

Memorandum of Understanding For the Astroparticle Physics European Consortium (APPEC)

By and Between

- **Commissariat à l’Energie Atomique et aux Energies Alternatives (CEA), a French stateowned research entity with a scientific, technical or industrial activity duly organised under the laws of France and having its registered office located Bâtiment Le Ponant D-25 rue Leblanc, Paris 15ème, France; represented by Prof. Philippe Chomaz, Director of its Institut de Recherche sur les lois Fondamentales de l'Univers (Irfu); hereinafter referred to as CEA.**
- **Centre National de la Recherche Scientifique (CNRS), a public scientific and technological establishment, headquartered at 3, rue Michel-Ange, 75716, Paris cedex 16, represented by Prof. ~~Jacques Martino~~, Director of its National Institute of Nuclear and Particle Physics (IN2P3), hereinafter referred to as CNRS/IN2P3.**
- **Deutsches Elektronen-Synchrotron DESY, a German research centre of the Helmholtz Association, Notkestraße 85, D-22607 Hamburg, represented by its directorate, hereafter referred to as DESY.**
- **Stichting voor Fundamenteel Onderzoek der Materie (FOM, The Netherlands), the largest government-supported physics organisation in the Netherlands, headquartered at Van Vollenhovenlaan 659, 3527 JP Utrecht, represented by Professor Wim van Saarloos, Director of FOM, or his duly authorized representative; hereinafter referred to as FOM.**
- **Fonds Wetenschappelijk Onderzoek - Vlaanderen (FWO, Belgium), a non-profit research organization, headquartered at 5, Egmontstraat, 1000, Brussels, represented by Elisabeth Monard, Secretary General.**
- **Croatian Science Foundation (HRZZ, Croatia), a funding agency that provides support to researchers and scientific programmes and projects in the field of fundamental, applied and developmental research, headquartered at Ilica 24, 10000 Zagreb, represented by Ivica Kostovic, M.D., D.Sc., President of the Board, hereinafter referred to as HRZZ.**
- **Horia Hulubei National Institute of Research and Development for Physics and Nuclear Engineering (IFIN-HH, Romania), a public scientific research institution, headquartered at Magurele, 30 Reactorului Street 077125, Ilfov county, Romania, represented by Dr NicolaeVictor Zamfir, Director General IFIN-HH or his duly authorized representative, hereinafter referred to as IFIN-HH.**

- Istituto Nazionale di Fisica Nucleare (INFN, Italy), a State-owned Research Institution, headquartered at 40, Via Enrico Fermi, Frascati, 00044, Italy represented by Professor Fernando Ferroni, President of INFN, hereinafter referred to as INFN.
- Narodowe Centrum Nauki (NCN, Poland), a government executive agency set up to fund basic research, headquartered at ul. Królewska 57, 30-081 Kraków, Poland, and represented by Prof. Andrzej Jajszczyk, Director; hereinafter referred to as NCN.
- The Royal Irish Academy (RIA, Ireland), is an all-island, independent, academic body that promotes research and scholarship in the sciences, humanities and social sciences. The RIA is located at 19 Dawson Street, Dublin 2, Ireland, and is represented by David Fegan, Emeritus Professor of Astrophysics at University College Dublin and a member of the academy; hereinafter referred to as the RIA.
- Science and Technology Facilities Council (STFC, UK), a scientific and technology research council, headquartered at Polaris House, North Star Avenue, Swindon, SN2 1SZ, United Kingdom represented by Janet Seed, Acting Executive Director Programmes or her authorised representative; hereinafter referred to as STFC.

Hereinafter collectively referred to as “Participating Institutions” and individually as “Participating Institution”

Introduction

CONSIDERING THAT:

- (a) Astroparticle physics is the study of particles and radiation from outer space, and of rare, cosmologically-significant elementary particle reactions. The scales of distance examined range from the realm of elementary particles to the outer reaches of the observable Universe, placing the field at the intersection of cosmology, astrophysics, particle physics and nuclear physics. Astroparticle physics currently comprises the following six domains: dark matter, dark energy, high-energy cosmic messengers, gravitational waves, ~~proton decay~~ **neutrinoless double beta decay**, and the properties of neutrinos.
- (b) The Astroparticle Physics European Consortium¹ (~~APPEC~~ **APPEC**), emanates from the Astroparticle Physics European Coordination committee founded in 2001 and operating under the same acronym until this MoU enters into force. It is the outcome of a decade of preparatory work by a consortium of representatives from Ministries and agencies and of the intense preparatory work provided by the EU funded ERANETs ASPERA and ASPERA-2 (2006-2012) that paved the way through a series of funding mechanism

¹ By consortium it is meant the collaboration of the Participating Institutions in view of specific goals rather than the term used in certain national legal systems to depict a legal structure.

studies, common roadmap elaborations, common calls for R&D proposals, and common outreach and communication endeavours.

