

European Research Infrastructure Consortium

ERIC: legal framework

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The Commission presents a second report on the application of Council Regulation (EC) No 723/2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC). To recall, the Regulation aimed 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). An ERIC is a **legal entity with legal personality** and full legal capacity recognised in all Member States.

Implementation: at the time of the first report (please see previous summary) 7 ERICs were established. Since then, **twelve additional ERICs** have been set up.

These are:

- CERICERIC (Central European Research Infrastructure Consortium) hosted by Italy;
- DARIAH-ERIC (Digital Research Infrastructure for the Arts and Humanities) hosted by France;
- JIV- ERIC (Joint Institute for Very Long Baseline Interferometry), hosted by the Netherlands;
- the European Spallation Source ERIC, hosted by Sweden;
- ICOS-ERIC (Integrated Carbon Observation System) hosted by Finland;
- EMSO-ERIC (European Multidisciplinary Seafloor and Water Column Observatory), hosted by Italy;
- LifeWatch ERIC (e-Science and Technology European Infrastructure for Biodiversity and Ecosystem Research) hosted by Spain;
- CESSDA ERIC (Consortium of European Social Science Data Archives) and ECCSEL ERIC (European Carbon Dioxide Capture and Storage Laboratory both hosted by Norway;
- INSTRUCT-ERIC (Integrated Structural Biology) hosted by the United Kingdom;
- EMBRC-ERIC (European Marine Biological Resource Centre) hosted by France, and
- EU-OPENSREEN ERIC (European Infrastructure of Open Screening Platforms for Chemical Biology) hosted by Germany.

All save for two are included in the European Strategy Forum on Research Infrastructures (ESFRI) Roadmap.

The Commission considers that, due to many commonalities in the provisions of the Statutes of the ERICs concerning **accession, decision making and liability**, the ERIC Regulation has **greatly facilitated the opportunities** for Member States, associated countries and third countries to consider joining these European Research Infrastructures. The procedure for application for the ERIC status and ease of use has improved but could be further optimised as Member States, the scientific community and the Commission services continue to go through a learning process.

The Commission identifies the following **recurring issues and policy questions**:

- how to register an ERIC in the national legal administrative systems, or in other registers which would **enable an ERIC to be recognised by the Commission services** as beneficiary or coordinator of grants and in Member States to open bank accounts and to apply for reimbursement for VAT and excise duties;

- since an ERIC is a public-public partnership, the **status of personnel** that it employs needs to be clarified in the national administrative systems as this will impact on salary scales, income tax issues and personnel costs for the ERIC ;
- **possible VAT exemption for in-kind contributions** to the ERIC as in many cases members of an ERIC prefer to partly contribute in-kind to the ERIC instead of providing cash-contributions. Guidelines adopted in 2014 provide that goods or services acquired by representing entities shall not benefit from VAT exemption but the issue requires further clarification and guidance;
- the question of **economic-versus non-economic activities** should be further clarified, especially with regard to possible funding from [European Regional Development Funds](#).

The Commission is promoting ERICs and other European Research Infrastructures in bilateral cooperation mechanisms such as the EU-Community of Latin American and Caribbean States (CELAC). It intends, where appropriate, to invite members of international fora to further explore the possibilities of creating a dedicated legal instrument for establishing such research consortia which could, as the ERIC did in the European Union, fill the gap between the treaty based organisations and national organisations.