Statute and Internal Regulations
for a possible EuroFEL Consortium

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Objective

Original Aim of IRUVX-PP

To create a strong European organisation (Consortium) with high visibility!

Decision made later on:

To base it on the Council regulation regarding the 'Community Legal Framework' for an ERIC

(European Research Infrastructure Consortium)

Final Agreement

→Did not find (yet?) consensus among the partners !

Agreement could be found to –

- start with an MoU for a network

- based on the activities worked out

- further develop it towards an European structure

Note!

A network can not be on the ESFRI Roadmap,

can not be recognized as pan-EU-RI in the future Framework program

→ **Low visibility and strength on political level (fund raising difficult!)**

EuroFEL

Advantages of EuroFEL:

- Financial benefit - joint developments and standardization

- Enhancement of excellence – joint training; joint developments lead to better and faster solutions

- Widening of expertise - improved dissemination brings scientists closer and improves exchange of ideas

- Joint outreach activities – satisfy and enhance public interest and improves funding situation

- Is an attractive and powerful partner for industry

- Provides support and services for joint collaborations, interaction with industry and user support

- Has a high potential for novel possibilities (data access, federated EU user data base)

- Legal personality

- Organisation for possible future European FEL projects

Advantages of an ERIC:

- Is a tool of the European Commission and has therefore particular international visibility that strengthens also the national visibility

- On a long term basis an ERIC could reach political significance in the European Research Community and could become the target group for joint funding schemes on a European level

- Future framework programmes for research might provide specific funds (top-down) which otherwise would not be available

- Through an ERIC, tax exemption will be possible for partners who would otherwise not be able to obtain it on a national level

Minimum requirements for the Statute of an ERIC:

- Some general Articles

  (which usually are part of a Statute)

- Organs: General Assembly, Executive Director or Executive Board

- Basic principles covering:

  - Statutory Seat

  - Activities

  - User access

  - Scientific evaluation Policy

  - Dissemination-, IPR-, employment-, procurement- policy

ERIC

Comparison of the 'Community Legal Framework' with National (Belgian) Law:

	Association based on Belgian Law	ERIC
Membership	Free	**EU Member States, associated countries, third countries**
Establishment (Amendment)	Approval by Ministry of Justice	Approval by EU Commission
Organs	Free	General Assembly Executive Director
Statutes	similar	<u>Must include basic principles:</u> scientific evaluation, user access, dissemination, IPR, employment, procurement
Budget and Accounting	Accounts according Law 17; monitoring by professional auditors	Accounts in compliance with principles of transparency; not examined by EU Commission
Fiscal treatment	No info available	ERIC is exempted from VAT in the EU Member States

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Implementation

The legal document (supposed to be signed by the parties) is composed of two parts:

I. The EuroFEL Statute
   → includes the general policies and provisions

II. Internal Regulations and Implementing Procedures
   → describe the internal rules and procedures for the implementation of the provisions of the Statutes

Once the ERIC will be formally approved by the EU Commission,

the Internal Regulations and Implementing Procedures will be approved

by the highest Organ of the Consortium, the General Assembly.

Building Blocks of the Statutes

Chapter I: **General Provisions**
Chapter II: **Management**
Chapter III: **Final Provisions**

In the statute only the general policies are included with a reference to the document 'Internal Regulations and Implementing Procedures' that describe the details for the implementation - in order to accomplish the policies defined in the Statutes.

Advantage:

Changes – expected often – of the details do not need an amendment to the Statute and therefore no official approval by the EU Commission is requested.

Chapter I: **General Provisions**

- Who is participating
- What are the conditions for participation
- What is the purpose
- Financing
- User access (to underline the importance!)

Statute

Chapter II: **Management**

- Organs
  - General Assembly (GA) → full decision making power
  - Management Board / EuroFEL Director is legal representative
- Power of GA / voting rules (quorum has been introduced for financial decisions → weight of the vote depends on contribution)
- Participating Council → advices and assists the Management Board
- Permanent Activity Boards
- Advisory Body
- Employment Policy and Staff
- Relations with Industry/Intellectual Property
- Provision of the consortium activities:
  - Joint technical developments
  - Joint training
  - Communication and Dissemination

Chapter III: **Final Provisions**

- Duration / Entry into Force
- Withdrawal
- Amendments
- Disputes
- Dissolution

Implementation

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Internal Regulations and Implementing Procedures
→ **are not part of the Statute!**

- Membership Criteria
- Core Activities of EuroFEL
- Organisational Structure
- Scientific and Technical Advisory Committee (STAC)
- User Access
- Joint Technical Developments
- Joint Training Activities
- Communication and Dissemination
- Relationship with Industry
- Intellectual Properties
- Financing of the Consortium and Financial Rules
- Procurement procedures

