

COMMISSION IMPLEMENTING DECISION (EU) 2022/289
of 22 February 2022
setting up the Analysis and Experimentation on Ecosystems ERIC (AnaEE-ERIC)
(notified under document C(2022) 933)

(Text with EEA relevance)

(Only the Bulgarian, Czech, Danish, Dutch, French, Italian, Finnish and Swedish texts are authentic)

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 6(1) point (a) thereof,

Whereas:

- (1) Bulgaria, Czechia, Denmark, France, Italy, Finland and the International Center for Advanced Mediterranean Agronomic Studies submitted to the Commission an application to set up the Analysis and Experimentation on Ecosystems ERIC (AnaEE-ERIC) ('the application'). Belgium has made known its decision to participate in AnaEE-ERIC initially as an observer.
- (2) The applicants have agreed that France would be the host Member State of AnaEE-ERIC.
- (3) 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⁾.
- (4) 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. In the course of the assessment the Commission obtained the views of independent experts in the field of Analysis and Experimentation on Ecosystems.
- (5) The measures set out in this Decision are in accordance with the opinion of the Committee established under Article 20 of Regulation (EC) No 723/2009.

HAS ADOPTED THIS DECISION:

Article 1

1. The Analysis and Experimentation on Ecosystems ERIC (AnaEE-ERIC) is hereby set up.
2. The essential elements of the Statutes of AnaEE-ERIC are set out in the Annex to this implementing decision.

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 Italian Republic and the Republic of Finland.

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

⁽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).

Done at Brussels, 22 February 2022.

For the Commission
Mariya GABRIEL
Member of the Commission

ANNEX

ESSENTIAL ELEMENTS OF THE STATUTES OF AnaEE-ERIC*Article 1***Name**

A distributed European Research Infrastructure Consortium (ERIC) shall be established called 'Analysis and Experimentation on Ecosystems ERIC' (AnaEE-ERIC). This Consortium shall constitute a European Research Infrastructure Consortium (ERIC) established under the provisions of Regulation (EC) No 723/2009.

*Article 2***Statutory seat**

AnaEE-ERIC shall have its statutory seat in Gif-sur-Yvette, France.

*Article 3***Task and activities**

1. The principal task of AnaEE-ERIC shall be to establish and operate a distributed Research Infrastructure devoted to the Analysis of and Experimentation on Ecosystems. Its goal is to provide the tools, services and knowledge necessary to tackle the complex global environmental and climate challenges facing human societies.
2. AnaEE-ERIC shall operate with the Central Hub (CH), the Interface and Synthesis Centre (ISC), the Technology Centre (TC), and the Data Modelling Centre (DMC).
3. For the purposes of paragraph 1, AnaEE-ERIC shall:
 - a. coordinate access to the experimental, analytical and modelling National Platforms and organize the collaboration with European facilities;
 - b. facilitate European research programmes and projects;
 - c. develop technology, harmonizing methods, building industrial partnerships and facilitate knowledge transfer;
 - d. contribute to the exchange of knowledge and/or competencies within the European Research Area (ERA) and increasing the use of intellectual potential throughout Europe;
 - e. develop data access, sharing and modelling;
 - f. organize training;
 - g. implement a communication strategy;
 - h. any other related action necessary to achieve its aims.
4. AnaEE-ERIC shall pursue its principal task on a non-economic basis. AnaEE-ERIC may carry out limited economic activities provided that they are closely related to the principal tasks set out in Article 3(3) above and they do not jeopardise their achievement.

*Article 4***Duration and the procedure for winding-up**

1. AnaEE-ERIC shall be established for an initial period of 10 years. The Assembly of Members can decide to extend the duration by successive periods of 10 years.
2. The winding up of AnaEE-ERIC shall be decided by the Assembly of Members in accordance with Article 18(10) of the Statutes.

3. Without undue delay and in any event within 10 days after adoption of the decision to wind up AnaEE-ERIC, AnaEE-ERIC shall notify the European Commission of the decision.
4. Assets remaining after payment of AnaEE-ERIC debts shall be apportioned among the Members in proportion to their accumulated annual contribution to AnaEE-ERIC as specified in Article 17 of the Statutes.
5. Without undue delay and in any event within 10 days of the closure of the winding up procedure, AnaEE-ERIC shall notify the Commission thereof.
6. AnaEE-ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in L series of the *Official Journal of the European Union*.

