DANUBIUS-PP

Preparatory Phase for the pan-European Research Infrastructure DANUBIUS–RI "The International Centre for advanced studies on river-sea systems"

Report on the relationship between any component part of the RI that is outside the legal entity, and the legal entity

Deliverable 3.3

European Commission

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Report

On the relationship between any component part of the RI

That is outside the legal entity, and the legal entity

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1. Executive summary

"An ERIC is an international organisation within the meaning of Article 15(c) of Directive 2004/18/EC." (REGULATIONS, COUNCIL REGULATION (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC))

"(21) Since an ERIC is established under Community law, it should be governed by Community law, in addition to the law of the State where it has its statutory seat. However, the ERIC could have a place of operation in another State. The law of that latter State should apply in respect of specific matters defined by the Statutes of the ERIC. Furthermore, an ERIC should be governed by implementing rules complying with the Statutes." (REGULATIONS, COUNCIL REGULATION (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC))

Starting from this tow article of the Regulations, the relationship between any component part of the RI that is outside the legal entity, and the legal entity has to take into account the legal principles of the ERIC and to include into their own Statutes and rules of activities, the main legal provisions of the ERIC in accordance with the national laws of each RI components.

1.1 Introduction

"DANUBIUS-PP will bring to maturity plans for the physical components of the RI. These include a Hub, Supersites and Nodes distributed across Europe to optimize the use of existing world leading expertise and facilities and enhance the potential to undertake cross-disciplinary research on freshwater–marine systems, and hence understand, characterize and manage these diverse systems across Europe."

The main purpose of this task starts from the ESFRI recommendation: „ESFRI recommends intensifying discussions with involved institutions and relevant ministries about the plans for how DANUBIUS-RI can be organized as a pan-European research infrastructure with a legal entity, the hub, the supersites and the nodes."

The structure of DANUBIUS–RI will include components as: Supersite, Nodes and Hubs.

The Countries participants with components of DANUBIUS RI are: Austria, Germany, Greece, Spain, Hungary, Ireland, Italy, Netherlands, Romania, UK.

1.2 The conclusion of deliverable D3.1 and 3.2 and the effect on the present Report

The main conclusion of the D.3.1 is that the most suitable legal form for DANUBIUS-RI is the ERIC. It will be established and operated, by 2022, by a consortium of member states and intergovernmental organizations.

Regarding the RI component, in 3.2, based on the responses received from partners, conclusions are that the procedures to obtain a legal commitment of a State to register legal components vary from country to country.

The new legal components of the DANUBIUS-RI, according to the responses will be open for all of the partners, access will be based on a legal document, as a MoU.

2. The objective of the Deliverable 3.3 Report on the relationship between any component part of the RI that is outside the legal entity, and the legal entity

The Delivrable 3.3 is part of the T.3.2 of the Contract : *"Determining legal requirements to establish DANUBIUS-RI components . In light of the outcome of T3.1., this Task will examine whether and how each component of DANUBIUS-RI will be part of the proposed legal entity model, according to the following methodological scheme: i. Understanding constraints, requirements and corresponding practical procedures for the actual constitution of the legal entity model as defined in T3.1., taking into account common standards, protocols and national rules, as well as relationships between Hub and Nodes; ii. Preparing the administrative and formal acts binding each involved Entity participating in the RI; iii. Finding the balance between national and international responsibilities and commitments; Starting the procedure for approval and registering the new legal entity/-ies in the host countries."*

ESFRI recommends intensifying discussions with involved institutions and relevant ministries about the plans for how DANUBIUS-RI can be organised as a pan-European research infrastructure with a legal entity, the hub, the supersites and the nodes.

As was decided by the consortium, DANUBIIUS –RI will be an ERIC as legal entity and the RI components in direct relation will be the hub, the supersite and nodes.

The Hub will provide leadership, coordination, and key scientific, educational and analytical capabilities; Nodes will be centres of expertise providing facilities and services, data storage and provision, experimental and in situ measurements facilities, state-of-the-art analytical capabilities and implementation of standardised procedures and quality control; Supersites will be designated natural sites for observation, research and modelling at locations of high scientific importance across a range of European RS systems.

At the present report, consortium has agreed the fallowing RI components:

- Node: Analysis, Observation, Impact, Modelling;
- Technology Transfer Office;
- HUB
- Supersites: Danube Delta, Middle Danube- Szigetkoz, Upper Danube, Elb-North Sea, Ebro-Llobregat Deltaic System, Po Delta and North Adriatic Lagoons, Nestos, Thames Estuary, Middle Rhine, Guadalquivir Estuary, Rhine-Meuse Delta, Tay Catchment

Nodes will be centres of expertise providing facilities and services, data storage and provision, experimental and in situ measurements facilities, state-of-the-art analytical capabilities and implementation of standardised procedures and quality control.
Leading Laboratories for the Nodes are in:

- UK (Observation Node);
- Germany (Analysis Node);
- Italy (Modelling Node);
- Netherlands (Impact Node).

