



## **IRUVX-PP**

### ***Preparatory phase for the EuroFEL (ex-IRUVX-FEL) consortium***



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# Establishment of the European Research Infrastructure Consortium EuroFEL (EuroFEL-ERIC)

## Introduction

### **EuroFEL – The European distributed research infrastructure of Free Electron Laser light sources**

Free Electron Lasers (FELs) are the most advanced accelerator-based light sources, combining the exceptional spectral range (<10 meV to multiple-keV) of synchrotron radiation sources with the femtosecond pulse duration and coherence of conventional lasers. FELs are therefore expected to have a revolutionary impact on the science we do with light, potentially as profound as the revolutions created by the laser and synchrotron radiation.

However, in contrast to synchrotrons, FELs can only provide a very limited number of beam lines. While a synchrotron has tens of end stations that can truly work in parallel, each FEL provides only a single laser beam, just as a conventional laser, which can be switched to a few different end stations. On the other hand, the scientific applications of FELs are almost as diverse as for synchrotrons and conventional lasers, requiring a large number of complementary beam lines and end stations; the demand of the European FEL user community is much larger than the available beam time, and it is constantly growing due to the success of FLASH and LCLS, already in operation, and the successful completion of the construction of FERMI@Elettra. In addition, the construction and operation of new FELs, nationally funded and in general constructed by a single research centre, are severely hindered by the limited availability of FEL experts in Europe.

EuroFEL as a European distributed research infrastructure with open access based on scientific excellence, as defined by ESFRI (European Strategy Forum on Research Infrastructures), guarantees the long-term European strategy and coordination that are required to cope with these challenges and to make sure that the scientific potential of free electron lasers can be fully exploited.

EuroFEL will also enable a much more efficient collaboration with industry by providing a single point of contact and a long-term strategy. This will be essential for the development and commercialisation of cutting edge technologies that are required for the construction of the new facilities. European companies will profit from this collaboration which is also a unique chance for them to stay at the forefront of technological developments and remain competitive in the global market.

In order to fulfil this mission, EuroFEL will focus on the following core activities:

1. Ensure efficient construction and operation of complementary, world-class FEL/SPS facilities for multidisciplinary research with pan-European open access
2. Coordinate technical developments
3. Promote and coordinate training and education
4. Ensure efficient communication, external and internal
5. Represent European FEL science and technology encompassed by the consortium

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# STATUTE

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**Statute of the European Research Infrastructure Consortium EuroFEL  
(EuroFEL ERIC)**

**PREAMBLE**

- The Government of the Federal Republic of Germany
- The Government of the Italian Republic
- The Government of Kingdom of Sweden
- The Government of Swiss Confederation
- The Government of the United Kingdom of Great Britain and Northern Ireland
- .....
- .....

**HEREINAFTER**

referred to as the Parties

CONSIDERING their respective interests in the field of Free Electron Lasers and accelerator driven short pulse facilities;

DESIRING to establish a close coordination among their national Free Electron Lasers and accelerator driven short pulse laboratories in the framework of a distributed European facility (EuroFEL) for Pan-European use in order to fully exploit the complementary features and expertise of the Parties installations, including Regional Partner Facilities (as defined by ESFRI, the European Strategy Forum on Research Infrastructures), as well as to maximize the benefits for both the Parties and the external users;

DESIRING to implement structures and working methodologies of their facilities in order to allow efficient construction and operation of EuroFEL facilities as well as to

prepare critical technology thus ensuring that all the Parties' facilities will be exploited with highest efficiency;

DESIRING to develop a strong collaboration among the Parties with the overall goal of enhancing the access of the international user community to a world-class research infrastructure;

CONSIDERING that European Strategic Forum on Research Infrastructures (ESFRI) has included the EuroFEL project in its Roadmap 2006, subsequently updated in 2008;

CONSIDERING that with these aims in view the interested scientific Institutions of the Parties (DESY-Germany, Helmholtz Zentrum Berlin-Germany, MAX-lab-Sweden, Sincrotrone Trieste-Italy, and STFC-United Kingdom) in November 2006 have signed a Memorandum of Understanding and subsequently the GRANT AGREEMENT n. 211285 related to the Project entitled "Preparatory Phase of the IRUVX-FEL Consortium" funded by the European Commission" under the 7<sup>th</sup> Framework Program with a financial support of 5.7 M€;

CONSIDERING that on 1<sup>st</sup> April 2009 INFN-Italy and PSI-Switzerland joined the IRUVX-FEL Preparatory Phase Project ;

TAKING INTO ACCOUNT that such a Preparatory Phase has been successfully completed and that, therefore, the Parties can now proceed to the establishment of the EuroFEL Consortium (previously called IRUVX-FEL Consortium);

CONSIDERING that knowledge in general and scientific knowledge in particular is the basis of competitive, modern economies and that the existence of and access to leading research infrastructures plays a key part in maintaining Europe's competitiveness in research and innovation;

CONSIDERING that Research Infrastructures also play a clear social and economic role by generating discoveries and opportunities for new industrial applications;

CONSIDERING the EC Council Regulation 723/2009/EC which, according to Art. 171 of EC Treaty, provides a common legal frame for European Research Infrastructure Consortia (ERIC), hereinafter referred to as the EU Regulation;

RECOGNISING that such a Regulation represents the most appropriate legal framework for their cooperative undertaking;

HEREBY AGREE to establish the EuroFEL ERIC (hereinafter referred to as EuroFEL) to be governed by the Community law (EU Regulation) and by the present Statute;

HEREBY AGREE to apply to the EU Commission for the setting up of an ERIC according to the procedure foreseen by Article 5 of the EU Regulation.

**CHAPTER I: GENERAL PROVISIONS**

**Article 1**

**Establishment, Name and Central Administration**

1. EuroFEL is established in pursuance of the Community Law (EU Regulation), of the National Law of the Country where the Statutory Seat is located in case of matters not, or only partly, regulated by the Community Law, and of the present Statute and its Implementing Rules.
2. EuroFEL shall undertake activities on a non-economic basis in the field of scientific and technological research (EU Regulation, Art. 3.2).
3. EuroFEL shall have its statutory Seat at .....

**Article 2**

**Representing Entities**

1. According to Art. 9.4 of the EU Regulation a Party may appoint its Representing Entity, or Entities, specifying if necessary the specific rights and obligations delegated;
2. At the date of the signature of the present Statute the Representing Entities of the Parties are the following;
  - The Government of the Federal Republic of Germany is represented by the Deutsches Elektronen-Synchrotron (DESY) and the Helmholtz Zentrum Berlin;
  - The Government of the Italian Republic is represented by Elettra Sincrotrone Trieste S.C.p.A. and Istituto Nazionale di Fisica Nucleare (I.N.F.N);
  - The Government of Kingdom of Sweden is represented by MAX-Lab University of Lund;
  - The Government of Swiss Confederation is represented by the Paul Scherrer Institut (PSI);
  - The Government of the United Kingdom of Great Britain and Northern Ireland is represented by the Science and Technology Facilities Council (STFC).
  - .....
  - .....

3. The Parties shall inform the General Assembly referred to in Art. 11 of the present Statute of any change of its Representing Entities, of the terminations of their mandate or of changes, if any, of their specific rights and obligations which have been delegated to them.