Membership Criteria

Full Membership

- FEL and SPF – operating or project planed to be operating for international user community (access based on peer review)
- FM has to comply with strategic and scientific goals of EuroFEL

Associate Membership

- State, Regional Partner Facility (as defined by ESFRI), University, Institute or other body that collaborates with a EuroFEL member facility and support users or technical developments for FELs and SPFs.
- Associate memberships are regulated by individual bilateral MoUs and/or contracts → gives maximum flexibility

Observer

- Industry, organisation of neighbouring fields, ….
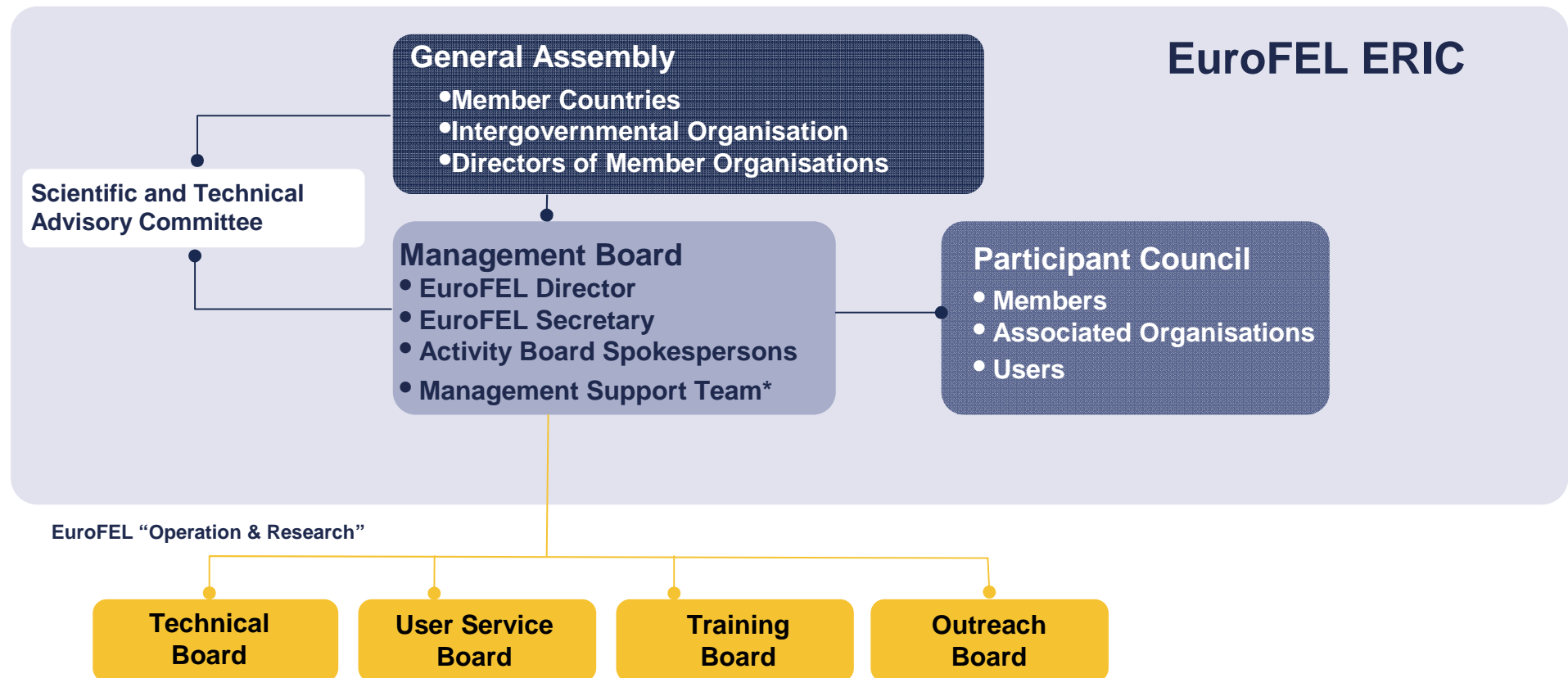- Observer status is regulated by individual bilateral MoUs

Voting rules for membership: unanimous vote of GA

Core Activities of EuroFEL

- Ensure efficient construction and operation of (complementary) FEL/SPS facilities open access
- Coordinate technical developments
- Promote and coordinate training and education
- Ensure efficient communication, external and internal
- Represent European FEL science and technology encompassed by the Consortium

Organisational Structure

Strategy:

■ Start with a slim structure

■ Gradually increase complexity of the organisational structure based on an evaluation of the cost benefit ratio

■ Yearly assessment of the cost benefit ratio by the General Assembly – and adaptation of the organisation to the actual needs

Organisational Structure

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EuroFEL ERIC

General Assembly
- Member Countries
- Intergovernmental Organisation
- Directors of Member Organisations