Article 5

Liability regime

1. AnaEE-ERIC shall be liable for its debts.
2. The Members' financial liability for the debts of AnaEE-ERIC, of whatever nature, shall be limited to their respective contribution to AnaEE-ERIC in respect to the last full year of operations.
3. AnaEE-ERIC shall take appropriate insurance to cover the risks specific to its activities.

Article 6

Access policy for users

1. Access to the AnaEE-ERIC facilities and services provided by the Central Hub or the Service Centres of AnaEE-ERIC shall be provided on the basis of open access principles. AnaEE-ERIC shall implement infrastructure access rules, with a fee policy providing incentives to its Members.
2. AnaEE-ERIC shall provide information through its web portal on the climate and bio-geographical gradients, and complementary skills and techniques of AnaEE-ERIC platforms, in order to help scientists at the stage of project elaboration and to facilitate incubation of projects using several platforms across its Membership.
3. AnaEE-ERIC Central Hub shall grant access to the AnaEE-ERIC facilities and services provided by the Service Centres or the National Platforms, based on an assessment of the scientific quality of the proposed use, on the basis of an independent scientific evaluation by an expert committee appointed by the Assembly of Members and technical feasibility assessed by AnaEE-ERIC. Possible ethical issues involved in a proposal will be handled by the Independent Ethics Advisory Committee (see Article 25 of the Statutes).
4. In case research access to the AnaEE-ERIC facilities and services has to be restricted for capacity reasons, a selection shall be made according to the procedure set out in the Rules of Operation of the Statutes, considering selection criteria based on scientific excellence, technical and financial feasibility of the proposals.
5. AnaEE-ERIC shall make available metadata of each project at the start, both for experimental settings in National Platforms and for data produced by service centres.
6. Data shall be made available according to the open access policy of AnaEE-ERIC. Access will be regulated according to the Rules of Operation of the Statutes, in general having a common period of grace, after which the data shall become available to the public. The Access Policy shall take into account the European Data Protection legal framework ⁽¹⁾ related to the sharing of personal data of users among the Members.

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

*Article 7***Scientific Evaluation Policy**

The activities of AnaEE-ERIC shall be evaluated every 5 years by an ad hoc independent scientific committee. The Assembly of Members shall initiate such an evaluation and, if appropriate, give specific directions. The Rules of Operation of the Statutes will define the principles and procedures of this evaluation.

*Article 8***Dissemination Policy**

1. AnaEE-ERIC shall be a facilitator of research and shall as a general rule encourage as free access as possible to research data.
2. AnaEE-ERIC shall request users to make their research results publicly available, and make their results available through AnaEE-ERIC.
3. AnaEE-ERIC shall use several channels to reach its target audiences, including a web portal, newsletter, workshops, presence in conferences, articles in magazines and daily newspapers, social networks, etc.

*Article 9***Intellectual Property Rights Policy**

1. All intellectual property rights created, arising from, obtained or developed by AnaEE-ERIC in the course of its activities shall be owned by AnaEE-ERIC.
2. Subject to the terms of any contracts between AnaEE-ERIC and Members or Observers, all intellectual property rights which are created, arising from, obtained or developed by a Member or Observer shall be owned by that Member or Observer.

*Article 10***Employment policy**

1. AnaEE-ERIC employment conditions shall be governed by the laws of the country in which the staff is employed or by the laws of the country where the activities of AnaEE-ERIC are conducted.
2. The selection procedures for AnaEE-ERIC staff positions shall be transparent, non-discriminatory, and respect equal opportunities. Recruitment and employment shall not be discriminatory.
3. Recruitment will be carried out with international publication of a call.

*Article 11***Procurement policy**

1. AnaEE-ERIC shall treat procurement candidates and tenderers equally and without discrimination, regardless whether or not they are based within the European Union. AnaEE-ERIC Procurement Policy shall respect the principles of transparency, competition and non-discrimination. Detailed rules on procurement procedures and criteria shall be set out in the Rules of Operation of the Statutes.

2. Procurement by Members and Observers concerning AnaEE-ERIC activities shall be done in such a way that due consideration is given to AnaEE-ERIC needs, technical requirements and specifications issued by the relevant bodies.
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