The Parties have agreed as follows:

Article 1: Purpose and objectives

The purpose of this Memorandum of Understanding (hereinafter the “MoU”) is to affirm the establishment of the Astroparticle Physics European Consortium, hereinafter called “APPEC”. The present MoU replaces the former existing MoU for the Astroparticle Physics European Coordination (also called APPEC) and provides the framework for the consortium including its objectives, as well as the rights and obligations of the Participating Institutions.

The strategic and implementation objectives of APPEC are the following:

Strategic objectives

- Provide a discussion forum for the coordination of European Astroparticle Physics;
- Develop and update long term strategies (e.g. Roadmap for European Astroparticle Physics);
- Participate in the European scientific strategy with organizations such as the European Strategy Session of CERN Council and ESFRI;
- Develop closer relationships with organizations involved in Astroparticle Physics research such as CERN, ESA and ESO;
- Express collective views on Astroparticle Physics in international fora ;
- **Strengthen collaboration with adjacent and neighbouring fields : ECFA, NuPECC, (...) ASTRONET**

Implementation objectives

- Facilitate and enhance the coordination between existing or developing national activities;
- Develop a common action plan for large Astroparticle Physics infrastructures based on the Roadmap for European Astroparticle Physics;
- Facilitate the convergence of future large scale projects/facilities;

- Provide organisational advice for the implementation of future large scale projects/facilities, for instance initiate and/or accompany the creation of resource review boards for international collaborative projects where the national funding agencies are involved;
- Initiate and guide activities funded by the European Commission ;
- Launch common actions including common calls funded by a virtual common pot.

The MoU is not legally binding, but the Participating Institutions recognize that the success of the APPEC depends on adhering to its provisions. The Partners agree that the consortium has no legal capacity.

Article 2: Partnership

2.1 The Participating Institutions of the present MoU constitute the Partners of APPEC. The signatories of the MoU are duly authorized representatives² of the Participating Institutions.

2.2 Ministries, funding agencies responsible for policy and/or providing funding in Astroparticle physics research at the national or international level, or their designated institution with legal status, are eligible for Partnership.

2.3 The rules for Partner admission, resignation/withdrawal or acquirement of observer status are presented in article 8.

Article 3: Internal Organization

The organisational structure of APPEC consists of the following three (3) bodies:

- the General Assembly (GA) , the strategic, decision-making and supervisory body as detailed in article 4 below,
- the Joint Secretariat (JS), the executive body chaired by the General Secretary as detailed in article 5 below,
- the Scientific Advisory Committee (SAC), the advisory body as detailed in article 6 below.

² The representatives signing on behalf of the Participating Institution are not necessarily the same as the representative of the Participating Institution to the General Assembly defined in article 4.2.

Article 4: The General Assembly

4.1 The General Assembly is the strategic, decision-making and supervisory body of APPEC.

4.2 Each Participating Institution of APPEC may appoint one (1) representative to the General Assembly (hereafter “Partner of the GA”). The representative will normally be the director of its major astroparticle physics Institute/Agency or a manager of a major national astroparticle physics program/funding agency. The Participating Institution reserves the right to change its representative to the General Assembly at any time.

The Chairperson of the Scientific Advisory Committee and the General Secretary shall be invited to attend the meetings of the General Assembly without voting rights.

The legal entities having acquired the observer status according to article 8 of the MoU shall attend the meeting of the General Assembly without voting rights.

4.3 The General Assembly will elect a Chairperson among the Partners of the GA (hereafter “Chairperson of APPEC”) to serve for two years. Re-election will be possible once, including consecutively.

The General Assembly may elect two Deputy Chairpersons among the Partners of the GA to serve on the same terms as the Chairperson. The Chairperson will be “supra partes” and will not have a right to vote. If the Chairperson was representing one of the Partners in the GA, the Partner must choose someone else for its representation in the GA.

4.4 The General Assembly shall be convened by its Chairperson at least twice a year.

4.5 The General Assembly may invite international organizations and other appropriate nonPartner organizations with which APPEC shares common objectives and which have not acquired the observer status according to article 8, to attend the meetings with an advisory role.

