



2024/2200

6.9.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/2200
of 4 September 2024
amending Implementing Decision (EU) 2017/996 setting up ECCSEL ERIC

(notified under document C(2024) 5833)

(Only the Dutch, English, French and Italian texts are authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) Regulation (EC) No 723/2009 has been incorporated in the Agreement on the European Economic Area (EEA) by Decision of the EEA Joint Committee No 72/2015 ⁽²⁾.
- (2) The European Carbon Dioxide Capture and Storage Laboratory was set up as a European Research Infrastructure Consortium (ECCSEL ERIC) by Commission Implementing Decision (EU) 2017/996 ⁽³⁾.
- (3) ECCSEL ERIC submitted on 30 March 2023 a proposal to the Commission to amend its Statutes in accordance with Article 11(1) of Regulation (EC) No 723/2009.
- (4) Some amendments concerning Data Policy, updating budget contribution and distribution, adjusting wording to accommodate the requested extension of scope, and including minor grammatical corrections, without substantive changes, entered into force in accordance with Article 11(4) of Regulation (EC) No 723/2009.
- (5) Some amendments, extending the scope of ECCSEL ERIC to include aligned sustainable subsurface energy systems for a net zero carbon society, introducing minor changes in the Scientific Evaluation Policy, in the Access Policy for Users, in the Dissemination Policy and in the Intellectual Property Rights Policy, require the Commission's approval.
- (6) The Commission has, pursuant to Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 20 of Regulation (EC) No 723/2009,

HAS ADOPTED THIS DECISION:

Article 1

The Statutes of the ECCSEL ERIC annexed to Implementing Decision (EU) 2017/996 are amended in accordance with the Annex to this Decision.

⁽¹⁾ OJ L 206, 8.8.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/723/oj>.

⁽²⁾ Decision of the EEA Joint Committee No 72/2015 of 20 March 2015 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (OJ L 129, 19.5.2016, p. 85, ELI: <http://data.europa.eu/eli/dec/2016/755/oj>).

⁽³⁾ Commission Implementing Decision (EU) 2017/996 of 9 June 2017 setting up the European Carbon Dioxide Capture and Storage Laboratory – European Research Infrastructure Consortium (ECCSEL ERIC) (OJ L 149, 13.6.2017, p. 91, ELI: http://data.europa.eu/eli/dec_impl/2017/996/oj).

Article 2

This Decision is addressed to the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 4 September 2024.

For the Commission
Iliana IVANOVA
Member of the Commission

ANNEX

The Statutes of the ECCSEL ERIC annexed to Implementing Decision (EU) 2017/996 are amended as follows:

(1) Article 2 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘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 research facilities in the distributed infrastructure and coordinate plans for their upgrade and new investments. ECCSEL ERIC shall assure international open access to the infrastructure. ECCSEL ERIC shall furthermore, within its means and competence, support 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 CO₂ Capture, transport, Utilisation and Storage (CCUS) and aligned sustainable subsurface energy systems for a net zero carbon society, envisaging commercial uptake by 2020-2030 and beyond.

c) ECCSEL ERIC does not own and operate research facilities itself. The General Assembly may however in 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 their financing in accordance with Article 9(2)(a).

d) ECCSEL ERIC shall promote the open dissemination of research results and data produced through its activities. ECCSEL ERIC shall foster the definition of related common standards and methods to improve interoperability.

e) Any other related action necessary to achieve its aim.’

(b) paragraph 2 is replaced by the following:

‘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 CCUS and aligned sustainable subsurface energy systems. In this undertaking, ECCSEL ERIC shall address and nurture top-level research actions among scientists within these fields and according to the priorities of ECCSEL ERIC. ECCSEL ERIC will establish a very advanced inventory of unique research facilities and give the European (primarily), and non-European user communities access to these resources.’

(c) paragraph 4 is amended as follows:

‘4. Without prejudice to Article 2(3), ECCSEL ERIC may carry out limited economic activities provided that they are closely related to ECCSEL ERIC main tasks and they do not jeopardize the achievement thereof.’

(2) Article 11 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The Scientific Advisory Board and Scientific Evaluation Policy

a) The General Assembly shall appoint an independent Scientific Advisory Board of up to six eminent, independent and experienced scientists. 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 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) Article 16 is amended as follows:

(a) paragraph 4 is replaced by the following:

'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.'

(b) paragraph 5 is replaced by the following:

'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 and as an international organisation in the sense of Article 11(1)(b) of Council Directive (EU) 2020/262, 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, for purchases that 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.'

(4) Article 17(2) is replaced by the following:

'2. Employment contracts shall be subject to applicable laws and regulations of the country in which the staff member 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.'

(5) Article 18 is replaced by the following:

'Article 18

Access Policy for Users

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 ECCSEL-supported access is based on competition and peer review of applications after a fair and transparent procedure. The main criteria for the competition shall be scientific excellence and importance in relation to ECCSEL ERIC strategies, as decided by the General Assembly.

4. 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.

5. A detailed Access Policy applicable to users, approved by the General Assembly, is to be publicly available.'

(6) Article 19 is amended as follows:

(a) paragraph 1 is replaced by the following:

- '1. There shall be open access to ECCSEL ERIC research results and data in accordance with dissemination and data policies adopted by the General Assembly. Open research results and data shall be provided 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 CCUS and aligned sustainable subsurface energy systems generated by the owners of the facilities that participate in the ECCSEL ERIC infrastructure.;
- (b) paragraph 4 is replaced by the following:
- '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.'
- (c) paragraph 5 is replaced by the following:
- '5. ECCSEL ERIC shall use a range of methods to reach target audiences.'
- (d) the following paragraph 6 is added:
- '6. The dissemination policy shall describe the various target groups, and use a range of methods to reach target audiences. In all publications dealing with results and knowledge generated by or within the ECCSEL cooperation, ECCSEL ERIC shall be duly acknowledged.'
- (7) Article 20 is amended as follows:
- (a) paragraph 2 is replaced by the following:
- '2. With respect to questions of Intellectual Property, relations between the Members are to be governed by the national legislation of the Member countries, as well as relevant international rules and regulations.'
- (b) paragraph 3 is replaced by the following:
- '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 – funded work for the purposes of Intellectual Property.'
- (c) paragraph 6 is replaced by the following:
- '6. ECCSEL ERIC shall provide guidance to researchers to ensure that research undertaken using material made accessible through ECCSEL ERIC shall be within a framework that recognizes the rights of owners.'
- (8) Articles 21 to 26 are renumbered as Articles 22 to 27.
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