

## STATUTES OF ECCSEL ERIC

### European Carbon Dioxide Capture and Storage Laboratory — European Research Infrastructure Consortium

(2017/C 220/02)

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#### PREAMBLE

France, Italy, the Netherlands, Norway and the United Kingdom, hereinafter referred to as the 'Members'

WHEREAS the States mentioned above cooperating in order to establish a 'European Carbon Dioxide Capture and Storage Laboratory Infrastructure', hereinafter referred to as ECCSEL, are convinced that anthropogenic carbon dioxide emissions is a global climate challenge that calls for international cooperation;

CONSCIOUS that the challenge makes both, emission reductions as well as the capture, transport and safe storage of carbon dioxide necessary;

CONSIDERING that analyses made by the Intergovernmental Panel on Climate Change (IPCC) and the International Energy Agency (IEA) suggest that by 2050, Carbon Capture and Storage (CCS) must ensure up to 17 % of the global annual CO<sub>2</sub> emission cuts, and 14 % of the accumulated cuts from now on and that CCS will require commercial uptake starting in 2020-2030 and continuing beyond 2030;

KNOWING that these demands can only be met by intensified research and development aimed to enhance the scientific and technological knowledge base;

RECOGNISING the need for close international cooperation in the field of research and development related to CCS for both scientific and economic reasons;

ACKNOWLEDGING that national research infrastructures can benefit from international advice in the field of CCS and the operation of and investment in facilities for such research

CONSIDERING that ECCSEL is justified by the need for a dedicated and coordinated research environment, striving to close specific knowledge gaps, pushing the forefront of technological development beyond the state-of-the-art, and thereby accelerating the commercialisation and deployment of CCS methods;

BELIEVING that ECCSEL is needed to ensure the efficient use of existing research infrastructure and to coordinate infrastructure investments, thereby contributing to cost effectivity at a European scale;

WHEREAS the Members request the European Commission to set up ECCSEL as a European Research Infrastructure Consortium (ERIC) under the Council Regulation (EC) No 723/2009 <sup>(1)</sup>,

<sup>(1)</sup> OJ L 206, 8.8.2009, p. 1.

HAVE AGREED AS FOLLOWS:

## CHAPTER 1

### GENERAL PROVISIONS

#### Article 1

#### **Name, seat, location and working language**

1. There shall be a distributed European Research Infrastructure Consortium called the 'European Carbon Dioxide Capture and Storage Laboratory — European Research Infrastructure Consortium', hereinafter referred to as 'ECCSEL ERIC'.
2. ECCSEL ERIC shall have its statutory seat in Trondheim, Norway.
3. The working language of ECCSEL ERIC is English.

#### Article 2

#### **Tasks and activities**

1. ECCSEL ERIC shall establish and operate a world-class distributed research infrastructure to be set up as a central hub responsible for the coordinated operation of several facilities operating under a joint hallmark, ECCSEL ERIC.
  - a) ECCSEL ERIC shall coordinate the use of the research facilities in the distributed infrastructure and coordinate plans for their upgrade and new investments. ECCSEL ERIC shall assure the international open access to the infrastructure. ECCSEL ERIC shall furthermore, within its means and competence, support the owners of the research facilities in their endeavours to enhance the operations of their facilities and their endeavours to upgrade them and to create new facilities.
  - b) ECCSEL ERIC shall facilitate superior experimental research on new and improved CO<sub>2</sub> capture, transport and storage techniques (CCS), envisaging commercial uptake by 2020-2030 and beyond 2030, respectively. The General Assembly may in the future decide on an extension of ECCSEL ERIC activities towards utilisation of CO<sub>2</sub> (Carbon Capture, Utilisation, and Storage (CCUS)) beyond enhanced oil recovery (EOR).
  - c) ECCSEL ERIC does not own and operate research facilities itself. The General Assembly may however in the future decide that ECCSEL ERIC shall invest in or run its own facilities. Members and Observers who do not wish to participate in funding such facilities may abstain from the financing of them in accordance with Article 9(2)(a).
2. ECCSEL ERIC shall make facilities required for conducting research in priority areas available for the international research community. By doing this ECCSEL ERIC will contribute to pushing the forefront of technological development beyond the current state-of-the-art, thereby accelerating the commercialisation and deployment of CCS. In this undertaking, ECCSEL ERIC shall address and nurture top-level research actions among scientists within the field of CCS and according to the priorities of ECCSEL ERIC. ECCSEL ERIC will establish a very advanced inventory of unique research facilities and give the European CCS community (primarily), and non-European CCS communities access to these resources.
3. ECCSEL ERIC shall be constructed and operated on a non-economic basis.
4. Without prejudice to Article 2(3), ECCSEL ERIC may carry out limited economic activities provided that they are closely related to ECCSEL ERIC's main tasks and they do not jeopardise the achievement thereof.