### **Article 3**

#### **Purpose**

1. EuroFEL shall have as its purpose the integration of national activities in Europe to deliver a unique, distributed European Research Infrastructure of Free Electron Laser (FEL) and other advanced accelerator based short-pulse and coherent light sources (SPS) that meet the needs of a large, multi-disciplinary user community. It shall make optimum use of resources and know-how available in Europe and maintain the EU's technological infrastructure at a world-class level.
2. In order to achieve these objectives the Consortium aims at, *inter alia*:
  - incorporating all of the European stakeholders in FEL science and technology to join forces in a coherent programme and to speak with one voice;
  - exploiting the full scientific potential of the new light sources by collaborating closely with the user community, by developing and offering a suite of complementary sources and instruments and by providing efficient access and optimum conditions for users;
  - making optimum use of resources and know-how by coordinating research and development of relevant technologies, by promoting and coordinating joint training of scientific and technical personnel and young researchers, and by collaborating with neighbouring communities and industry;
  - ensuring efficient communication within the consortium and to the outside.

### **Article 4**

#### **Accession of New Parties**

1. EuroFEL shall be open to the accession of new Parties active in the field of FELs and accelerator driven short pulse facilities.

2. In considering the applications for accession of new members, the General Assembly shall take into particular account, *inter alia*, if the applying Party has at its disposal a FEL or an accelerator driven short pulse facility in operation, under construction or at a project level.
3. In any case the accession of new Parties is subject to the unanimous approval of the General Assembly.

**Article 5**  
**Association Arrangements**

1. Other Countries, Intergovernmental Organisations or Entities may be associated to EuroFEL through specific bilateral agreements, to be approved unanimously by the General Assembly, in which the respective obligations and rights shall be defined.
2. In any case the Associated Members may attend the General Assembly in an observer capacity without voting rights.

**Article 6**  
**Financing**

1. The Parties shall contribute annually to the budget of EuroFEL through contributions both financial and in kind, according to the following initial scale of contributions:

..... %  
 ..... %  
 ..... %  
 ..... %  
 ..... %  
 ..... %  
 ..... %

2. The contributions, both in cash and in kind, of each Party, or their representing Entities, shall be determined on the basis of the needs of agreed EuroFEL programmes and shall be included in the yearly budget proposal which has to be submitted by the Management Board to the approval of the General Assembly.

3. The estimated value of the contributions in kind in addition to the cash ones shall constitute the total amount of the annual contribution which each Party, or their representing Entities, is expected to provide according to the scale referred to in paragraph 1 of the present Article.
4. In case new members join EuroFEL, the General Assembly shall set up a new share of the annual contributions.
5. In order to improve the financial support of the activities falling within the scope of Art. 3 of the present Statute, EuroFEL may ask for loans from banks and international institutions as well as receive other contributions, even in kind, from public and/or private entities, according to the procedures defined in Art. 12, par. 2e.
6. The Parties shall ensure that the budget shall be established and implemented in compliance with the principles of transparency and of sound financial management, according to Art.13 of the EU Regulation.

#### **Article 7** **Financial Year**

1. The financial year will be from the 1st January to the 31st of December.

#### **Article 8** **Users Access Policies**

1. EuroFEL shall be open to users selected exclusively on the basis of the scientific quality of their proposed experiments.
2. The Users Access Policy shall aim, *inter alia*:
  - to guarantee an efficient and transparent access to the member facilities
  - to supply new users with the required support
  - to provide maximum visibility within the user community.
3. Such basic principles concerning the access policy are essential to reflect the Pan-European Character of a European Research Infrastructure as defined by ESFRI.
4. The General Assembly shall define in detail the procedures related to the User Access Policy for both non-proprietary and proprietary research.

**Article 9**  
**Liability**

1. EuroFEL shall be liable for its debts.
2. The financial liability of the Parties, or their representing Entities, for the debts of EuroFEL shall be limited to their respective contributions provided to EuroFEL.
3. In consideration of this limitation of the financial liability, EuroFEL shall take appropriate insurance to cover the risks specific to the carrying out of all its activities.

## CHAPTER II: MANAGEMENT

### **Article 10** **The EuroFEL Organs**

1. The Organs of EuroFEL shall be:
    - The General Assembly
    - The Management Board
  2. The Organs of EuroFEL shall be assisted by:
    - The Participant Council
    - The Scientific and Technical Advisory Committee (STAC)
- as defined respectively in Articles 14 and 16.

### **Article 11** **The General Assembly**

1. Each Party shall appoint to the General Assembly a delegation composed of one delegate designated by each Party, one delegate of each of its Representing Entities (if any) and of one delegate for each participating entities.
2. Delegates may be accompanied by advisors and experts in accordance with the General Assembly own Rules of Procedures.
3. Each delegation shall have a single indivisible vote.
4. The Chairpersons of the Committees referred to in Art.14 and in Art.16 shall attend the meetings of the General Assembly in an advisory capacity.
5. The meeting of the General Assembly shall have a quorum if:
  - two thirds of the entire contributions are represented, and
  - more than half of the Parties are present.

If one of the two conditions is not fulfilled, a new meeting of the General Assembly with the same agenda shall be called as soon as possible in accordance with the rules of procedures of the General Assembly foreseen in Art.12, par.3i below.

6. The General Assembly shall meet at least once a year.
7. Subject to the provisions of the present Statute, the General Assembly shall draw up its own rules of procedure.

## **Article 12**

### **Powers of the General Assembly**

1. The General Assembly shall determine the EuroFEL policy in scientific, technical and administrative matters taking into proper account the advice of the Advisory Committees referred to in Art.14 and in Art.16, issuing the appropriate instructions to the Management Board.
2. The following matters shall require the unanimous approval of the General Assembly:
  - a) the accession of new members, the association of associate members and the status of observers;
  - b) the review of the share of the annual contributions by the Parties, or by their representing Entities;
  - c) the appointment and the termination of the appointment of the Management Board, EuroFEL Director (Chairperson of the Management Board) and of his/her Deputy Director;
  - d) amendments of the present Statute;
  - e) requests for loans and acceptance of other contributions.
3. The following matters shall require the approval by the General Assembly by a qualified majority:
  - a) the election of its Chairperson;
  - b) the organisational and functional structure of the EuroFEL;
  - c) the scientific and technical program of EuroFEL ;
  - d) the annual budget of EuroFEL;
  - e) the credited values for all in-kind contributions;
  - f) the Annual Activity Report;
  - g) the closure of annual accounts;
  - h) the establishment and terms of reference of advisory Committees or other Bodies.
  - i) the General Assembly's rules of procedure;
  - j) the financial rules as well as any other rules and procedures needed for the implementation of the provisions of the present Statute;
  - k) the appointment and termination of the appointment of the Chairperson of the Participant Council;

- 1) the appointment and termination of the appointment of the Chairperson of the Scientific and Technical Advisory Committee.
4. Except where otherwise provided in the present Statute, all other decisions of the General Assembly shall be taken by a simple majority.
5. The voting rights are granted to each Party, or to each Representing Entity in proportion to their share of contributions, provided that according to Article 9.3 of the EU-regulation the Parties being EU-Member States shall together hold the majority of the voting rights.

