the ERIC takes effect. It will have a statutory seat, which shall be located on the territory of a member which shall be a Member State or an associated country. An ERIC shall have a name containing the abbreviation 'ERIC'.

**Membership:** membership of an ERIC will be open to interested Member States with the possible participation of qualified associated countries in the Community framework programme for research, technological development and demonstration and third countries and specialised intergovernmental

organisations. In addition to full membership, Member States should be able to become observers of an ERIC on the conditions specified in its Statutes.

The Regulation provides for the minimum contents of the Statutes of an ERIC as well as provisions on organisation, debts, and insolvency.

**Report and Review:** an ERIC shall produce an annual activity report, containing in particular the scientific, operational and financial aspects of its activities. Not later than 27 July 2014, the Commission shall forward to the European Parliament and the Council a report on its application and proposals for amendments, where appropriate.

ENTRY INTO FORCE: 28/08/2009.