## CHAPTER 2

### MEMBERSHIP

#### Article 3

#### **Membership and representing entity**

1. The following entities may become Members of ECCSEL ERIC, or they may become Observers, in accordance with the rights and obligations referred to in Articles 6 and 7:
  - a) Member States of the European Union;
  - b) associated countries;

- c) third countries other than associated countries;
- d) intergovernmental organisations.

Conditions for admission of Members and Observers are specified in Articles 4(1) and 4(2) of these Statutes.

2. ECCSEL ERIC shall have at least one Member State and two other Members that are either Member States or associated countries.
3. Any Member or Observer, according to its own rules and procedures, may appoint one public entity or one private entity with a public service mission, by which the Member or Observer will be represented.
4. The current Members, Observers and their representing entities are listed in Annex I. Annex I shall be updated by the Director according to changes in the participation in ECCSEL ERIC.

#### *Article 4*

##### **Admission of Members and Observers**

1. The terms for admission of new Members shall be the following:
  - a) the admission of new Members requires the unanimous approval of the General Assembly;
  - b) applicants must submit a written application to the Director of ECCSEL ERIC;
  - c) the application must at least describe how the applicant will contribute to ECCSEL objectives and activities described in Article 2 and how it will fulfil obligations referred to in Article 6(2).
2. Entities listed in Article 3(1) that are willing to contribute to ECCSEL ERIC, but are not in a position to join as Members, may apply for Observer status. The terms for admission of Observers shall be the following:
  - a) Observers may be admitted for a period of three years. In exceptional cases the General Assembly may approve a longer period for the Observer status;
  - b) an entity that foresees a lasting participation in ECCSEL ERIC, but that for domestic reasons is not in a position to become a Member, may in exceptional cases be granted the status of Permanent Observer;
  - c) the admission or readmission of Observers requires the unanimous approval of the General Assembly;
  - d) applicants must submit a written application to the Director;
  - e) the application must at least describe how the applicant will contribute to ECCSEL ERIC tasks and activities described in Article 2 and how it will fulfil obligations referred to in Article 7(2).

#### *Article 5*

##### **Withdrawal of a Member or an Observer and termination of Membership or Observer status**

1. A Member or an Observer may withdraw from ECCSEL ERIC at the end of a financial year provided that it notifies its intention to withdraw by sending an official request 12 months in advance to the Chair of the General Assembly.
  - a) Members may not withdraw within the first five years of becoming Members.
  - b) Any outstanding fees must be paid and any obligations towards ECCSEL must be met before a withdrawal is confirmed. The withdrawing Member or Observer shall only pay the fees due respectively under Articles 6(2) and 7(2) at the date of its withdrawal with no additional cost or penalty.

2. The General Assembly may terminate the membership of a Member or the Observer status of an Observer if the following conditions are met:

- a) the Member or Observer is in serious breach of one or more of its obligations under these Statutes;
- b) the Member or Observer has failed to rectify such breach within a period of six months after receipt of the notification of breach from the General Assembly.

The Member or Observer shall be given opportunity to contest the decision of termination and to present its defence to the General Assembly within a period of three months after receipt of the notification of termination. Such termination shall not affect any obligations of a Member or Observer incurred prior to the date of termination.

### CHAPTER 3

#### RIGHTS AND OBLIGATIONS OF THE MEMBERS AND OBSERVERS

##### *Article 6*

##### **Members**

1. Members of ECCSEL ERIC shall have the right to:

- a) appoint representing entities in accordance with Article 3(3);
- b) have for its research community access to the ECCSEL ERIC resources and all its services in conformity with the Access Policy referred to in Article 18;
- c) attend the General Assembly;
- d) vote at the General Assembly, in accordance with Article 9(3);
- e) participate in the development of strategies and policies;
- f) have its research community participating in ECCSEL ERIC events, such as workshops, conferences and training courses, at preferential rates;
- g) use the ECCSEL ERIC brand, in particular for the operators of the ECCSEL ERIC facilities. The brand consists of all visual or sound representation of 'ECCSEL' or 'ECCSEL ERIC' linking the user of the words, a report, product or a service to the ECCSEL ERIC.