As regards the majorities:

- a. "simple majority" means at least 50% of the contributions and that less than half of the Parties voting against.
  - b. "qualified majority" means a majority of at least 77% of the contributions and that less than half of the Parties voting against.
  - c. "unanimous vote" means at least 90% of the contributions and no unfavorable vote, all the Parties having had the opportunity to vote.
6. The General Assembly shall also have such other powers and perform such other functions as may be necessary for the fulfillment of the purposes of the present Statute.

## **Article 13**

### **The Management Board**

1. The members of the Management Board are the EuroFEL Director, EuroFEL Deputy Director and the spokespersons of the permanent Activity Boards. The Management Board may invite other participants as observers.
2. The General Assembly, upon proposal of the Participant Council (referred to the following Art.14), shall appoint the members of the Management Board normally for a period of three years. The Management Board may be renewed for successive similar periods by the General Assembly.
3. The General Assembly, upon proposal of the Participant Council, shall also appoint the EuroFEL Director, who will chair the Management Board.
4. The EuroFEL Director shall be the legal representative and the chief executive of EuroFEL.
5. The General Assembly, upon proposal of the EuroFEL Director, shall appoint the EuroFEL Deputy Director.  
The EuroFEL Director shall implement all the General Assembly decisions. In this connection, the EuroFEL Director shall attend the

- General Assembly meetings in a consultative capacity. The EuroFEL Director shall direct and co-ordinate all the activities of EuroFEL in accordance with the General Assembly decisions.
6. The EuroFEL Director shall regularly submit to the General Assembly:
    - a) an annual report on the EuroFEL activities;
    - b) in consultation with the Advisory Bodies a proposal concerning the scientific and technical program of EuroFEL together with a description of the contributions in kind which will be provided by each Party;
    - c) a proposed budget of the EuroFEL for the coming financial year in accordance with the financial rules ;
    - d) the accounts for the preceding financial year.
  7. The EuroFEL Director shall propose to the General Assembly the Spokespersons of the Permanent Activity Boards, referred to in Art. 15 par.2.

#### **Article 14** **The Participant Council**

1. The members of the Participant Council are representatives of all participating entities, and of EuroFEL users. The Participant Council meets regularly to propose and review the EuroFEL programme.
2. The Participating Council provides the basis for the EuroFEL Director, assisted by the Management Board, to prepare the decisions of the General Assembly, in particular as regards:
  - strategic decisions on joint research, training and other Consortium activities;
  - financial issues, in particular in the frame of the annual financing plan
  - the review of EuroFEL activities;
3. In accordance to Art. 13.1, the Participant Council proposes members of the Management Board and spokespersons of Permanent Activity Boards, as defined in the following Art. 15;
4. The Chairperson of the Participant Council shall be appointed by General Assembly, upon proposal by the Council itself (Art. 12 par. 3k).

**Article 15**  
**Permanent Activity Boards**

1. The Organisational Structure of EuroFEL shall be based on Permanent Activity Boards, dealing with technical development, pan-European access, training, communication, as well as any other activities which may be relevant for EuroFEL.
2. The General Assembly shall define the overall structure of the Permanent Activity Boards and shall also approve the appointment of their spokespersons following a proposal of the Management Board.

**Article 16**  
**The Scientific and Technical Advisory Committee**

1. The General Assembly, in accordance with Art. 12 par. 3h above, shall appoint a Scientific and Technical Advisory Committee composed of outstanding personalities in the field of FEL scientific research and technology, whose final number shall be defined by the General Assembly. In any case each Party may appoint one expert for each of its representing Entities.

In addition each Party may also propose for the final selection by the General Assembly other personalities including representatives of the users and of the industrial circles.

2. The Chairperson of such a Committee shall be appointed by the General Assembly, upon proposal by the Committee itself.
3. The Scientific and Technical Advisory Committee shall advise the General Assembly and the Management Board in all strategic issues as well as on the scientific and technical activities carried out by EuroFEL.

**Article 17**  
**Audit**

1. EuroFEL accounts shall be audited by a firm of professional auditors approved by the General Assembly.

## **Article 18**

### **Employment Policy and Staff**

1. The staff needed for carrying out the EuroFEL programmes may be seconded to the Consortium by the Parties, or their participating Entities.

The cost related to the secondment of this staff shall be borne by the seconding Party and shall be accounted for as part of its in-kind contribution.

2. In case that EuroFEL should need staff with particular and specific qualification and experience that cannot be obtained through secondment by the Parties, the Consortium may engage such a staff through fixed-term contracts, with full respect of the principle of equal opportunities. The related costs shall be charged to the EuroFEL budget.
3. The General Assembly shall define the detailed rules and procedures needed for the practical implementation of the provisions contained in the present article.

## **Article 19**

### **Intellectual Property**

1. In case of staff seconded to EuroFEL according to Art. 16 above, the legislative provisions in force at the seconding Party or at its Representing Entity shall be applied to all the rights deriving by the results obtained by such a staff in the course of its work at EuroFEL.

Whenever possible, the Party or its Representing Entity concerned shall grant to EuroFEL a free license of the above rights.

2. As regards the results obtained by staff directly employed by EuroFEL, the ownership of all the related rights shall belong to EuroFEL.

The General Assembly shall define the detailed regulations concerning in particular the protection of these results, the rights of the staff concerned and the granting of licenses to the EuroFEL Parties.

## **Article 20**

### **Relationships with Industry**

EuroFEL, as a distributed facility, shall act as a focal point for the European industry, thus promoting and developing a close collaboration with such an industry.

With this aim in view, EuroFEL shall carry out, in particular, joint R/D programmes as well as any other appropriate action needed for favouring technology transfer to industry.

The General Assembly shall define the detailed rules and procedures needed for the practical implementation of the provisions contained in the present article.

### **Article 21** **Procurement Policy**

The EuroFEL Procurement Policy shall be based on the principle of transparency, non-discrimination, and competition, taking in any case into full account the need of insuring that bids fulfill the best technical, financial and delivery requirements.

The General Assembly shall define the detailed rules and procedures needed for the practical implementation of the provisions contained in the present article.

### **Article 22** **Joint Technical Developments**

EuroFEL shall undertake joint technical development programmes to be carried out through collaborations between the interested institutions and communities of the Parties.

These collaborations shall be implemented, *inter alia*, facilitating the equipment sharing and its coordinated utilization, widening the access to test facilities as well as encouraging the transfer of technical developments among the Parties, their Representing Entities and the Associated Parties.

The General Assembly shall define the detailed rules and procedures needed for the practical implementation of the provisions contained in the present article.

### **Article 23** **Joint Training Activities**

EuroFEL shall promote and coordinate joint training of scientific and technical personnel and young researchers.

The General Assembly shall define the detailed rules and procedures needed for the practical implementation of the provisions contained in the present article.

**Article 24**  
**Communication and Dissemination**

EuroFEL shall promote and strength the role of the European Free Electron Laser based photon science community in Europe and in the worldwide context.

EuroFEL shall promote an efficient communication between the individual Parties' facilities as well as a visible and convenient access for the European research community.

The Consortium with this aim in view shall speak with one voice, showing its usefulness.

The General Assembly shall define the detailed rules and procedures needed for the practical implementation of the provisions contained in the present article.

## CHAPTER III: FINAL PROVISIONS

### **Article 25** **Working Language**

1. The EuroFEL working language shall be English.

### **Article 26** **Duration**

1. EuroFEL is established for an initial period of 6 (six) years and may be extended for successive periods with the unanimous agreement of the Parties.

