

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2022/1204

of 16 June 2022

setting up the Microbial Resource Research Infrastructure – European Research Infrastructure Consortium (MIRRI-ERIC)

(notified under document C(2022) 3894)

(Text with EEA relevance)

(only the Dutch, French, Latvian, Portuguese and Spanish 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) Belgium, Spain, France, Latvia and Portugal submitted to the Commission an application to set up the Microbial Resource Research Infrastructure – European Research Infrastructure Consortium (MIRRI-ERIC) ('the application').
- (2) The applicants have agreed that Portugal would be the host Member State of MIRRI-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 Microbial Resource Research Infrastructure.
- (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 Microbial Resource Research Infrastructure – European Research Infrastructure Consortium (MIRRI-ERIC) is hereby set up.
2. The essential elements of the Statutes of MIRRI-ERIC are set out in the Annex.

⁽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).

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Spain, the French Republic, the Republic of Latvia and the Portuguese Republic.

Done at Brussels, 16 June 2022.

For the Commission
Mariya GABRIEL
Member of the Commission

ANNEX

ESSENTIAL ELEMENTS OF THE STATUTES OF MIRRI-ERIC

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

1. The name of the ERIC

(Article 1 of the Statutes of MIRRI-ERIC)

The name of the Research Infrastructure shall be Microbial Resource Research Infrastructure – European Research Infrastructure Consortium, herein after called 'MIRRI-ERIC'.

2. The statutory seat

(Article 2 of the Statutes of MIRRI-ERIC)

The statutory seat of MIRRI-ERIC shall be located in the city of Braga on the territory of the Portuguese Republic, hereinafter referred to as 'Member hosting the statutory seat'.

3. The tasks and activities of MIRRI-ERIC

(Article 3 of the Statutes of MIRRI-ERIC)

1. The mission of MIRRI-ERIC is to serve Bioscience and Bioindustry users by facilitating access to a broad range of high quality bioresources and data in a legally compliant way. By offering access to human expertise and providing a collaborative platform for long-term sustainability of microbial biodiversity MIRRI-ERIC will increase knowledge and promote professional development.
2. The principal task of MIRRI-ERIC shall be to establish, operate and develop a pan-European distributed research infrastructure of Microbial domain Biological Resource Centres (mBRCs) in order to ensure access to high quality resources and related services, as well as state-of-the art facilities.
3. MIRRI-ERIC shall have legal personality as from the date on which the Commission Implementing Decision setting it up as an ERIC takes effect. It shall have in each Member the most extensive legal capacity in accordance with the EU Regulation and the national law of that Member. It may, in particular, acquire, own and dispose of movable, immovable and intellectual property, conclude contracts and be a party to legal proceedings.
4. MIRRI-ERIC shall pursue its principal task on a non-economic basis. MIRRI-ERIC may carry out limited economic activities provided that these are closely related to its principal task and do not jeopardise its achievement. Any income generated by these limited economic activities shall be used by MIRRI-ERIC to support its mission.
5. MIRRI-ERIC shall carry out the following activities:
 - a. promote legally-protected and regulative-compliant access to authentic microbial resources and associated data in mBRCs to maintain a comprehensive supply of biological material to the research community;
 - b. construct the Collaborative Working Environment (CWE) and the MIRRI Information System (MIRRI-IS) to provide a single-access point to microbial resources and associated data, state-of-the-art microbial services, including digital services, and expert and technical platforms;
 - c. ensure the complementarity of mBRCs as well as the interoperability of their data offers for the functioning of the MIRRI-IS;

- d. establish and implement quality management, including standardised procedures, best practices and appropriate tools to increase the quality of the resources, the associated data and performed services;
 - e. establish relationships with other European Research Infrastructures and relevant organisations to increase the characterization of the genetic resources held in MIRRI-ERIC and increase the quantity and quality of the RI associated information;
 - f. perform research matching and pooling services for public and private institutions and launch joint activities;
 - g. provide external user access to the material, expertise and scientific facilities of the MIRRI-ERIC Partners that will be coordinated to enable researchers to carry out in-house research on microbial genetic resources;
 - h. provide education and training to mBRCs staff, students and users, in the field of microbiology, such as taxonomy, identification and preservation techniques and in biotechnology, such as bioprospecting, exploitation, strain optimisation and fermentation;
 - i. undertake any other related action necessary to achieve its mission.
6. The activities of MIRRI-ERIC shall be pan-European in scope and foster excellence in scientific research and bioindustry in the microbial field in Europe and continuously keep up with the demands of the academic and industrial communities. Thus, MIRRI-ERIC shall contribute to increased use and dissemination of knowledge as well as optimisation of the results of mBRC-based research activities throughout Europe and globally.
 7. The activities of MIRRI-ERIC shall be guided by transparency, responsiveness, ethical awareness, legal compliance, openness, equal treatment and non-discrimination.

4. Duration

(Article 4 of the Statutes of MIRRI-ERIC)

MIRRI-ERIC is established for an indefinite period of time. It may be wound-up in accordance with Article 5 of the Statutes.