2. Members of ECCSEL ERIC shall:

- a) pay the annual fee as specified in Annex II within the given time-limit;
- b) provide at least one agreed research facility;
- c) promote uptake of ECCSEL ERIC services among researchers in their country, and gather user feedback and requirements;
- d) support and, when appropriate, attempt to initiate the integration of national facilities and the integration between national facilities and those in other Member or Observer states.

##### *Article 7*

##### **Observers**

1. Observers of ECCSEL ERIC shall have the right to:

- a) appoint representing entities in accordance with Article 3(3);
- b) attend the General Assembly without voting rights;
- c) have its research community participating in ECCSEL ERIC events, such as workshops, conferences, training courses at preferential rates, space permitting;
- d) have access for its research community to support from ECCSEL ERIC in developing relevant systems, processes and services.

2. Observers of ECCSEL ERIC shall pay the annual fee as specified in Annex II. The General Assembly may decide an initial Observer fee different from the normal fee.
3. Permanent Observers, who are granted this status in accordance with Article 4(2)(b) shall have the same rights and obligations as Members, listed in Articles 6(1) and 6(2), except the right to vote at the General Assembly, referred to in Article 6(1)(d).

#### CHAPTER 4

#### GOVERNANCE OF ECCSEL ERIC

##### *Article 8*

#### **The governance and operational structure of ECCSEL ERIC**

1. The governance structure of ECCSEL ERIC shall consist of:
  - a) The General Assembly;
  - b) The Director;
  - c) The Research Infrastructure Coordination Committee;
  - d) The Scientific Advisory Board;
  - e) The Ethics and Environmental Advisory Board;
  - f) Any other advisory Committee established by the General Assembly to facilitate the fulfilment of the objectives of ECCSEL ERIC.
2. The operational structure of ECCSEL ERIC shall consist of:
  - a) The Operations Centre, which will be ECCSEL ERIC's main office and location of the ECCSEL ERIC management;
  - b) The nationally owned research facilities which participate in the ECCSEL ERIC distributed infrastructure;
  - c) The national infrastructure Nodes representing the research facilities within a country in accordance with Article 11(1).

##### *Article 9*

#### **The General Assembly**

1. The General Assembly shall consist of the Members and Observers of ECCSEL ERIC.
2. The General Assembly is the ultimate authority of ECCSEL ERIC. The General Assembly shall:
  - a) set the budget, the funding formula and the annual fees. Any change in the funding formula and annual fees made during the first five years as specified in Annex II, shall require a unanimous vote of the General Assembly. After the initial five years such changes shall require a two-thirds majority vote.

A Member or Observer who does not wish to participate in the funding of possible future ECCSEL ERIC owned or run facilities, must declare so before the General Assembly makes its decisions to own or operate such facilities, and will then not be obliged to take part in the funding of the facility;

- b) determine ECCSEL ERIC's policy in scientific, technical and administrative matters. These policies are to be adopted with a two-thirds majority vote;
- c) adopt strategic plans and work plans for ECCSEL ERIC, by a two-thirds majority vote;
- d) supervise the management of ECCSEL ERIC;
- e) elect the Chair and Vice Chair of the General Assembly, by a two-thirds majority vote;
- f) appoint, replace and remove the Director of ECCSEL ERIC, by a two-thirds majority vote;
- g) appoint, replace and remove Members of the Scientific Advisory Board, and the Ethics and Environmental Advisory Board, by a two-thirds majority vote;

- h) appoint, replace and remove any Members of Committees that the General Assembly has established, by a two-thirds majority vote;
- i) nominate or validate on an annual basis the financial auditor;
- j) adopt the annual reports of ECCSEL ERIC, including the accounts and the audit report for the financial year, by a two-thirds majority vote;
- k) receive and consider annual reports from the Research Infrastructure Coordination Committee and the Scientific Advisory Board;
- l) approve the admission of new Members and Observers, and the termination of membership or status as Observer. Approval of new Members and Observers shall require a unanimous decision by the General Assembly. A Member shall not have a vote in the question of a possible termination of its own membership;
- m) decide which nationally owned research facilities may participate in ECCSEL ERIC and which facilities shall cease to do so. A Member or an Observer may withdraw a facility from ECCSEL ERIC activities. A list of the facilities that participate in ECCSEL ERIC shall be updated continuously by the Director;
- n) approve agreements with third parties as provided for in Article 15, by a two-thirds majority vote.