Under the coordination of the Leading Laboratories, extra needs – both in facilities and geographical – will be identified. These needs will be satisfied by Accredited Service Providers: facilities to be developed and, if necessary, built under the coordination of the Leading Laboratories and respecting the DANUBIUS Common set of Standards, requirements and rules (DANUBIUS Commons).
The Nodes, in concert with the other components that form the unitary DANUBIUS-RI (Hub, Data Centre, Supersites, and Technology Transfer Office), will facilitate a step change in our understanding of RS systems and deliver societal relevant solutions by:

- Taking an interdisciplinary approach: the natural and social scientific disciplines involved in DANUBIUS-RI will work together on knowledge development and the generation of solutions for addressing social challenges related to highly complex and dynamic RS systems. This approach can be characterised as ‘learning together, to increase impact together’ and leaving each other’s comfort zones (breaking the silos) as ‘doing what we did, would only get us what we got’;
- Providing the “critical mass” to avoid delays in administrative processes (that include methods and parameters) on the EU level by incorporating at an early stage relevant stakeholders and consideration of key parameters national and European value;
- Delivering “better science” (salient, credible and legitimate) via “better method/data inter-comparability” and via “capacity building and education”.
- Adopting a common language (the DANUBIUS-RI Ontology) facilitates the ‘learning together’ ethos and thus improves delivery of better science;
- Providing (in association with the Supersites and ASPs), a “living lab” structure and a “one-stop shop” for research and business communities concerned with method development and testing, facilities and hypothesis testing and demonstration;
- Delivering bespoke synergistic and interdisciplinary tools, approaches and frameworks to address emerging and future societal challenges.

The Nodes will work jointly in providing integrated services to the research community, in terms of tools and interdisciplinary expert support to tackle the main research topics in RS systems, with also the provision of training and e-services.

The Technology Transfer Office of DANUBIUS-RI is designated in University College Cork, Ireland. This would see an expansion of the existing OTT to include a dedicated DANUBIUS-RI Technology Transfer Officer with associated administrative support and an assigned travel budget to enable travel to the Hub, Nodes and Supersites as appropriate. This Technology Transfer Office (TTO) for DANUBIUS-RI will come under the remit of Business Development and as such the Technology Transfer Officer will report to the Director of this unit. It has already been recognised that this is challenging role with wide-ranging responsibilities that should include:

- Safeguarding and promoting the Intellectual Property of DANUBIUS-RI

- Establishing contacts with industries identified by the Business Development department as relevant for DANUBIUS-RI
- Maintaining contacts with the European industrial sector (trade organisations etc) to maintain and increase potential for collaboration
- Identifying opportunities for, and completing, collaborative research agreements with SME and MNC
- Maintaining and improving the scientific esteem and technological reputation of DANUBIUS-RI

The TTO primary role is to engage industry and this will require a three pronged approach which will involve:

- Bringing the intellectual property generated by the Research Infrastructure into public use as rapidly as possible while protecting academic and research freedoms
- Generating a financial return to the Research Infrastructure and inventors
- Generating economic growth and employment

A Supersite is not part of a Node, is not a research center, is not a research programme. A Supersite is a defined area of water/land, may be a site for defined research and observation activities, not a local network of institutions, it is not a research site only for DANUBIUS_RI Nodes and other components. Each Supersite needs to have one hosting institution (formal link with the Hub) with a single named manager. Due to scientific, technical and political reasons, in most cases there will be other local institutions that will play a major role (Supersite Association/ Partnership).
On the consortium level, activities developed until the present report by the WPs has underline some aspects with direct influence to the relationship of RI components with the legal structure of ERIC.

- The representatives of Spanish supersite consider that, once the DANUBIUS-RI component is underway, to establish a MoU with representative entities, linked to deltas or estuarine cases in the above mentioned countries. The main implications of establishing a Service Level Agreement with the DANUBIUS ERIC for the two supersites together is that it will facilitate a continuous cooperation and support between two natural facilities, two autonomous communities and the central Government of Spain. Cooperation with the ERIC for this supersites will be under a MoU.
- The Italian supersite, is an independent body with legal personality, overseen by the Ministry of Education, University and Research. It is an “equivalent public body”, being an association of the Ca’ Foscari University, the IUAV University of Venice, the University of Padua, the Italy’s National Research Council (CNR, the largest public research institution in Italy, the only one under the Research Ministry performing multidisciplinary activities) and the National Institute of Oceanography and Experimental Geophysics (internationally oriented public research institution).
- The Hungarian representatives consider that it is beneficial from an economic aspect, since the knowledge gained can be used in other programs that are essential for the environmental protection and governmental operation of the given country. Additionally, the SZIGETKÖZ SUPERSITE functions as the testing ground on what is to come with climate change for the region, because of the artificially decreased runoff of the system.
- In Netherlander, the legal basis of RI components is that they are owned and exploited by research organizations that are not-for-profit legal entities, incorporated on initiative of the Dutch Government (Technische Onderzoeksinstituten , or “TO’s”). The relationship with the

DANUBIUS ERIC will be established by the Cooperation agreements, rental agreements for the ERIC for part of the capacity, project agreements for certain identified research, joint venture agreements on part or on the total exploitation of a facility, all sorts of long-term or short-term variants of the above. Most of the research infrastructure has been built with support from government funding because they are regarded of strategic value for the development of the Netherlands applied sciences in a broad. It is to be decided what commitments and what conditions for cooperation are deemed acceptable.

- From Austria we have receive that the existing ERIC components for experience are a non-profit research centre shared between universities and other institutions.
- As for Romania, the RI components can be an independent organization, a consortium or cluster organized as an NGO.

Relationship between any component part of the RI that is outside the legal entity, and the legal entity:

- Create services to allow to each part (ERIC and the component part) smart access to scientific, technical and administrative complementary services;
- Sharing procedures, databases and protocols useful for each party;
- Coordination of activities regarding knowledge and technology transfer;
- Shared organization of brokerage events with industry, stakeholders and policy makers and other events for the promotion of ESFRI RIs;
- Harmonisation of access systems among the DANUBIUS ERIC and ESFRI RIs to facilitate service provision for RI users.

3. Results and draft conclusion

The new legal components of the DANUBIUS-RI, will be open for all of the partners and relationship with the ERIC will be based on legal documents as MoU under the European low with respect of national lows .

The information provided in this document is not final in any respect and purely of an informative nature. The final status of relationship will be decide when all the partners with RI components will have the final decision from national authorities.

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