European Research Infrastructure Consortium ERIC: legal framework

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The Commission presents a report on the application of Council Regulation (on the Community legal framework for a European Research Infrastructure Consortium (ERIC).

The Regulation was adopted in order to facilitate the establishment and the operation of large European research infrastructures among several Member States and associated countries by providing a new legal instrument, the European Research Infrastructure Consortium (ERIC). It was to respond to the European political ambition of creating the European Research Area.

Implementation of the Regulation: since the adoption of the ERIC Regulation, **seven ERICs** have been established:

- in March 2011, SHARE-ERIC (Survey of Health, Aging and Retirement in Europe) was established;
- in February 2012, CLARIN ERIC (Common Language Resources and Technology Infrastructure) was established;
- in November 2013, four ERICs were established; EATRIS ERIC ((European Advanced Translational Research Infrastructure in Medicine); ESS ERIC (European Social Survey); BBMRI-ERIC (Biobanking and Biomolecular Resources Research Infrastructure); ECRIN-ERIC (European Clinical Research Infrastructure Network);
- in May 2014, Euro-Argo ERIC was established.

All seven ERICs mentioned above were included in the Roadmaps agreed by the European Strategy Forum on Research Infrastructures (ESFRI). The Commission expects that **around 15 ERICs will be established by the end of 2015**.

Conclusions and next steps: with the successful establishment of seven ERICs by May 2014 and the perspective of having some 15 ERICs in place by the end of 2015, it can be concluded that the **take-up of the legal framework** is successful.

Five years after the adoption of the ERIC Regulation most Member States and some associated countries have taken measures necessary to be in the position to host or become member of an ERIC. This positive development can also be illustrated by the fact that approximately **20 out of the 48** projects included in the 2010 ESFRI Roadmap are using or planning to use the ERIC for establishing the research infrastructure.

Due to many commonalities in the provisions concerning accession, decision making and the handling of questions such as liability, **the ERIC has facilitated greatly the opportunities for Member States, associated countries and third countries to consider cooperation** or joining these European Research Infrastructures. The Commission services have facilitated the process of implementation of the ERIC Regulation.

The Commission considers that the **procedure for application for an ERIC** and ease of use is still to be further optimised. It can be expected that, if appropriate measures are taken within the Commission services, the Member States and associated countries, the ease of use will steadily improve because of the

experience gained and that the process could be further streamlined and to speed up the creation of European research infrastructures. Therefore, **the Commission does not propose any recommendation for amendments at this stage**.

Several new subjects will have to be addressed by the members of the ERICs and by the Commission services. They relate to:

- the practices in the various Member States for example on how to **register an ERIC** under the national legal system through the Chamber of Commerce, or other registers which would enable an ERIC to open bank accounts and to apply for reimbursement for VAT and excise duties;
- the **status of personnel** that it employs needs to be clarified as it will impact on salary scales, income tax issues and personnel costs;
- the clarification of **in-kind contributions** to the ERIC by its members, in particular as to whether these contributions could benefit from the VAT and excise duty exemption and, if so, under which conditions;
- the question of **economic-versus non-economic activities** should be further clarified by the Commission services as there are increasing demands for 'innovative' and 'socio-economic' impacts of the activities of the research infrastructure justifying the investments to be made by the members;
- the way in which ERICs can develop spin-offs, **technology transfers** and receive revenues from services that are developed;
- exploring the possible **ways of how ERICs could support other research infrastructures** by providing services for the scientific communities throughout the Union because of the transparency that is being introduced as concerning the collection of data, access to data and instruments and maintenance of data and services for users;
- the need for Member States and associated countries when preparing for the implementation of new European research infrastructures to make an effort for achieving in the longer term a **more balanced representation** throughout the European Union;
- **international cooperation** and the efforts in the context of the Global Science Forum or other international for further exploring the possibilities of agreeing a regulatory framework for international research infrastructures.