3. Each Member and Observer shall be represented in the General Assembly by up to two delegates. A Member shall have a single vote in the General Assembly. Observers shall not have a vote. Decisions shall be taken by majority voting unless otherwise determined in these Statutes. Member States and associated countries shall jointly hold the majority of the voting rights in the General Assembly. The Chair shall not have a vote, except in the case of a tie, where the Chair shall hold a casting vote.

4. A quorum of two thirds of the Members is required for having a valid General Assembly. If there is not a quorum, the meeting shall be repeated within three weeks following a new invitation, with the same agenda. In the repeat meeting there is a quorum if at least a quarter of the Members are present. If there is not a quorum at the repeat meeting the Chair of the General Assembly shall be entitled to make decisions that cannot be postponed until the General Assembly can convene once again with a quorum. Such decisions shall be reviewed by the General Assembly at the first possible occasion.

5. A vote in the General Assembly may only be casted by Members physically represented. If a Member is not able to be physically represented, the General Assembly may accept an electronic presence. Voting rights may not be transferred. A secret ballot shall be held if at least one third of the Members present request such a procedure.

The Chair of the General Assembly may, when necessary, resolve that a decision is to be taken by written procedure in between meetings of the General Assembly.

6. The General Assembly shall elect its Chair and Vice Chair amongst the delegates for a period of two years. When elected the Chair may no longer be part of a Member's delegation to the General Assembly. The same applies when the Vice Chair replaces the Chair. The Members affected by these appointments may appoint another delegate to represent them in the General Assembly.

7. The General Assembly shall meet at least once a year. Meetings of the General Assembly shall be convened by the Chair with at least three weeks' notice. Members and Observers are entitled to propose items to be included in the agenda by notifying the Chair at least two weeks before the meeting.

8. Extraordinary meetings of the General Assembly may be convened at the request of the Chair or the Director if it is required in the interest of the Organisation, or at the request of at least half of the Members.

#### *Article 10*

#### **The Director**

- 1. The Director shall be the chief executive officer, chief scientific officer and legal representative of ECCSEL ERIC.
- 2. The Director shall be appointed for a five-year period and may be re-appointed once. The vacancy of the position shall be published internationally in an appropriate manner. The Director shall report to the General Assembly. The Director may not serve as a delegate or Chair of the General Assembly.
- 3. The Director shall be responsible for preparing the meetings of the General Assembly, and shall give the Research Infrastructure Coordination Committee, the Scientific Advisory Board and the Ethics and Environmental Advisory Board the necessary administrative support.

4. The Director shall be responsible for preparing the annual budget for ECCSEL ERIC, and for preparing strategies and policies, to be adopted by the General Assembly.
5. The Director shall be responsible for implementing the General Assembly's decisions, including the implementation of the budget, and shall ensure that ECCSEL ERIC observes all relevant legal requirements.
6. The Director shall be empowered to make all decisions necessary for the operation of ECCSEL ERIC except those decisions that are the prerogatives of the General Assembly.
7. The Director shall seek the support and advice of the Research Infrastructure Coordination Committee in matters of particular interest for owners of the infrastructure facilities, including inviting the Committee to comment on the draft budget, work-plans and strategies before they are submitted to the General Assembly.
8. The Director shall monitor the adherence of the owners of the research facilities to the operational rules and standards for ECCSEL ERIC related operations that have been determined by the General Assembly and report annually on this matter to the General Assembly with recommendations for counter measures for any irregularities.

#### Article 11

#### **The Research Infrastructure Coordination Committee, the Scientific Advisory Board and the Ethics and Environmental Advisory Board**

1. The Research Infrastructure Coordination Committee
  - a) The Research Infrastructure Coordination Committee shall have a supportive and advisory function and shall consist of representatives of the ECCSEL Facilities and the Director, who chairs the Committee. The Committee shall elect a Vice Chair for a period of three years. Re-election is possible once.