### **Article 27** **Withdrawal**

1. Parties may withdraw from EuroFEL at the end of each period according to Art. 26 above, giving 1 (one) year notice.
2. The withdrawing Party shall remain bound in respect of all pending obligations and undertakings towards EuroFEL and third parties at the time of his leaving and of any compensation for damages at the charge of EuroFEL due to decision or acts accruing prior to this withdrawal.

### **Article 28** **Non Fulfillment of Obligations**

If a Party fails to fulfill its obligations under this Statute, it shall cease to be a member of the ERIC on a decision of the General Assembly taken by a qualified majority.

### **Article 29** **Conditions for Dissolution**

1. The conditions for dissolution of EuroFEL shall be the following:

- a) expiration of the time established according to Art. 26 above;
- b) achievement of the EuroFEL purpose or supervening impossibility thereof;
- c) mutual agreement of the Parties;
- d) *force majeure*.

### **Article 30**

#### **Winding-up and Settlement of Assets**

1. In case of dissolution of EuroFEL as well as in the event that the Parties decide not to extend it after the expiration date, EuroFEL shall remain bound in respect of all pending obligations and undertakings towards third parties.
2. The winding-up of the EuroFEL, occurring one of the conditions of dissolution listed in Art. 29, b) and c), shall require an unanimous decision of the General Assembly in which shall at least be specified:
  - a) number of liquidators and rules of functioning of the liquidator board in case of plurality of liquidators;
  - b) appointment of the liquidators and indication of the liquidators who shall be legal representative of the winding-up EuroFEL;
  - c) the criteria of the winding-up, including the possible transfer of activities to another legal entity, and the powers of the liquidators.

### **Article 31**

#### **Amendments to the Statute**

1. Amendments to the present Statute shall be agreed unanimously by the General Assembly and subsequently submitted to the EU Commission according to the provisions of Art.11 of the EU Regulation.

### **Article 32**

#### **Disputes**

1. The Parties shall as far as possible try to settle by amicable means any dispute which may arise from the interpretation or application of the present Statute.

2. If the Parties cannot reach agreement on the settlement of a dispute, the Community legislation on jurisdiction shall apply according to Article 15.2 of the EU Regulation.

### **Article 33**

#### **Entry into Force**

1. The present Statute shall enter into force after the adoption by the EU Commission of the decision to set up the ERIC EuroFEL according to Art.6.1.(a) of the EU Regulation.

DONE in ..... on ..... originals in the English language.

## Chapter 2

# Internal Regulations and Implementing Procedures

*The Internal regulations and the Implementing Procedures will have to be approved by the General Assembly once the EU Commission has adopted the decision of setting up the ERIC according to Art.6, 1.(a) of the EU Regulation, being understood that the General Assembly may add any other Internal Regulation required by possible future needs.*

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# 1. Membership Criteria for new Parties

*(Implementation of Art.4 of the Statute)*

## 1.1 Purpose

Defines the conditions under which a country is eligible to become a full member and the fundamental criteria the facilities have to comply with. The aims and intentions of EuroFEL is to widen the participation and to maximise the contributions (whether in cash or in kind) through associate membership regulated by individual bilateral MoUs and/or contracts.

## 1.2 Implementation

All the accession of new full members, associated members and observers are subject to the unanimous approval of the General Assembly, according to Art.12, par. 2a of the Statute.

For associate members the level of benefits accruing is reflected in the obligations, rights and membership fee to be negotiated with and agreed by EuroFEL.

### 1.2.1 Full Membership

A Country is eligible to become Full Member if it has at its disposal a facility having one of the following characteristics:

- is an accelerator based Free Electron Laser operating - or a project planned to be operating - for external users whose access is/will be based primarily on the quality of the proposals, evaluated by international peer review;
- is an accelerator based Short Pulse Facility for intensive light pulses in the femtosecond regime, operating - or a project planned to be operating - for external users whose access is/will be based primarily on the quality of the proposals, evaluated by international peer review

The above mentioned facilities have to comply with the strategic and scientific goals of EuroFEL as outlined in the Statutes and have to fulfill in particular the following fundamental criteria:

- being of pan-European interest and implementing a coherent and coordinated strategy-led approach to European research;
- contributing to the enhancement of the European Research Area;
- promoting high quality scientific service to users and continuous development of instrumentation and techniques in the field of accelerator based Free Electron Lasers and/or accelerator based Short Pulse Facilities;
- acquiring and employing cutting edge technologies to respond to future scientific needs and advance scientific developments.

These facilities accept that the scientific and technological activities are periodically evaluated by International Advisory Committees.

### **1.2.2 Associate Membership**

*(Implementation of Art.5 of the Statute)*

As defined in the Statute, an Entity is eligible to become an Associate Member if it is a State or Regional Partner Facility (as defined by ESFRI and recognised by the EU Commission), or a university, institute or other body that collaborates closely with a EuroFEL member facility and is active in supporting users or technical developments in the field of accelerator based Free Electron Lasers or accelerator based Short Pulse Facilities.

Associate Membership is regulated by individual bilateral MoUs and/or contracts such that the level of benefits accruing is reflected in the obligations, rights and membership fee to be negotiation with and agreed by EuroFEL.

Associate Members can play a full role in the Participants' Council and Activity Boards, and may attend, though have no voting rights in, the General Assembly.

### **1.2.3 Observers**

The Observer status is regulated by individual bilateral MoUs with EuroFEL, in which the individual obligations and rights are defined.

## 2. Core activities of EuroFEL

### 2.1 Purpose

EuroFEL will integrate the national R&D and training activities in a coordinated approach, ensure efficient internal and external communication and guarantee in this way the construction and operation of world-class Free Electron Lasers and short Pulse Facilities.

### 2.2 Implementation

#### 2.2.1 Ensure efficient construction and operation of complementary, world-class FEL/SPS facilities for multidisciplinary research with pan-European open access

- Promote the construction of complementary, state-of-the-art FEL and SPS facilities for a multidisciplinary user community
- Ensure state-of-the-art operation of all FEL and SPS facilities
- Ensure transparent and efficient access and optimum support of users
- Provide a platform for European users

#### 2.2.2 Coordinate technical developments

- Develop a strategy for and coordinate future technical developments
- Initiate and support expert groups and centres of excellence and the exchange of staff
- Initiate and support pooling of techniques and sharing of equipment
- Support coordinated use of test facilities
- Support collaboration with neighbouring communities and industry

#### 2.2.3 Promote and coordinate training and education

- Promote and coordinate training of technical and supporting staff
- Promote and coordinate training of students and early career staff and summer schools
- Support the attraction and exchange of staff

#### 2.2.4 Ensure efficient communication, external and internal

- Communication with funding agencies, politicians, media and the general public on the regional, national and EU level
- Communication with user communities to attract new users and with educational communities
- Communication with industry

- Communication with related technical and scientific communities
- Communication within the consortium

**2.2.5 Represent European FEL science and technology encompassed by the consortium**

- Provide scientific and technical expertise and expert opinions
- Initiate and respond to policy initiatives
- Understand and represent the needs of the European FEL user communities

