

# DECISIONS

## COMMISSION IMPLEMENTING DECISION (EU) 2019/1854

of 29 October 2019

### setting up the European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences — Euro-BioImaging European Research Infrastructure Consortium (Euro-BioImaging ERIC)

(notified under document C(2019) 7612)

(Only the Bulgarian, Czech, Danish, Dutch, English, Finnish, French, German, Hungarian, Italian, Portuguese and Swedish 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) <sup>(1)</sup>, and in particular point (a) of Article 6(1) thereof,

Whereas:

- (1) Bulgaria, Czechia, Denmark, France, Israel, Italy, Hungary, the Netherlands, Austria, Norway, Portugal, Finland, Sweden, the United Kingdom and the European Molecular Biology Laboratory submitted to the Commission an application to set up the European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences — Euro-BioImaging European Research Infrastructure Consortium (Euro-BioImaging ERIC) ('the application'). Belgium has made known its decision to participate in Euro-BioImaging ERIC initially as an observer. The applicants have agreed that Finland would be the host Member State of Euro-BioImaging ERIC.
- (2) 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 <sup>(2)</sup>.
- (3) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement, or failing that, and subject to European Council Decision (EU) 2019/584 <sup>(3)</sup>, on 1 November 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (4) After its withdrawal from the Union, and without prejudice to the provisions of a withdrawal agreement, the United Kingdom will be considered a third country within the meaning of point (b) of Article 2 of Regulation (EC) No 723/2009.
- (5) 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.

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

<sup>(2)</sup> 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 [2016/755] (OJ L 129, 19.5.2016, p. 85).

<sup>(3)</sup> European Council Decision (EU) 2019/584 taken in agreement with the United Kingdom of 11 April 2019 extending the period under Article 50(3) TEU (OJ L 101, 11.4.2019, p. 1).

- (6) 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*

1. The European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences — Euro-BioImaging European Research Infrastructure Consortium (Euro-BioImaging ERIC) is set up.
2. The essential elements of the Statutes of Euro-BioImaging ERIC are set out in the Annex.

*Article 2*

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the French Republic, the State of Israel, the Italian Republic, Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Kingdom of Norway, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland and the European Molecular Biology Laboratory.

Done at Brussels, 29 October 2019.

*For the Commission*  
Carlos MOEDAS  
*Member of the Commission*

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## ANNEX

**ESSENTIAL ELEMENTS OF THE STATUTES OF EURO-BIOIMAGING ERIC**

The following Articles and paragraphs of the Articles of the Statutes of Euro-BioImaging-ERIC provide for the essential elements in accordance with 6(3) of Council Regulation (EC) No 723/2009.

**1. Tasks and activities (Article 1 of the Statutes of Euro-BioImaging ERIC)**

- (1) Euro-BioImaging ERIC's principal task shall be to establish and operate a distributed research imaging infrastructure across Europe that provides open access to innovative biological and medical imaging technologies for researchers. Euro-BioImaging ERIC aims as well to provide expert, image data and training services for performing cutting-edge research using imaging technologies.
- (2) In pursuit of its principal task, and in accordance with the provisions of these Statutes and in execution of the five-year Euro-BioImaging Strategic Plan, Euro-BioImaging ERIC shall, in particular, carry out the following activities:
  - (a) open physical access to imaging infrastructure;
  - (b) advanced expertise and services for technology users;
  - (c) training for technology users, facility staff and technology experts;
  - (d) data analysis and storage support for user-generated image data;
  - (e) open virtual access to image analysis software and image data repositories of public interest;
  - (f) high-quality standards for image acquisition, training and data management;
  - (g) European-level coordination and integration activities for the scientific imaging communities;
  - (h) any other activity necessary to fulfil its principal task.
- (3) Euro-BioImaging ERIC may also carry out other activities, such as:
  - (a) promotion of Euro-BioImaging ERIC;
  - (b) implementation of technological developments related to the services;
  - (c) joint development activities through a coordinated, long-term development programme involving collaboration among Euro-BioImaging Nodes and user groups including industry;
  - (d) knowledge transfer to industry and policy makers;
  - (e) promoting the resources of Euro-BioImaging ERIC for education and training purposes;
  - (f) collaborating and interoperating with research infrastructures in related and complementary fields.
- (4) Euro-BioImaging ERIC shall pursue its principal task on a non-economic basis. Euro-BioImaging ERIC may carry out limited ancillary economic activities, either directly or indirectly, provided that those activities are compatible with the principal task of Euro-BioImaging ERIC and with the activities necessary for achieving that task and that they do not jeopardise the achievement thereof. Any income generated by those limited ancillary economic activities shall be used by Euro-BioImaging ERIC to further its purposes.