Each Member and Observer may have one representative in the Committee. Countries that have two or more ECCSEL facilities shall appoint one of the facilities' operator as the national representative, and this institution will represent the country's national facilities in the Committee. Delegates to the General Assembly cannot be a representative in this Committee.
  - b) The task of the Research Infrastructure Coordination Committee is to strengthen the cooperation between the facilities and their contributions to experimental research. This will be done by overseeing the implementation of ECCSEL ERIC's strategies and plans, by contributing to them, and by proposing measures that can enhance the functioning of ECCSEL ERIC.
  - c) The Director shall consult with the Committee on all proposals to be submitted to the General Assembly relating to strategic plans, work plans and budgets. The Committee shall support the Director in the execution of strategic plans and work plans.
  - d) The Research Infrastructure Coordination Committee shall annually submit a written report to the General Assembly, through the Director, on its activities. The Director shall submit the report to the General Assembly together with the Director's comments and possible recommendations.
2. The Scientific Advisory Board
  - a) The General Assembly shall appoint an independent Scientific Advisory Board of up to six eminent, independent and experienced scientists coming from countries worldwide. The appointment of the members of the Scientific Advisory Board shall be based on suggestions from the Director, who shall seek advice from the Scientific Advisory Board and from the Research Infrastructure Coordination Committee. The term of office of the Members of the Scientific Advisory Board is three years. Re-appointment is possible once. Delegates to the General Assembly cannot be appointed to this Board.
  - b) The Director shall consult with the Scientific Advisory Board at least once a year on the scientific quality of the services offered by ECCSEL ERIC, the organisation's scientific policies, procedures and future plans.
  - c) The Scientific Advisory Board shall annually submit a written report to the General Assembly, through the Director, on its activities. The Director shall submit the report to the General Assembly together with the Director's comments and possible recommendations.
3. The Ethics and Environmental Advisory Board
  - a) The General Assembly will appoint the independent Ethics and Environmental Advisory Board of three to five eminent, independent and experienced scientists coming from countries worldwide. The appointment of the Board shall be based on suggestions from the Director, who shall seek advice from the Ethics and Environmental Advisory Board and the Research Infrastructure Coordination Committee. The term of office of the Members of the Board is three years. Re-appointment is possible once. Delegates to the General Assembly cannot be appointed to this Board.

- b) The Director shall consult with the Ethics and Environmental Advisory Board at least once a year on ethical and environmental issues facing ECCSEL ERIC at present or in the future.
- c) The Ethics and Environmental Advisory Board shall annually submit a written report to the General Assembly, through the Director, on its activities. The Director shall submit the report to the General Assembly together with the Director's comments and possible recommendations.

#### CHAPTER 5

#### FINANCE

#### Article 12

#### **Budgetary principles and accounts**

1. The financial year of ECCSEL ERIC begins on 1 January and ends on 31 December of each year.
2. All items of revenue and expenditure of ECCSEL ERIC shall be included in estimates to be drawn up for each financial year and shall be shown in the annual budget. The annual budget shall be in compliance with the principles of transparency.
3. The accounts of ECCSEL ERIC are to be accompanied by a report on budgetary and financial management of the financial year.
4. ECCSEL ERIC shall be subject to the requirements of the applicable law as regards preparation, filing, auditing and publication of accounts. ECCSEL ERIC shall apply the rules in the host country's accounting legislation in accordance with generally accepted international accounting principles and principles of transparency.
5. ECCSEL ERIC shall use the appropriations in accordance with the principles of sound financial management.
6. ECCSEL ERIC shall record the costs and revenues of its economic activities separately.
7. In-kind contributions shall be considered only when in the form of effective and quantifiable contribution to the ECCSEL ERIC, including seconded personnel to ECCSEL ERIC Operations Centre, and agreed by the General Assembly.
8. The value of any in-kind contributions shall be taken into account when calculating the monetary contributions provided during the same period.

#### Article 13

#### **Liability**

1. ECCSEL ERIC shall be liable for its debts.
2. The Members shall not be jointly liable for the debts of ECCSEL ERIC. The liability of the Members for the debts of ECCSEL ERIC shall be limited to their respective contributions.
3. ECCSEL ERIC shall take appropriate insurance to cover the risks specific to the construction and operation of ECCSEL ERIC.