### 3. Organisational Structure

*(Implementation of Artt.10, 11, 12, 13, 14, 15, 16 of the Statute)*

#### 3.1 Purpose

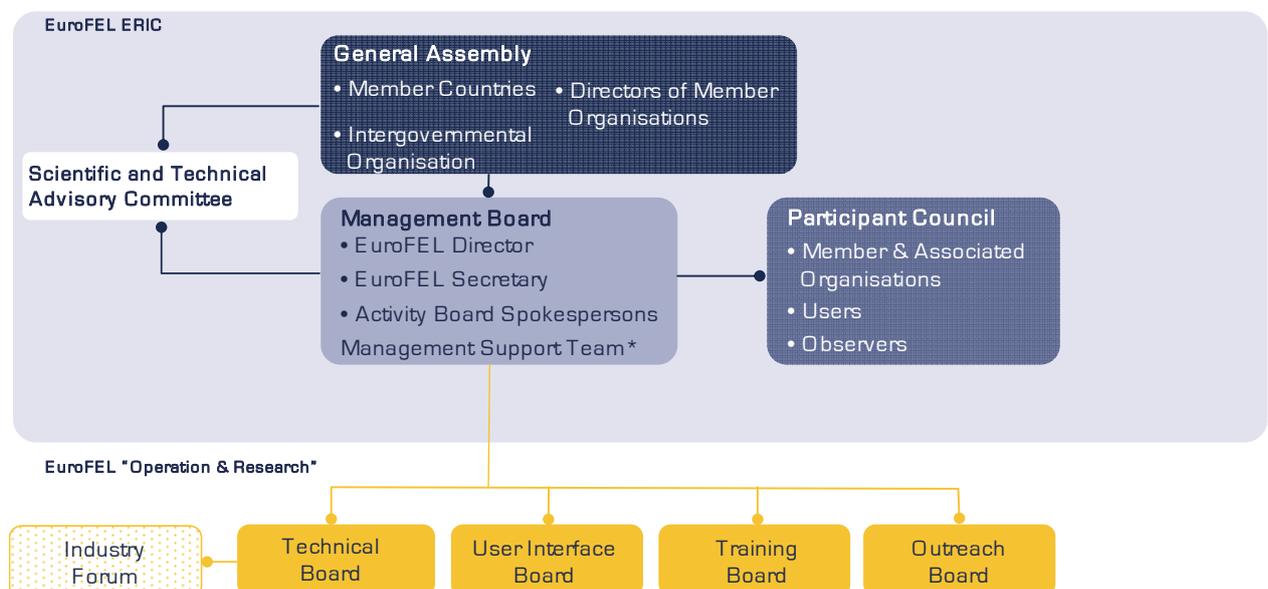
For EuroFEL as an ERIC, the members have to be Member States of the European Union, Associated States, Third Countries, or Intergovernmental Organizations. The structure presented is for a well-established EuroFEL organization, i.e. for a Consortium in the regime. At the beginning a slim organization structure will be implemented. Based on an evaluation of the cost benefit ration the complexity of the organizational structure will be gradually increased. In this adaptive approach a validation of the structure will be made in congruence with the actual needs.

#### 3.2 Scope

The General Assembly is the decision making organ of EuroFEL. It is advised by the Scientific and Technical Advisory Committee (STAC). The Management Board, as the executive organ, is chaired by the EuroFEL Director who is the legal representative. The Participating Council is supporting the Management Board in an advisory capacity. The Activity Boards are responsible for carrying out the EuroFEL core activities.

#### 3.3 Implementation

The organizational structure of EuroFEL is summarized in the table below.



### 3.3.1 General Assembly (GA)

In the General Assembly they shall be represented by a delegation composed of one delegate designated by each Party, one delegate of each of its Representing Entities (if any) and of one delegate for each participating entities. The number of the GA meetings depends on the period for which the strategic decisions and the financing plan are made, but at least once a year. The GA determines the EuroFEL policy in scientific, technical, and administrative matters. The chair of the GA is nominated by the GA on its constituting meeting.

Responsibilities of GA are in particular:

- long-term strategic decisions on RIs
- supervision of EuroFEL activities
- decisions on statute amendments, financing and budget
- decision on new members
- appointment of the EuroFEL Director
- approval of the members of the Management Board

The GA is advised by the Scientific and Technical Advisory Committee (STAC). The GA shall also have such other powers as maybe necessary for the fulfilment of the EuroFEL purposes.

### 3.3.2 Participant Council (PC)

The Participant Council is the board where representatives of all participating organisations and users of EuroFEL meet at least once a year to propose and to review the EuroFEL programme. The Chairperson of the PC shall be appointed by the GA upon proposal by the PC itself. STAC members may attend the PC meetings.

Members of the PC are:

- EuroFEL Director
- representatives of the Member Organisations (leading scientists)
- representatives of FEL users
- representatives of Associated Organisations (e.g. research organisations/groups who are involved in FEL R&D)
- observers (e.g. non European FEL facilities)

Responsibilities of the PC are:

- advice of the MB in all consortium activities and financial issues
- assistance to EuroFEL Director, assisted by the MB, in preparing strategic decisions on joint research, training and other consortium activities
- review of EuroFEL activities

### **3.3.3 Scientific and Technical Advisory Committee (STAC)**

*See the Internal Regulation n.4*

### **3.3.4 Management Board (MB)**

The Management Board is the executive board and the central coordination body of EuroFEL. The MB is chaired by the EuroFEL Director who is the legal representative of EuroFEL and final responsible for the implementation of GA decisions. The Consortium Secretary is the deputy of the EuroFEL Director and responsible for financial & administrative issues of EuroFEL and the head of the management support team.

Members of the MB are:

- EuroFEL Director
- EuroFEL Secretary
- Activity Board Spokespersons
- members of the Management Support Team may participate as observers

Responsibilities of the MB are:

- implementation of the GA decisions
- coordination and supervision of the scientific and policy activities
- decision on expert groups
- support of the Activity Boards and their activities
- ensure state-of-the-art operation of all FEL and SPS facilities
- provide scientific and technical expertise and expert opinions
- initiate and respond to policy initiatives
- preparation of the GA decisions taking into account the advice of the PC and the STAC

### **3.3.5 EuroFEL Director (ED)**

Responsibilities of the ED are:

- he/she is the legal representative of EuroFEL
- is the chairperson of the MB
- proposes the EuroFEL Secretary (Deputy Director)

### **3.3.6 EuroFEL Secretary (ES)**

Responsibilities of the ES are:

- he/she is the deputy of the ED
- is responsible for financial & administrative issues of EuroFEL
- is the head of the Management Support Team
- prepares the reports to GA

### 3.3.7 Management Support Team (MT)

Members of the MT are:

- secretariat
- communication person
- webmaster
- industry contact person

Responsibilities of the MT are:

- administrative support of EuroFEL activities/Activity Boards
- financial administration of EuroFEL
- support of the EuroFEL communication and maintenance of the communication tools

### 3.3.8 The Activity Boards

The Core Activities (1- 4) are coordinated by the Activity Boards. Each Activity Board determines itself a spokesperson that represents the board activities in the management board. The spokespersons must be approved by the GA and may participate at the PC meetings. They will ensure the efficient transfer of information to the MB, GA and PC. The Activity Boards will receive administrative support by MT.

