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Accompanying document to the

Proposal for a

COUNCIL REGULATION

on the Community legal framework for a European Research Infrastructure (ERI)

SUMMARY OF THE IMPACT ASSESSMENT

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SUMMARY

This Impact Assessment accompanies the proposal for a "REGULATION on the Community legal framework for a European Research Infrastructure (ERI)", which is included in the Commission Legislative and Work Programme 2008 as one of the priority initiatives.

Since the Communication of the EU Commission *Towards a European Research Area* of January 2000 the idea of a common European Research Area (ERA) has been the guiding principle for all Community R&D measures and a central pillar in realising the research goals of the Lisbon Strategy for growth, jobs and a dynamic and knowledge-based European economy. In the 2007 ERA Green Paper *The European Research Area: New Perspectives* a number of key areas have been identified where effective action in partnerships between Member States would have the potential to deliver significant gains for Europe's research system and help to create a "fifth freedom" in Europe - the free movement of knowledge. In this context, "Developing world class research infrastructures" is put forward as one of the pillars of an ambitious ERA vision.

Research infrastructures play an increasing role in the advancement of knowledge and technology. For example, irradiation facilities, data banks in genomics and data banks in social science, observatories for environmental sciences, imaging systems or clean rooms for nano-electronics, are at the core of research and innovation processes. By offering unique research services to users from different countries, by attracting young people to science and through networking of facilities, research infrastructures help structuring the scientific community and play therefore a key role in the construction of an efficient research and innovation environment. Because of their ability to assemble a 'critical mass' of people and investment, they contribute to national, regional and European economic development. They are therefore at the core of the knowledge triangle of research, education and innovation.

As the frontiers of research evolve and become more advanced and as our technologies progress, research infrastructures are becoming *increasingly complex and more expensive*, often placing them beyond the reach of a single research group, region, nation or even continent. The fragmentation in Europe does not help in facing these challenges.

This was recognised by the Competitiveness Councils of 1-3 July 2004 and of 25-26 November 2004 when Ministers agreed that, within the framework of the further development of the ERA, the reinforcement of competitive research, prevention of fragmentation, and cooperation in the field of research infrastructures are required. Ministers emphasized the need for the development of a European strategy in the field of research infrastructures, which should imply greater coordination at European level as well as different approaches depending on the size and scope of the research facilities concerned. The Ministers mandated ESFRI, the European Strategy Forum for Research Infrastructure to develop a strategic roadmap for Europe for the next generation of Research Infrastructures.

Following the release of the ESFRI roadmap, in October 2006, several Competitiveness Councils, as well as the European Council, invited Member States to participate *actively* in the implementation of Research Infrastructures of pan-European interest, and recognised the important *role* of the European Commission in this process.

However, a major difficulty for setting up new European research infrastructures, apart from scarcity of resources and the complexity of technical and organisational issues, is the

lack of an *adequate legal framework* allowing the creation of appropriate partnership with partners from different countries. Recent work carried out under the auspices of ESFRI has recognised the limitations of existing legal instruments and identified a need to develop a new dedicated Community legal framework for setting-up European research infrastructures involving several Member States.

It is in that context that the Commission has included in its *2008 Legislative and Work Programme*, as a Priority Initiative, a proposal to develop a "REGULATION on the Community legal framework for a European Research Infrastructure (ERI)".

A wide-ranging consultation of interested parties has been carried out to prepare this initiative. The impact assessment has drawn information coming from a variety of sources i) analysis conducted by experts; ii) consultation of stakeholders and iii) contributions from an inter-service group and from an independent "sounding board" specifically set up to follow this initiative.

Four policy options have been considered:

- Option 1: The "no specific EU action" option corresponds to the present situation, where, each consortium, through an ad hoc process, tries to identify among existing legal forms the one which could be the most appropriate for their project;
- Option 2 corresponds to a "light" form of intervention from the European Commission, helping those involved in building European infrastructures to identify problems and needs, to exchange information about how to tackle these problems and to establish best practices.
- Option 3 corresponds to the setting-up of Joint Undertakings by the Community, according to Article 171 of the EC-Treaty, on case by case basis, every time that a need for such setting-up occurs;
- Option 4 is a more direct response to the problem at hand. It proposes a legislative action to provide a new legal instrument adapted to the need of European research infrastructures, complementing existing forms at national and European level; it also considers the empowerment from the legislator to the European Commission for conferring the "European Research Infrastructure" status.

A comparative assessment of the different policy options clearly identifies Option 4 as the most effective and efficient to achieve the policy objectives of the proposal.

Policy objectives	Option 1	Option 2	Option 3	Option 4
Ease and speed-up the process of setting-up new European research infrastructures	Generally Low	Generally Low	Moderate	High
Increase the number of European research infrastructures	Very Low	Moderate	Moderate	High
Contribute to the further development of a European policy for research infrastructures	Very Low	Moderate	Moderate	High
Provide a cost efficient procedure for setting-up new European research infrastructures	Generally Low	Generally Low	Low	High
Provide all the features that a legal form should have for European research infrastructures	Depends on scheme	Depends on scheme	Moderate	High
Increased EU positive image at international level through the reinforcement of ERA	Very Low	Moderate	Moderate	High
Contribute to achievement of socio-economic, environmental and societal impacts	Generally Low	Moderate	Moderate	High