#### CHAPTER 6

#### **REPORTING TO THE EUROPEAN COMMISSION**

#### Article 14

#### **Reporting to the European Commission**

1. ECCSEL ERIC shall produce an annual activity report, containing in particular the scientific, operational and financial aspects of its activities. The report is to be approved by the General Assembly and transmitted to the European Commission and relevant public authorities within six months from the end of the corresponding financial year. This report shall be made publicly available.
2. ECCSEL ERIC shall inform the European Commission of any circumstances which threaten to seriously jeopardise the achievement of ECCSEL ERIC principal tasks or hinder ECCSEL ERIC from fulfilling requirements laid down in Regulation (EC) No 723/2009.



## CHAPTER 7

**POLICIES***Article 15***Agreements with third parties**

1. In cases where ECCSEL ERIC deems it beneficial, and in conformity with the tasks and activities described in Article 2, it may enter into agreement with third parties, such as e.g. individual institutions, regions and non-Member countries.
2. If third parties as described in Article 15.1 wish to contribute to ECCSEL ERIC with expertise, services, and technology, ECCSEL ERIC may enter into an agreement with such third parties. The agreement shall specify a service or other contribution which the third party will deliver, and specify access rights, the subscription fee and other conditions in the light of this contribution. Third parties' users of ECCSEL facilities may be obliged to take part in the ECCSEL ERIC authentication and authorisation system.

*Article 16***Procurement policy and tax exemption**

1. ECCSEL ERIC shall treat procurement candidates and tenderers equally and in a non-discriminatory way, independent of whether or not they are based in the European Union. The ECCSEL ERIC procurement policy shall respect the principles of transparency, non-discrimination and competition.
2. The Director shall be responsible for all ECCSEL ERIC procurement. The decision to award procurement shall be published appropriately and include a full justification. The General Assembly shall adopt Implementing Rules defining all necessary details on exact procurement procedures and criteria.
3. Procurement by Members and Observers concerning ECCSEL ERIC activities shall be done in such a way that due consideration is given to ECCSEL ERIC needs, technical requirements and specifications issued by the relevant bodies.
4. Tax exemptions based on Norwegian Act relating to value added tax of 19 June 2009 No 58, § 10-3, shall be limited to the value added tax for such goods and services which are for official and exclusive use by ECCSEL ERIC and are wholly paid and procured by ECCSEL ERIC or by Members States of ECCSEL ERIC. The tax exemptions shall apply to non-economic activities. They shall not apply to economic activities. No further limits shall apply.
5. If a Member State of ECCSEL ERIC is tasked with hosting an ECCSEL ERIC Office which is recognised by that Member State of ECCSEL ERIC as an international body in the sense of Articles 143(1)(g) and 151(1)(b) of Council Directive 2006/112/EC <sup>(1)</sup> and as an international organisation in the sense of Article 12(1)(b) of Council Directive 2008/118/EC <sup>(2)</sup>, that ECCSEL ERIC Office shall in regard to goods and services acquired within the EU for its own needs or to accomplish the tasks it has been attributed by ECCSEL ERIC benefit from tax exemptions based on Articles 143(1)(g) and 151(1)(b) of Directive 2006/112/EC, exceed the value of EUR 300, and are wholly paid and procured by ECCSEL ERIC or by Members of ECCSEL ERIC. The tax exemptions shall apply to non-economic activities. They shall not apply to economic activities. No further limits shall apply.

*Article 17***Employment**

1. ECCSEL ERIC shall be an equal opportunity employer. The procedures for selecting applicants for ECCSEL ERIC staff positions shall be transparent, non-discriminatory and respect equal opportunities.
2. Employment contracts shall be subject to applicable laws and regulations of the country in which the staff is employed or to the laws of the country where the activities of ECCSEL ERIC are conducted. ECCSEL ERIC vacancies shall be published internationally in an appropriate manner.
3. Subject to the requirements of national legislation, each Member shall within its jurisdiction facilitate the movement and residence of nationals of Members involved in the tasks of ECCSEL ERIC and of the family members of such nationals.

<sup>(1)</sup> OJ L 347, 11.12.2006, p. 1.

<sup>(2)</sup> OJ L 9, 14.1.2009, p. 12.

