Community legal framework for a European Research Infrastructures Consortium (ERIC): participation of associated countries

2012/0321(NLE) - 03/12/2012 - Legislative proposal

PURPOSE: to amend Regulation (EC) No 723/2009 concerning the Community legal framework for a European Research Infrastructures Consortium (ERIC) so as to facilitate the participation of associated countries in ERICs.

PROPOSED ACT: Council Regulation.

BACKGROUND: the ERIC Regulation was adopted by Council in 2009 **to facilitate the establishment and operation of European research infrastructures on a non-economic basis**. With the Regulation a new legal instrument was created at EU level for establishing European research infrastructures with a legal personality recognized in all Member States.

Since the entry into force of the Community legal framework for a European Research Infrastructure Consortium (ERIC) in 2009, two European research infrastructures have been awarded ERIC status. Many of the projects included in the European Strategy Forum on Research Infrastructures (ESFRI) Roadmap are planning to use the ERIC as the legal instrument to implement and operate the research infrastructure.

The ERIC Regulation provides for **a distinction and a difference in treatment between Member States, associated countries, third countries other than associated countries and intergovernmental organisations**. An ERIC needs at least three Member States as members and Member States shall jointly hold the majority of the voting rights in the assembly of members. An ERIC however, may be hosted by a Member State or an associated country.

Until now no associated countries or third states other than associated countries have become member of an ERIC. Associated countries play an integral role in the preparation and the implementation of European research infrastructures and should be able to participate in ERICs on the same footing as Member States, as they contribute to the scientific excellence of Union research and to the competitiveness of the Union's economy through their support.

Associated countries and in particular Norway, have indicated strongly that they intend to contribute as host or member to a significant number of ERICs that are in preparation if they would have voting rights as do EU Member States in an ERIC, especially when they would be host of an ERIC and thus provide substantial contributions to its activities.

IMPACT ASSESSMENT: the proposal for a limited technical amendment to the ERIC Regulation does not have any effect on the impact assessment carried out by the Commission when the said Regulation was proposed for adoption by then Council.

LEGAL BASIS: Articles 187 and 188 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the objective of the proposed amendment of the ERIC Regulation is to avoid that associated countries would not be able to become host or member of an ERIC because in the current situation, their voting rights do not potentially reflect their financial support to ERIC projects.

As a result, the proposed amendment seeks to ensure that **a minimum of one Member State together with at least two Member States or associated countries is necessary for establishing an ERIC**. Furthermore, it is proposed that **Member States or associated countries shall hold jointly the majority of voting rights in the general assembly**. No other changes are proposed.

BUDGETARY IMPACT: the proposed amendment has no impact on the EU's budget or that of its Member States.