#### *Technical Board*

responsible for

- coordinating joint research and technical development activities on which the GA agreed.
- encouraging a healthy level of FEL technical development activity
- providing a strategic overview of technical developments within the EuroFEL consortium
- maintaining and improving the processes for initiation, approval and support of technical development projects/programmes
- recommend topics for industry workshops

#### *Industry Forum (IF) temporary*

Industry forum would be set up for each specific area needing the collaborative R&D with industry with a view of future supply of key/critical components and systems for construction of FEL facilities. It will work for a limited time to initiate and evaluate a workshop with industry along with the Technical Board. It is jointly chaired by the industry contact person and a technical expert nominated by the technical board.

Members of the IF:

- industry contact person (chair)

- technical experts from the facilities
- invited key representatives from industry and distributors of special components

Responsibility of the IF:

- organising a workshops with industry regarding the key areas for construction of FEL facilities following the decisions from MB.

### *User Interface Board*

responsible for

- ensuring transparent access and optimum support of users
- coaching and support of users
- maintaining and further development of EEU/EAA umbrella

### *Training Board*

responsible for

- coordinating joint training activities on which the GA agreed
- developing training strategies
- evaluating the training activities
- supporting the attraction and exchange of staff

### *Outreach Board*

responsible for

- developing communication and dissemination strategies to strengthen the role of European Free Electron Laser based photon science community in Europe and in worldwide context
- ensuring constant exchange between the individual member facilities as well as to be visible and conveniently accessible for the European research community.

## **4. Scientific and Technical Advisory Committee (STAC)**

*(Implementation of Art.16 of the Statute)*

### **4.1 Purpose**

The Scientific and Technical Advisory Committee acts as an independent advisory board of the EuroFEL activities.

Responsibilities of the STAC are:

- advise the General Assembly on strategic directions in science and technology
- advise the Management Board

### **4.2 Implementation**

#### **4.2.1 Members**

Members of the STAC are independent experts of FEL science, management of pan European RIs, etc. At least 3 users and one member from industry should be represented in the committee. It is expected that the partners delegate experts of their committees to STAC.

The number of members should not exceed 12-14. They will be appointed for 2 years. Every second year one third of the members will be replaced.

The frequency of the meetings will be twice a year. Extraordinary meetings can be called by the chairmen of the committees and the EuroFEL Director.

The Chairperson of STAC shall be appointed by the GA, upon proposal by the committee itself.

In addition, the chairperson may participate to the GA and PC meetings in advisory capacity.

#### **4.2.2 Terms of Reference:**

- To assess plans for scientific strategic planning
- To provide strategic advice on the science program
- To review the opportunities for new scientific developments in an international context

- To evaluate the scientific activities and to make suggestions for enhancement
- To advice on user aspects, as user support, coaching, expert support
- To review the opportunities for accelerator performance enhancement and technical developments
- To make suggestions for new beamlines and advice on the upgrade and replacement of beamlines
- To give recommendations on the portfolio of beamlines
- To give advice how to enhance complementarities for driver systems and beam lines
- To advise on the strategy for common technical developments and the formation of expert groups
- To advice on the collaboration with industry

## 5. Users Access

*(Implementation of Art.8 of the Statute)*

### 5.1 Purpose

The average number of researchers per experiment at Free Electron Laser facilities will be larger, the number of experiments smaller and therefore the average cost per experiment or researcher larger. From that follows that in order to reach optimum results there is a strong requirement to take into account and optimise according to the user needs.

With only few short-wavelength FEL facilities in operation world wide, the number of scientifically experienced FEL users is currently rather small (a few hundred). New users can be classified in a coarse way into four classes:

- /1/ Classical users at photon or neutron large facilities, who will in the future, perform part of their experiments at FELs. They know the rules how to propose, perform, and analyse experiments at large facilities. Experiments and collaborations at FELs will be somewhat larger, but concerning the general environment it will be very similar to what they know. They will have to get experience in typical FEL techniques like e.g. pump-probe as well as new diagnostics and data acquisition concepts.
- /2/ Classical users from laser labs. The experimenting techniques will be very familiar to them, but they need to get used with the administrative and security rules at large facilities (proposals, beamtime slots, sample handling etc.) as well as issues like source stability and reliability.
- /3/ 'Remote' users (archaeology, imaging biology, cultural heritage, industry). Many of them will have very low experience in experimenting at large facilities, even with experimenting with photons. Clearly, this requires locally an experienced person performing the experiment and often the data (pre-) analysis.
- /4/ Young students coming from universities. Teachers at universities, except for those who actively experiment at large facilities, do not have and therefore do not transfer much knowledge about photon and even more FEL experiments. The way to reach these students is to go to typical conferences attended by students and get into contact with them via posters and talks and that at an early phase of their PhD.

## 5.2 Scope

Immediate needs and general mid- and long-term needs are considered.

### 5.2.1 Identification of user needs

#### Procedural needs in the course of an experiment

Contacts between users and facilities are complex. In general, there is not *one* contact, but different ones, depending on the phase of the experiment. The different phases of an experiment at a large facility can be classified as follows.

- In one or other way scientists learn about the possibility to study their scientific question at a specific facility. For this issue they build a collaboration
- They submit a proposal to the facility.
- Via the submission procedure they get into contact with the management. In the positive case the experiment is approved and gets beamtime. The scientists are notified about the result.
- Together with the user office they arrange the visit (accommodation, access modalities)
- They get into contact with the beamline manager and/or the local contact person and arrange the details of the experiment.
- They perform the experiment.
- They retrieve the measured data.
- The analysis is usually performed at the home institute(s).
- The collaboration gives feedback on the experiment to the facility.
- They publish the results.

This list demonstrates that the procedure is rather complicated and that, in order to make the whole experiment as efficient as possible, all these phases have to be investigated and optimized. For example, if for a team step 4.1.1 is not handled in an efficient way, potential users may abandon the experiment and perform their study in an easier, but scientifically less efficient way.

It is also clear that the different classes (3.1 – 3.4) have different requirements and that it makes no sense to have only one canonical procedure for all. Flexibility is a must.

### 5.2.2 General, mid- and long-term needs

From time to time, needs will – hopefully - appear, which are beyond standard requirements. Users may e.g. come with a request which cannot be fulfilled with a present setup and which may require a new hardware and/or software installation. This could be e.g. a new way of remotely accessing data etc. As this may imply large resources and months or years of development, it is important for the management to learn about these issues as soon as possible. If this issue is handled by the

consortium, the planning can be harmonised on the pan-European level with a great potential for synergies. One can only profit from technical developments (existing or performed in common) at the EuroFEL partner facilities and during the design phase of a new experiment build on this know-how already in advance.

## **5.3 Implementation**

The integration of user needs by means of EuroFEL as a distributed research infrastructure will involve the subsequent activities.

### **5.3.1 General contacts, conferences and workshops**

An efficient way of addressing especially scientists of class 3.4 (young scientists) is to become visible as consortium not only at topical FEL meetings but also at general workshops and conferences which are attended especially by young scientists. Typical ways are poster and oral presentations of the consortium activities at annual science society meetings (Physical, Chemical national and European meetings, EMRS materials science meetings, etc.). On one hand, this would offer the possibility for reaching the young scientists at a stage in their PhD, where details are not yet finalised and the students are open to new ideas. On the other hand, in the discussions following the presentations the consortium and facility representatives could learn about novel and interesting experimental requirements. Furthermore regular summer schools and practicals could be offered to train and educate these young researchers. These activities could be offered at the individual partner facilities and organised through the EuroFEL consortium.