*Article 18***Access Policy**

1. A substantial part of the available research time for each national facility participating in the ECCSEL infrastructure is to be offered to the international research community. The General Assembly shall reserve a proportion of the access time available to researchers from states that are not Members of ECCSEL ERIC.
2. ECCSEL ERIC and the owners of the research facilities shall enter into individual agreements related to how large a proportion of the available research time will be made available for the international research community and the conditions for access.
3. The access to ECCSEL ERIC facilities shall be open to researchers, scientists and students. The granting of access is to be based on competition and peer review of applications after a fair and transparent procedure. The criteria for the competition shall be scientific excellence and importance in relation to ECCSEL ERIC strategies, as decided by the General Assembly.
4. Users shall bear all access costs and all costs related to materials including samples and equipment belonging to such users. The access costs shall be based on rates applying to each ECCSEL ERIC Facility.
5. ECCSEL ERIC may establish a system for authentication and authorisation that ensures that only persons that are entitled to access a facility are admitted entry and use. ECCSEL ERIC may decide that Members and Observers must adhere to such a system if their researchers are to be granted access.
6. A detailed Access Policy applicable to users, approved by the General Assembly, is to be publically available.

*Article 19***Dissemination policy**

1. There shall be open access to ECCSEL ERIC research results and data in accordance with the dissemination policy adopted by the General Assembly. The research results and data shall be given to interested parties without payment of other costs than those associated with the dissemination. For the purpose of this provision, 'ECCSEL ERIC research results and data' shall mean research results and data in the field of carbon dioxide capture and storage generated by the owners of the facilities that participate in the ECCSEL ERIC infrastructure.
2. ECCSEL ERIC shall actively disseminate ECCSEL ERIC research results to society so that they can play an active role in policy development and the control of carbon dioxide emissions.
3. ECCSEL ERIC shall promote the ECCSEL ERIC cooperation and the cooperation's results, encourage researchers to embark on new and innovative projects and, as appropriate, encourage researchers to use ECCSEL ERIC results in their higher education.
4. ECCSEL ERIC shall generally encourage users of ECCSEL ERIC research results to make their own research results publicly available and shall request users to make suitable publicity about the access provided to them within ECCSEL ERIC.
5. The dissemination policy shall describe the various target groups, and use several channels to reach the target audiences. In all publications dealing with results and knowledge generated by or within the ECCSEL cooperation, ECCSEL ERIC shall be duly acknowledged.

*Article 20***Intellectual property rights policy**

1. In accordance with the objects of the present Statutes, the term 'Intellectual Property' is to be understood according to Article 2 of the Convention Establishing the World Intellectual Property Organisation (WIPO) signed on 14 July 1967.
2. With respect to questions of Intellectual Property, the relations between the Members are to be governed by the national legislation of the Member countries, as well as relevant international rules and regulations.
3. Intellectual property that Members provide to ECCSEL ERIC shall remain the property of the original Intellectual Property holder. If such property originates from ECCSEL ERIC funded work (direct contribution or in kind), the intellectual property shall belong to ECCSEL ERIC, unless it has been agreed that the property shall belong to the Member that has created it. The possible economic value of access above the fee paid shall not be regarded as ECCSEL ERIC funding of a project.

4. ECCSEL ERIC shall ensure that users agree to the terms and conditions governing access to results and intellectual property rights of results and that suitable security arrangements are in place regarding the storage and handling of rights and results.
5. ECCSEL ERIC shall have in place arrangements for investigating allegations of security breaches and confidentiality disclosures regarding research data and information.
6. ECCSEL ERIC shall provide guidance to researchers to ensure that research undertaken using material made accessible through ECCSEL ERIC shall be undertaken within a framework that recognises the rights of owners.
7. A detailed Intellectual Property Rights Policy, approved by the General Assembly shall be separately agreed by the parties operating the facilities that participate in the ECCSEL ERIC infrastructure.

#### CHAPTER 8

#### DURATION, AMENDMENTS TO THE STATUTES, WINDING-UP, DISPUTES

##### Article 21

##### **Duration**

ECCSEL ERIC shall be established for an indefinite period of time.

##### Article 22

##### **Amendment to the Statutes**

The General Assembly may decide to change the Statutes. Any change of the Statutes to be adopted within the first five years after the establishment of ECCSEL ERIC shall require a unanimous vote of the General Assembly. After the initial five years, such changes shall require a two-thirds majority vote. The proposed change to the Statutes must be submitted to the European Commission in accordance with Article 11 of Regulation (EC) No 723/2009.