**2. Statutory seat (Article 2 of the Statutes of Euro-BioImaging ERIC)**

- (1) Euro-BioImaging ERIC shall be a distributed research infrastructure with its statutory seat located in Finland.
- (2) European Molecular Biology Laboratory shall host the community-specific section for biological imaging and manage image data (Bio-Hub) and Italy shall host the community-specific section for medical imaging and manage image data (Med-Hub).
- (3) The statutory seat, the Bio-Hub and the Med-Hub shall form the Euro-BioImaging Hub.

- (4) Euro-BioImaging ERIC shall be linked through service level agreements to Euro-BioImaging Nodes located in or at Euro-BioImaging ERIC members.

**3. Name (Article 3 of the Statutes of Euro-BioImaging ERIC)**

A European research infrastructure called 'the European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences' is set up as a European Research Infrastructure Consortium (ERIC) under Regulation (EC) No 723/2009 and named 'Euro-BioImaging European Research Infrastructure Consortium' or 'Euro-BioImaging ERIC'.

**4. Duration and the procedure for the winding-up (Article 4 of the Statutes of Euro-BioImaging ERIC)**

- (1) Euro-BioImaging ERIC shall exist for an indefinite period, but may be wound up in accordance with the procedure laid down in paragraphs 2 to 3.
- (2) The winding-up of Euro-BioImaging ERIC shall be decided by the Euro-BioImaging Board by a two-thirds majority.
- (3) Assets remaining after payment of Euro-BioImaging ERIC debts shall be apportioned among the Euro-BioImaging ERIC Members and Observers in proportion to their accumulated contribution to Euro-BioImaging ERIC, unless otherwise agreed by the Euro-BioImaging Board.

**5. Liability (Article 5 of the Statutes of Euro-BioImaging ERIC)**

- (1) Euro-BioImaging ERIC shall be liable for its debts. Euro-BioImaging ERIC shall not be liable for liabilities arising in Euro-BioImaging Nodes.
- (2) The Euro-BioImaging ERIC Members' financial liability for the debts of Euro-BioImaging ERIC shall be limited to their respective contributions.
- (3) Euro-BioImaging ERIC shall take appropriate insurance to cover the risks specific to the operation of the Euro-BioImaging ERIC.

**6. Access policy for users (Article 6 of the Statutes of Euro-BioImaging ERIC)**

- (1) Effective access to Euro-BioImaging ERIC services, including physical access to all imaging technologies, training and expertise, shall be provided based on the scientific merit and technical feasibility of the proposed user research project.
- (2) The Euro-BioImaging Board shall approve access rules governing the procedures and criteria for the access to Euro-BioImaging ERIC services, taking into account the principles of the European Charter for Access to Research Infrastructures.
- (3) Image data administered by Euro-BioImaging ERIC shall, as far as legally permitted, be available and openly accessible to any researchers, scientific institutions and other stakeholders, in line with the FAIR principles. Use and collection of data shall be subject to the relevant statutory provisions on data privacy.

**7. Scientific evaluation policy (Article 7 of the Statutes of Euro-BioImaging ERIC)**

The activities of Euro-BioImaging ERIC shall be evaluated annually by the Euro-BioImaging Scientific Advisory Board.

**8. Dissemination policy (Article 8 of the Statutes of Euro-BioImaging ERIC)**

- (1) Euro-BioImaging ERIC shall be a facilitator of research and shall as a general rule encourage access as open as possible to research data, subject to the conditions established in the Euro-BioImaging ERIC dissemination policy.
- (2) Euro-BioImaging ERIC shall request researchers to make their research results publicly available and offer to make results available through Euro-BioImaging ERIC. The use of Euro-BioImaging ERIC services or infrastructure, or both, shall be acknowledged in publications.

- (3) Euro-BioImaging ERIC shall use several channels to reach the target audiences, including web portal, newsletter, workshops, presence in conferences, articles in magazines and daily newspapers.

**9. Intellectual property rights policy (Article 9 of the Statutes of Euro-BioImaging ERIC)**

- (1) Subject to the terms of any contract between Euro-BioImaging ERIC and the users, intellectual property rights created by users of the Euro-BioImaging ERIC shall be owned by those users.
- (2) Euro-BioImaging ERIC may own intellectual property rights entirely or partly created, obtained or developed by Euro-BioImaging ERIC under the conditions established in the Euro-BioImaging intellectual property rights policy.

**10. Employment policy (Article 10 of the Statutes of Euro-BioImaging ERIC)**

The selection procedures, recruitment and employment for the Euro-BioImaging Hub office shall be transparent, non-discriminatory and respect equal opportunities.

**11. Procurement policy (Article 11 of the Statutes of Euro-BioImaging ERIC)**

Euro-BioImaging ERIC shall treat procurement candidates and tenders equally and without discrimination. Euro-BioImaging ERIC procurement policy shall respect the principles of transparency, non-discrimination and competition. Detailed rules on procurement procedures and criteria shall be set out in the implementing procurement policy.

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