### **5.3.2 EuroFEL annual user meetings**

Annual facility user meetings are standard at large facilities. The consortium construct offers for the first time the possibility of organising user meetings on a pan-European, consortium-wide basis. On this wider scale it will be easy to offer an exciting scientific program and attract the key players of the FEL and neighbouring (e.g. synchrotron, laser) scientific fields. Within specific parts of the program, the participants can be informed about user issues with sufficient possibilities for feedback. Specific hot topics as e.g. construction of new beamlines or development of new IT infrastructures can be addressed in satellite meetings or special topical meetings. It will give a strong boost to these activities if the users have the impression that they are part of the action and that their input is appreciated. As these new developments will require additional financial and manpower resources, a strong user support again will help the facilities in getting these resources.

### 5.3.3 EuroFEL Coaching

EuroFEL will offer *coaching* as a special service for novice users. This additional support service, which should help to pass the first barriers this service will be offered by external scientists as *coaches*, working on a peer basis, like referees. During the contact with the users, the coach will learn about their specific experimental needs.

### 5.3.4 EuroFEL Experiment Coordination Manager (EECM) in cooperation with the EuroFEL Experiment Coordination Board (EECB)

Identification and integration of user needs is one of the most important issues of the FEL consortium and thus it is proposed that this has to be handled by the EuroFEL Experiment Coordination Manager (EECM) in strong cooperation with the EuroFEL Experiment Coordination Board (EECB) at the top level of the consortium. This body would deal with both, the operational and the strategic issues. Because of the overlap between consortium and the individual facilities the cooperation has to be as efficient as possible. The EECB has no immediate legal responsibility, as this has to remain fully with the management of the participating facilities, but the harmonisation effect would be strong so that de-facto common pan-European standards will develop and strong synergy effects are to be expected.

#### *Operational issues, examples*

- Harmonisation and implementation of EUU/EAA Umbrella, user identification and access system,
- Coaching, Contact,
- Experimental environment,
- Harmonisation of requests concerning guest house, restaurant, local stock room etc.
- Harmonisation of travel support of the users to the facilities

#### *Mid- and long-term user issues, examples*

- User wishes concerning new beamlines, experimental stations, new features of FEL sources,
- Umbrella extension, especially development of tools for remote experiment and data access,
- Concepts for further IT facilities, e.g. data analysis centres, cloud concepts
- Novel detector requirements and developments and their consequences on experiment handling.

The board would meet in regular intervals (annually) and submit proposals to the GA and consortium management. The composition of the board remains to be settled but possible participant are:

- Scientific coordinators from the participating facilities,

- FEL user spokespersons,
- Representatives of the FEL proposal referees and coaches. They are usually users themselves and are ideally suited for expressing user needs,
- Optionally representatives from neighbouring scientific fields like synchrotron, neutron and laser research.

Specific issues like developments of new beam lines should be discussed in ad-hoc sub-committees. It is up to the board to identify and invite the key experts in the respective field.

### **5.3.5 EuroFEL GA and management**

Because of the importance of the topic, the ECB manager should belong to the top consortium management and the FEL user spokesperson should be invited (observer) to the GA meetings. User Issues should be one of the permanent agenda topics.

## 6. Joint Technical Development

*(Implementation of Art.22 of the Statute)*

### 6.1 Purpose

The core activities for EuroFEL in the area of technical development are *(see Internal Regulation n.2, Core activities of EuroFEL)*:

- Develop a strategy for and coordinate future technical developments
- Initiate and support expert groups (EGs) and centres of excellence and the exchange of staff
- Initiate and support pooling of techniques and sharing of equipment
- Support coordinated use of test facilities
- Support collaboration with neighbouring communities and industry

These activities will be overseen by the EuroFEL Technical Development Board (TechB) which will be made up of representatives from the EuroFEL partners *(board membership details to be decided)*.

### 6.2 Implementation of core activities

#### 6.2.1 Develop a strategy for and coordinate future technical developments

##### Scope

The aims of this activity are a) to provide a strategic overview of technical developments within the EuroFEL consortium and b) to operate a process for supporting joint technical development projects between EuroFEL partners. These aims will be delivered by the TechB working with a small number of support staff.

##### Implementation

The strategic overview will be a short document produced by the TechB and reviewed annually. It will include a summary of areas in which, in the view of the EuroFEL members, development should take place and it will also review the processes available for achieving this. The board may wish to include recommendations to the EuroFEL partners in the document.

The development projects themselves will not be funded through EuroFEL. Instead project members will need to raise funds from within their own institutions and/or from separate national/international government funding bodies and/or from independent commercial/charitable sources. The role of EuroFEL in each project will be

- To help facilitate agreement on the scope and membership of the project
- To scrutinise the project proposal and to decide whether to approve it
- To provide a legal contract, if required, which project members can use to formalise the agreement between them
- To provide project support services as required (e.g. “banking” services to handle the distribution/transfer of funds between project members, support for project team meetings etc)
- To review the project on completion and to build up expertise, based on these reviews, which can be used to optimise future projects.

The stages of a project will be:

#### CONCEPTION – phase1

This stage simply covers the process by which ideas for development projects arise. The process does not need to be tightly defined – it can happen in many different ways. The output will be a decision on the part of the person who conceived the idea to proceed to the next stage. Examples of people who might be initiators include

- Individual researchers or small groups from among the partners
- Formally established Expert Groups
- One or more institutions (FEL operators, FEL researchers etc)
- EuroFEL boards (General Assembly, Participant Council, Management Board, TechB)
- Industrial collaborators

No formal authorisation is needed for this stage.

#### PRELIMINARY STATEMENT (PS) – phase2

This stage has a short document (2-3 pages) as its output, which commits the project members to the basic idea and lays out as many pre-conditions as are already apparent. It will be prepared by a group of individuals brought together by the project initiator. If necessary EuroFEL can help to assemble this group. The aim of the PS is to avoid members wasting time on a detailed proposal which, for example, a critical player can never agree to. The process of generating it will also involve working with EuroFEL to ensure that any conditions the consortium imposes will be

met (e.g. number and status of participants, minimum and/or maximum project size etc). Since some degree of effort and commitment is involved even at this stage, members will need to seek appropriate authorisation from within their home institutions, both to work on the PS and also to agree its final form. It is to be hoped that this will be as “light touch” as possible e.g. requiring only immediate line-management approval. The agreed PS will be lodged with EuroFEL.

For sufficiently small proposals (*less than €100k ?*) the PS stage might be waived, to avoid unnecessary administrative burden.

### PROPOSAL – phase3

The agreed PS will form the basis for a full project proposal. Proceeding to this stage will require authorisation by the project members. The complexity of the proposal will depend on a number of factors including, for example, the scale of the project (value, number of members etc.), the degree of reliance that members will place on one another, the need (if any) to transfer money between members and the requirements imposed by the TechB to allow it to make a valid assessment of the project. An important decision will be whether the project needs to be formalised through a legal contract. If it does then EuroFEL may be able to provide a suitable contract. Ideally the framework elements of this will be agreed just once, when partners sign the initial EuroFEL agreement. More generally EuroFEL can help with writing the proposal, using its own staff as their expertise builds up, involving members of the TechB or, if necessary, by recommending external consultants.