4.6 Responsibilities of the General Assembly

The General Assembly shall determine the general policy and the procedures of APPEC and in particular:

- a. approve the annual work plan and progress report submitted by the General Secretary;
- b. approve the spending of the APPEC General Budget (as defined in article 7 below) of the previous financial year;
- c. approve the General Budget estimates for the Basic and Additional Activities, as defined in article 7 below;
- d. in case of modification of the in cash annual participation fee, approve unanimously the amounts to be provided according to article 7.2;

- e. deliberate on procedural matters and in particular the internal procedures of the Secretariat (see article 5) and the Scientific Advisory Committee (see article 6);
- f. appoint the General Secretary;
- g. appoint the members of the Scientific Advisory Committee and its Chairperson;
- h. appoint observers representing APPEC in international fora or organisations ;
- i. approve the accession of new APPEC Partners (according to article 9).
- j. **Add the responsibilities for EuCAPT**

4.7 The Chairperson of APPEC shall send the proposed agenda to each Partner of the GA at the latest fourteen (14) calendar days before a GA meeting. Any agenda item requiring a decision by the Partners of the GA must be identified as such on the agenda. During a meeting the Partners of the GA present or represented may agree to add a new item to the original agenda.

The General Assembly shall not deliberate and decide validly unless at least half of the countries are present or represented (quorum). There will be only one vote per country. In case the quorum is not reached a new quorate meeting shall be organized within sixty (60) calendar days at the latest.

The Chairperson should strive towards a unanimous decision in all cases.

In cases where a unanimous decision cannot be reached, decisions shall be taken by a majority of two-thirds (2/3) of the votes cast. There will be only one vote per country. Decisions concerning the General Budget (items 4.6.c and 4.6.d above) require a majority of two-thirds (2/3) of the votes cast and that the countries that voted in favour, contribute more than two-thirds (2/3) of the APPEC resources (i.e. participation fees).

Any Participating Institution unable to attend a General Assembly meeting may appoint a proxy who must also be a Participating Institution of APPEC. A Participating Institution cannot represent more than one proxy.

The General Secretary shall produce written minutes of each meeting which shall be the formal record of all decisions taken. He/She shall send the draft minutes to all Partners of the GA within twenty (20) calendar days of the meeting. The minutes shall be considered as accepted if, within thirty (30) calendar days from sending, no Partner of the GA has objected in writing to the Chairperson with respect to the accuracy of the draft of the minutes.

Article 5: The Joint Secretariat and the General Secretary

5.1 The joint Secretariat is the APPEC executive body. Its main functions are distributed over a limited number of 'functional centres' hosted in different Participating Institutions. Annex 1 lists the functional centres and their corresponding activities.

5.2 Each functional centre will have its own leader and its staff shall comply with the general or special rules or regulations of the Participating Institution hosting the centre.

One of the functional centres shall be in charge of keeping the documentation, the archive of files and the records of the APPEC General Budget (as defined in article 7 below).

5.3 The General Secretary shall be responsible vis-à-vis the General Assembly for the efficient management of APPEC, its finances and for ensuring the execution of the decisions of the General Assembly. The preparation and organisation of the meetings of the General Assembly is also among his/her duties. His/her mandate will last for two years, renewable once.

5.4 The core of the Joint Secretariat consists of the General Secretary and the heads of the functional centres. The Joint Secretariat will liaise with the Participating Institutions and solicit their participation. **Each member can participate in the Joint Secretariat and they can appoint a representative from their institution.**

5.5 The Joint Secretariat will be coordinated by the General Secretary. The work of the Joint Secretariat is defined in an annual work plan to be presented to the General Assembly by the General Secretary and approved by the General Assembly (see article 4.6.a). The annual work plan and progress report shall be structured in work packages and tasks.

The operation of the Joint Secretariat shall be set under the rules of procedure of APPEC as approved by the General Assembly.

Article 6: The Scientific Advisory Committee and other Committees

6.1 Scientific Advisory Committee

The General Assembly shall establish a Scientific Advisory Committee (SAC):

- (a) to examine and report on issues of strategic scientific importance within their fields of competence;
- (b) to propose programs or projects for adoption as activities of APPEC; and
- (c) to organize activities or carry out other tasks entrusted to them by the General Assembly.

The General Assembly shall nominate the Chairperson of the SAC among its members for a mandate of two ~~(2)~~ years, renewable once.

The Chairperson shall convene the SAC at least once a year and shall report to the General Assembly.

The operation of Scientific Advisory Committee shall be set under the rules of procedure of APPEC as approved by the General Assembly.

The members serve 'ad personam'.

6.2 Other committees

The General Assembly may establish any other advisory committee, if considered necessary.