5. Winding up

(Article 5 of the Statutes of MIRRI-ERIC)

1. The winding up of MIRRI-ERIC shall follow a decision by the Assembly of Members in accordance with Article 17(8)(c) of the Statutes and in compliance with the Applicable Law as defined in Article 36 of the Statutes.
2. Without undue delay and in any event within 10 days after adoption of the decision to wind up MIRRI-ERIC, MIRRI-ERIC shall notify the European Commission about the decision.
3. Without prejudice to Article 6 of the Statutes, any assets and liabilities remaining after payment of MIRRI-ERIC's debts shall be apportioned among the Members in proportion to their actual contribution to MIRRI-ERIC at the time of dissolution.
4. Without undue delay and in any event within 10 days of the closure of the winding up procedure, MIRRI-ERIC shall notify the Commission thereof.
5. MIRRI-ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in the *Official Journal of the European Union*.

6. Liability of Members and Observers

(Article 6 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall be liable for its debts.
2. The Members and Observers are not jointly liable for the debts of MIRRI-ERIC. The Members' and Observers' financial liability for the debts of MIRRI-ERIC shall be limited to their respective contribution provided to MIRRI-ERIC as specified in Article 25 of the Statutes.
3. MIRRI-ERIC shall take appropriate insurance to cover the risks specific to the construction and operation of MIRRI-ERIC.

7. Access policy

(Article 7 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall make microbial biological material, associated data in databases, knowledge and services affiliated with or developed by MIRRI-ERIC Partners available to researchers, bioindustry institutions and EU decentralised Agencies such as the European Food Safety Authority or the European Centre for Disease Prevention and Control. MIRRI-ERIC shall ensure that conditions for the use of the microbial biological material set by the material providers and the data providers that affiliate their databases to MIRRI-ERIC are respected.
2. No provision in these Statutes should be understood as seeking to restrict the right of the Partners of MIRRI-ERIC to decide on providing access to any samples and data.
3. Microbial material shall only be distributed to bona fide individuals operating in a professional environment suitable for handling living material of the biohazard group involved. When appropriate, enhanced biosecurity measures will be promoted.
4. Requests from individuals and/or projects to access the scientific installations of the Partners of MIRRI-ERIC shall be evaluated. The evaluation procedure and the criteria used will be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes. In any case, the evaluation process shall consider scientific merit and shall be transparent, fair and impartial.
5. Access will be monitored and user satisfaction measured with a feedback mechanism as part of quality assurance for continuous improvement of access.
6. The Access Policy will be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

8. Scientific Evaluation Policy

(Article 8 of the Statutes of MIRRI-ERIC)

1. Every five years, a scientific evaluation of MIRRI-ERIC activities, services and platforms shall take place. The evaluation shall be done by a panel of independent international external evaluators of the highest quality. This panel will produce and submit the evaluation report to the Assembly of Members.
2. The Scientific Evaluation Policy will be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

9. Dissemination Policy

(Article 9 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall promote its activities and its use in research, innovative projects and higher education.
2. The Dissemination Policy shall describe the various target groups, and MIRRI-ERIC shall use several channels to reach the target groups, such as the website, the Collaborative Working Environment portal, workshops and trainings, presence in conferences and social media.
3. The Dissemination Policy shall be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

10. Intellectual Property Rights

(Article 10 of the Statutes of MIRRI-ERIC)

1. Nothing in these Statutes shall be read to alter the scope and application of Intellectual Property Rights and Benefit-Sharing Agreements as determined under relevant laws, regulations and international agreements of the Members.
2. The exchange and integration of Intellectual Property between Members, their representing entities and Partners through relevant contractual provision shall be subject to the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.
3. The Intellectual Property Rights of data, results and other knowledge produced and developed within the activities of MIRRI-ERIC shall belong to the entity/ies that has/have generated it.
4. The Intellectual Property Rights generated by users as a result of access to resources or scientific installations of MIRRI-ERIC shall be negotiated, aiming at a fair use by both the user as MIRRI-ERIC or the Partner concerned, taking into account their respective input.
5. MIRRI-ERIC shall provide guidance to researchers to ensure that research undertaken using material and data made accessible through MIRRI-ERIC is undertaken within a framework that recognizes the rights of data owners and privacy of individuals.

11. Employment policy

(Article 11 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC is committed to equality of opportunity and shall not discriminate against any person on the grounds of race, ethnic origin, gender, creed, disability, sexual orientation or any other ground.
2. The selection procedures of applicants for MIRRI-ERIC staff positions shall be transparent, non-discriminatory and will respect equal opportunities.
3. Employment contracts shall follow the national laws and regulations of the country in which staff is employed and usually carrying out its activities.
4. The Employment Policy shall be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.

12. Procurement policy

(Article 12 of the Statutes of MIRRI-ERIC)

1. MIRRI-ERIC shall treat procurement candidates and tenderers equally and without discrimination. The MIRRI-ERIC procurement policy shall respect the principles of transparency, non-discrimination and open competition.
 2. The MIRRI-ERIC procurement policy shall be set out in the Rules of Operation to be adopted by the Assembly of Members in accordance with Article 17(7)(c) and (e) of the Statutes.
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