Scientific and Technical Advisory Committee

Management Board
- EuroFEL Director
- EuroFEL Secretary
- Activity Board Spokespersons
- Management Support Team*

Participant Council
- Members
- Associated Organisations
- Users

EuroFEL "Operation & Research"

Technical Board	User Service Board	Training Board	Outreach Board

* Management Support Team
- Secretary
- Communication person
- Webmaster
- Industry Contact person

Advisory Committee (STAC)

Terms of Reference (selection):

- To provide strategic advice on the science program
- To review the opportunities for new scientific developments To evaluate the scientific activities and to make suggestions for enhancement
- To advice on user aspects
- To review accelerator performance and suggest performance improvements
- To give recommendations on the portfolio of beamlines
- To give advice how to enhance complementarities for driver systems and beam lines
- To advise on the strategy for common technical developments and the formation of expert groups
- To advice on the collaboration with industry

→ Partners delegate experts from their ACs to STAC

User Access

Objective

Identification and integration of user needs

- Procedural needs
- Mid- and long term needs - *examples* –
  - > Harmonize planning on pan-European level
  - > Umbrella extension, development of tools for remote experiment and data access
  - > New IT concepts – data analysis centres, cloud concepts
  - > Novel detector requirements

Integration of user needs

- General contacts, conferences, workshops
- User meetings
- Coaching
- ….

User Access

Organisation:

EECM (EuroFEL Experiment Coordination Manager)

EEC-Board – composed of:

- Scientific coordinators from facilities

- User spokespersons

- Representatives from proposal referees

- Representatives from coaching

Procedure:

EECM in collaboration with EECB -

- Works out operational and strategic issues

- Provides special service to novice users

- Organises the yearly EuroFEL users meeting -

   will attract key players from neighbouring fields and address the construction of new beamlines and IT-infrastructure (complementarity!)

Joint Technical Developments

Objective:

- Develop a strategy and coordinate future technical developments
- Promote creation of expert groups and centres of excellence
- Promote pooling of techniques and sharing of equipment
- Support collaborations with neighbouring scientific fields and industry

Joint Technical Developments

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Organisation / Procedure – for JTD:

- **TechB** - EuroFEL Technical Development Board
  (TechB spokesperson, representatives from Partners)
- TechB prepares strategic overview
- Proposals made by researchers, institutes, GA, P-Council, TechB….
  (project plan, management, rights, tasks, obligations)
- TechB scrutinizes the proposal
- EuroFEL helps to raise funds
- EuroFEL provides infrastructure (web)
- EuroFEL provides administrative support
- TechB reviews the JTD after completion

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Joint Training

Objective:

- Establish, coordinate and integrate JT

Organisation/Procedure:

Management Board provides document on training requirements

EuroFEL Training Board (representatives from partners)

proposes yearly training program (topics, budget, objectives)

and implements/organises/coordinates activities:

- Training schools
- Programs for staff
- Programs for young researchers
- Workshops
- Seminars

Communication and Dissemination

Objective:

Plan, coordinate and integrate C&D and PR activities

Organisation/Procedure:

EuroFEL Communication Board / ECB

(representatives from partners)**:**

- Provides efficient communication between partners
- Coordinates PR activities
- Gives support to other Activity Boards

Communication and editorial process:

- Head of Communication & PR departments from the partners act as contributing editors
- Decision levels:

Consortium topics	→	EuroFEL Director
Collaboration topics	→	ECB
Announcements	→	ECB Spokesperson

Relationship with Industry

Objective:

- Establish R&D with industry
- Manage knowledge and technology transfer

Organisation/Procedure:

EuroFEL Industry Board opens dialog with industry on the objective issues (especially with industry in areas of limited suppliers and key industry for FELs)

Knowledge and Technology Transfer Board (composed from representatives of partners) assists the technical expert groups in knowledge and technology transfer and IP issues

Industry Coordination Spokesperson manages the **Industry Forum** for collaborative R&D with industry

Intellectual Properties

EU Commission provides members states with policy guidelines –

Code of Practice (3 principles):

- Internal IP regulations which public research organisations should implement

  (basic set of principles)

- Knowledge and technology transfer related IP principles

  (regulates transfer and exploitation of IP)

- Collaboration and contract research

References:

1 / Commission recommendations on the management of IP and KTT activities

2 / IP-Charter for astro-particle and nuclear physics

Principles of Financing

Key Elements:

- EuroFEL is financed by its members

- The contributions are composed by cash and in-kind contributions
(a minimum cash is required to run the structure)

- Manpower (people and tasks) and equipment can be provided in form of in-kind contributions
  - the objective is to balance the in-kind contributions between the members of the Consortium

- Procedure has been established to validate and scrutinize an in-kind contribution

THE END