Article 7: Financial Issues

7.1 The general budget of APPEC (hereafter referred to as "the General Budget") shall be composed of the contributions of the Participating Institutions. ~~These will be of two types: cash contributions to the common fund and contributions in kind.~~

7.2 The common fund shall be composed of the participation fees of the partners. Each Participating Institution shall provide an annual participation fee in cash. The annual participation fees are fixed at the time of the signature of this MoU to be of five (5) thousand Euros for Participating Institutions from countries having a large Astroparticle Physics program and of two (2) thousand Euros from the other countries. These amounts may be modified by unanimous decision of the General Assembly. According to the census the countries having a large Astroparticle Physics program are: France, Germany, Italy, Netherlands, Spain, Switzerland and UK.

The annual participation fees ~~and any other cash contributions~~ will compose the 'Common Fund', which shall be used to cover the support of meetings and material expenses for outreach and dissemination. ~~The Common Fund is part of the General Budget.~~

The location of the Common Fund will be decided by the General Assembly.

~~The APPEC functional centres may draw funds from this account after approval by the General Secretary.~~

7.3 In-kind contributions can also be made by the Participating Institutions. Any in-kind contributions must be agreed upon by the General Assembly, upon proposal of the General Secretary. ~~These in-kind contributions, once approved, also form part of the General Budget.~~

~~The funding of the functional centres is not part of the General Budget but is submitted annually to the GA for information.~~

~~7.4 There shall be two categories of activities:~~

~~(a) a “Basic Activity” is an activity financed via the General Budget and to which all Participating Institutions contribute. Additional external contributions are possible and will be highly appreciated.~~

~~(b) an “Additional Activity” is an activity financed by a subset of Participating Institutions and/or third parties.~~

~~7.5 The General Secretary presents the annual financial plan and the financial report for the General Budget to the General Assembly.~~

~~7.6 For particular activities, APPEC may deem it desirable to have the involvement of other public bodies, trusts and associations. Such organizations are also able to make contributions to the activity.~~

The functional centre being in charge of managing and administering the General Budget shall develop an accounting system that monitors cash ~~and in-kind~~ contributions in the General Budget in a fair manner.

Article 8: APPEC Participating Institutions and observers

8.1 Any legal entity wishing to be a Partner of APPEC (under the conditions of article 2 above), shall submit a formal application to the Chairperson of APPEC who shall inform all Participating Institutions of such an application before presenting the proposal to the General Assembly.

An entity shall be considered as a Participating Institution upon signature of the accession document (Annex 1) by its authorized representative and the General Secretary. Such an accession shall have effect from the date identified in the accession document.

8.2 Legal entities (under the conditions of article 2 above) from countries within or outside Europe, as well as international organisations, may obtain observer status upon approval of the General Assembly.

This status gives the right to a non-voting observer seat in the General Assembly. Observer status will be established by means of an exchange of letters between the General Secretary and the interested legal entity. Observer status may be withdrawn by either side in writing at any time.

8.3 Participation in APPEC may be terminated if the General Assembly decides that a Participating Institution no longer fulfils the criteria for participation, and/or fails to meet its obligations towards APPEC, and/or acts contrary to the aims, objectives or values of APPEC.

8.4 A Participating Institution may withdraw from APPEC at the end of the financial year immediately following that in which it gives written notice of withdrawal.

Article 9: Confidentiality

The partners agree that the open exchange of information shall honour the following principles:

(a) The partners shall treat any information, agreed or noted by the partners to be confidential, for the duration of this agreement, strictly confidential.

(b) The partners shall take all appropriate steps to safeguard the confidential information.

Article 10: Annexes and modifications of the MoU

10.1 This MoU may be modified at any time upon written consent of the Participating Institutions.

10.2 The Annexes of the MoU form an integral part of it.

10.3 The Annexes can be modified by the General Assembly in accordance with article 4.

Article 11: Termination of APPEC

The duration of this MoU is five (5) years after its entry into force. It will then be extended ~~automatically~~ for further five (5) years **by an amendment**, APPEC may be terminated at any time by a decision taken at a special meeting of the General Assembly by a two-thirds majority of the votes cast and a quorum of at least two-thirds (2/3) of the Participating Institutions.

In case of termination, the General Assembly will decide how the remaining funds will be distributed.

Article 12: Entry into force and duration

The present MoU shall enter into force retroactively on the DATE by at least the Participating Institutions hosting the functional centres have signed. The other partners enter into the present MoU with their signature.

Article 13: Resolution of Disputes

Any dispute between APPEC and its Participating Institutions or between the Participating Institutions shall be brought to the attention of the General Secretary and the Chairperson of APPEC for amicable settlement.

The MoU shall be signed in as many original copies as the Participating Institutions.

Signature pages:

DESY

Hamburg, on _____

Prof. Dr. Helmut Dosch

Chairman of the Board of Directors

Christian Haringa

Director of Administration