##### Article 23

##### **Winding-up**

1. The General Assembly may with a two-thirds majority vote decide to wind up ECCSEL ERIC.
2. Without undue delay and in any event within 10 days after adoption of the decision to wind up ECCSEL ERIC, ECCSEL ERIC shall notify the European Commission about the decision.
3. Assets remaining after payment of ECCSEL ERIC debts shall be apportioned among the Members in proportion to their accumulated annual fee to ECCSEL ERIC as specified in Annex II.
4. Without undue delay and in any event within 10 days of the closure of the winding-up procedure, ECCSEL ERIC shall notify the European Commission thereof.
5. ECCSEL ERIC ceases to exist on the day on which the European Commission publishes the appropriate notice in the *Official Journal of the European Union*.

##### Article 24

##### **Applicable law**

ECCSEL ERIC shall be governed, by precedence:

- a) by European Union law, in particular Regulation (EC) No 723/2009;
- b) by the law of the Host Country in case of a matter not covered (or only partly covered) by European Union law;
- c) by these Statutes.

##### Article 25

##### **Disputes**

1. The Court of Justice of the European Union shall have jurisdiction over litigation among the Members in relation to ECCSEL ERIC, between Members and ECCSEL ERIC and over any litigation to which the European Union is a party.

2. European Union legislation on jurisdiction shall apply to disputes between ECCSEL ERIC and third parties. In cases not covered by Union legislation, the law of the Host State shall determine the competent jurisdiction for the resolution of such disputes.

*Article 26*

**Availability of Statutes**

The Statutes shall be publicly available at the ECCSEL ERIC website and at the statutory seat.

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## ANNEX I

**LIST OF MEMBERS AND OBSERVERS**

In this Annex the Members and Observers, and the entities representing them. The Annex is to be updated by the Director according to changes in the participation in ECCSEL ERIC.

**Members**

Country or Intergovernmental organisation	Representing entity
France	The French Geological Survey (BRGM)
Italy	National Institute of Oceanography and Experimental Geophysics (OGS)
Netherlands	Netherlands Organisation for Applied Scientific Research (TNO)
Norway	
UK	British Geological Survey (BGS)

**Observers**

Country or Intergovernmental organisation	Representing entity

## ANNEX II

**BUDGET CONTRIBUTIONS AND DISTRIBUTION**

The founding Members and Observer of ECCSEL ERIC have agreed to this five-year budget (2016 rates). Disregarding the host-country's contribution of 1/3 of the total cost, the Members and Observer have agreed that the expenditures shall be divided equally among them, not exceeding EUR 80 000 per Member and Observer annually in the first five years. The exact individual annual fees will depend on the number of new Members and/or Observers acceding ECCSEL ERIC.

The budget covers the ECCSEL Operations Centre, responsible for central management and planning as well as coordination of the infrastructure operations and development. At present, the founders do not have any plans implying that ECCSEL ERIC will operate or finance research facilities itself.

Planning Period	2017	2018	2019	2020	2021	2017-2021
	start-up year (*)	full operational phase				

**EXPENDITURES**

Operations Centre personnel	235 000	400 000	500 000	600 000	600 000	2 335 000
IT system	10 000	25 000	25 000	25 000	25 000	110 000
Office renting	15 000	20 000	30 000	30 000	30 000	125 000
Travel	25 000	40 000	50 000	50 000	50 000	215 000
Outsourced services	75 000	115 000	145 000	145 000	145 000	625 000
<b>Total Expenditures (EUR)</b>	<b>360 000</b>	<b>600 000</b>	<b>750 000</b>	<b>850 000</b>	<b>850 000</b>	<b>3 410 000</b>

**INCOME**

Hosting Country (Norway)	120 000	200 000	250 000	284 000	284 000	1 138 000
Member & Observer States (**)	240 000	400 000	500 000	566 000	566 000	2 272 000
<b>Total Income (EUR)</b>	<b>360 000</b>	<b>600 000</b>	<b>750 000</b>	<b>850 000</b>	<b>850 000</b>	<b>3 410 000</b>

**COSTS PER MEMBER**

Number of Members (excl. host) (***)	3	5	7	9	11	
<b>Costs per Member (EUR) (****)</b>	<b>80 000</b>	<b>80 000</b>	<b>71 429</b>	<b>62 889</b>	<b>51 455</b>	<b>345 772</b>

(\*) First year partly overlap with implementation INFRADEV-3 HORIZON 2020 funding

(\*\*) The General Assembly may decide an initial Observer fee different from the normal fee.

(\*\*\*) Projected number of members and observers (excl. hosting country) - minimum scenario.

(\*\*\*\*) The cost will be lower with more countries joining. Foreseen support from the industry is not taken into account.