ERIC

Legal framework for a European Research Infrastructure Consortium
What is an ERIC?

- An ERIC is a legal entity established by Union Law.
  

- It has legal personality as of the date on which the Commission decision setting up the ERIC takes effect

- It is classified as an international organization

- Applicable Law and Jurisdiction
**What is an ERIC?**

- An ERIC must have at least one Member State and two other countries that are either Member States or associated countries as members. (article 9)

- The principal task of an ERIC is to establish and operate a research infrastructure on a non-economic basis

- The statutory seat of an ERIC must be located on the territory of a member: either a Member State or an associated country, where at least some of its activities are carried out. (article 8)
ORGANIZATION AND MEMBERSHIP

- Members and observers
- Voting rights
- Legal representation
- Governance
HOW TO CREATE AN ERIC?

- Requirements stipulated in the article 4 of the Council regulation No. 723/2009 must be fulfilled

- Two steps procedure (article 5 and 6):
  1. Verification of compliance with the requirements laid down in the ERIC regulation
  2. Formal request to the Commission to set up the ERIC
The Statutes of an ERIC shall contain at least the following:

- a list of members, observers and, where applicable, of entities representing members and the conditions of and the procedure for changes in membership and representation in compliance with Article 9;
- the tasks and activities of the ERIC;
- the statutory seat in compliance with Article 8(1);
- the name of the ERIC in compliance with Article 8(2);
- the duration, and the procedure for the winding-up in compliance with Article 16;
- the liability regime, in compliance with Article 14(2);
- the basic principles covering:
  - the access policy for users;
  - the scientific evaluation policy;
  - the dissemination policy;
  - the intellectual property rights policy;
  - the employment policy, including equal opportunities;
  - the procurement policy respecting the principles of transparency, non-discrimination and competition;
  - a decommissioning, if relevant;
  - the data policy;
- the rights and obligations of the members, including the obligation to make contributions to a balanced budget and voting rights;
- the bodies of the ERIC, their roles and responsibilities and the manner in which they are constituted and in which they decide, including upon the amendment of the Statutes, in compliance with Articles 11 and 12;
- the identification of the working language(s);
- references to rules implementing the Statutes.

The Statutes shall be publicly available on the website of the ERIC and at its statutory seat.
LIABILITY, BUDGETARY PRINCIPLES AND TAX EXEMPTIONS

- ERIC is liable for its debts

- The financial liability of the members for the debts of the ERIC shall be limited to their respective contributions provided to the ERIC

- ERIC to carry out its activities according to sound budgetary principles for the exercise of its financial responsibility

- ERIC must be recognised by the host Member State, as an international body within the meaning of Directive 2006/112/EC and as an international organization within the meaning of the directive on excise duty
REPORTING AND CONTROL

- An ERIC shall produce an annual activity report.

- An ERIC and the Member States concerned shall inform the Commission of any circumstances which threaten to seriously jeopardize the achievement of the task of the ERIC or to hinder the ERIC from fulfilling the requirements.
ERIC AND INTERNATIONAL ORGANIZATION

- Legal capacity recognized in all EU countries
- Flexibility to adapt to specific requirements of each infrastructure
- Faster process than creating an international organisation
- Exemptions from VAT and excise duty

IGO\textquotesingle}s are in most cases established by a treaty that acts as a charter creating the group. Treaties are formed when lawful representatives (governments) of several states go through a ratification process providing the IGO with an international legal personality
THANK YOU FOR YOUR ATTENTION