The proposal will define

- the project’s purpose and scope
- the resource requirements
- the deliverables
- the project schedule (including phasing and decision/exit points, if required)
- the individual members’ contributions (in cash and in kind)
- the contingency arrangements
- the rights to the project’s assets (both physical and intellectual)
- the project management arrangements (including the change management process, the extent of delegated authority etc).

Proposals will be submitted for scrutiny by the TechB which will meet *twice yearly*. Small proposals (*less than €100k ?*) can be assessed by the board on an ad hoc basis by e-mail. The TechB’s scrutiny will be sufficiently rigorous that its approval will signify to individual members that the project should go ahead. No further decision-making beyond this stage will be expected (*an exception might arise if a large number of proposals is approved and individual members find that they cannot fund their share of all of them*).

#### IMPLEMENTATION – phase4

The project itself will be managed under the arrangements described in the proposal. There will be a project leader and, typically, individual managers from each of the partners who will be responsible for day-to-day decisions. In general, for projects of a significant size, there will also be a project management board which will meet regularly, review budget and progress against the project plan, control contingency and approve any significant project changes.

EuroFEL will support the project administratively e.g. by organising meetings, distributing funds, providing template paperwork for internal processes etc. If requested it might also help, through the TechB, with resolving problems which arise as the project progresses. These could include internal problems i.e. between one project member and another and external ones e.g. between a project member and their national funding body.

#### CONCLUSION – phase6

At the end of the project any assets will be transferred, if necessary, and any agreed documentation will be completed. A close-out meeting will review the project. The final outcome will be compared against the proposal. Any lessons learned will be recorded and used by EuroFEL to improve future projects. Possibilities for further work will be identified.

### **6.2.2 Initiate and support expert groups (EGs) and centres of excellence and the transfer of staff**

#### **Scope**

EGs are bottom-up, self-motivated structures. Centres of excellence are at least organisationally (and probably geographically) localised – not distributed. Staff transfer is considered here in the context of technical development only, which will be a subset of all staff transfers. Staff transfer activities will overlap with what the Training Board does and they might, for the sake of efficiency, be managed by the Training Board entirely.

#### **Implementation**

EuroFEL will:

Help EGs to raise and manage funds, perhaps by acting as banker.

Provide infrastructure (e.g. web-based tools) to allow EGs to work effectively.

Provide administrative support e.g. for EG meetings.

Coordinate access arrangements to centres of excellence, including raising funds where necessary.

Support centres of excellence in negotiation with their national funding bodies.

Liaise with the TrainB to facilitate staff transfer for technical development purposes.

### **6.2.3 Initiate and support pooling of techniques and sharing of equipment**

#### **Scope**

As well as working jointly on new developments, there will be cases where a solution to a technical problem has already been developed in one institution but will be novel for another one. Sharing of solutions will clearly save both time and money for the recipient. EuroFEL will aim to facilitate this process and, where necessary, to ensure that sufficient benefit is also generated for the donor.

#### **Implementation**

EuroFEL will:

Support the transfer of existing specialist techniques between EuroFEL partners including, where necessary, negotiating appropriate benefits, IP protection etc. for the donor institution.

Encourage Expert Groups to consider the provision of equipment which can usefully be shared (e.g. calibration standards, specialist diagnostics etc.).

Provide a contract to cover sharing of equipment (to include e.g. transport, insurance, maintenance, specialist staffing and, if appropriate, payment towards purchase/development costs).

### **6.2.4 Support coordinated use of test facilities**

#### **Scope**

The aims of this activity are to make the best use of specialist test facilities, thereby maximising the benefits for the EuroFEL partners, and to enhance the long-term prospects for the facility.

#### **Implementation**

EuroFEL will:

Encourage test facility operators to provide access for other EuroFEL partners.

Support the facilities by helping to negotiate appropriate benefits in return for access.

Support the facilities in negotiation with their national funding bodies.

## **6.2.5 Support collaboration with neighbouring communities and industry**

### **Scope**

Some of the technical problems facing the FEL community also face neighbouring communities (e.g. conventional lasers, particle physics, astronomy etc). It will be important to identify where those communities have already found solutions. Where a solution does not yet exist it may be possible to develop a common one in collaboration. Industrial solutions can provide significant benefits in terms of product support, economical manufacture, production in volume, income from IP etc.

### **Implementation**

EuroFEL will:

Work with other institutions to identify areas where collaboration may be worthwhile.

Arrange communication with other communities (e.g. through targeted meetings, speakers at conferences, articles in specialist journals, visits to institutes etc).

Liaise with the IF to communicate the technical development needs to industry and to allow industry to showcase products to the EuroFEL partners.

## **7. Joint Training Activities**

*(Implementation of Art.23 of the Statute)*

### **7.1 Purpose**

The EuroFEL Consortium will jointly plan, coordinate and implement training schools and programs specifically composed for staff and young researchers, On-the-job training schedules, mentor and fellowship programs, seminar and workshop series, stand-alone workshops and seminars on demand. The Joint Training Activities within The EuroFEL Consortium Joint Training Strategy will have the overall objectives to clarify the organizational mission and culture of EuroFEL, to explain operating objectives and job expectations as well as to increase knowledge and knowledge transfer, capability and motivation among the human resources.

### **7.2 Organisation**

The Joint Training Activities will be monitored by the EuroFEL Training Board (TB) which will be made up of representatives from the EuroFEL partners. The Training Board is responsible for coordinating joint training activities on which the General Assembly agreed, developing training strategies, evaluating training activities and supporting the attraction and exchange of staff. This document describes the processes of how to promote and coordinate training and education.

### **7.3 Implementation and operational procedures**

#### **7.3.1 The decision on Joint Training Activities within the EuroFEL Consortium - The annual training program**

The Management Board (MB) decides on annual Joint Competence Development Programs and Activities to run within EuroFEL and formulates a concrete plan which is based on the General Assembly (GA) long term strategy of training and the interest of EuroFEL members. The MB is ultimately responsible for the implementation of the activities.

#### **7.3.2 The Coordination of Joint Training Activities**

The joint competence development activities decided by the Management Board will be coordinated by the Training Board. The Training Board Spokesperson represents the training activities in the Management Board.

- Preparation of Training Coordination Document.
- The Training Board prepares a Training Coordination Document which

describes and defines budget and time frame, key subjects and topics to be covered within the activity, objectives and aim of activity, suggestion of teachers, working method of activity and evaluation parameters. The document acts as a guiding document for the Training Committee in the preparation and implementation phase of the training activity.

- Review of the Training Coordination Document.  
The Management Board reviews, adjusts and approves the Training Coordination Document.
- The Training Committee receives the Training Coordination Document.

The approved Training Coordination Document is distributed to the appointed Training Committee by the Management Board. The Training Committee may propose changes to the document which then again has to be approved by the MB.

### **7.3.3 The preparation and implementation of Joint Training Activities**

The Management Board is ultimately responsible for the implementation of the activity.

- Promotion and preparation of activity.  
The training Committee starts to promote and prepare the activity and receives administrative support from members of the Management Support Team: a secretary, communication person and IT person. The Training Board has an advisory role to the Training Committee in this phase.
- Activity is delivered.
- The activity is delivered at the local organizer by the Training Committee.

### **7.3.4 Evaluation of Joint Training Activities**

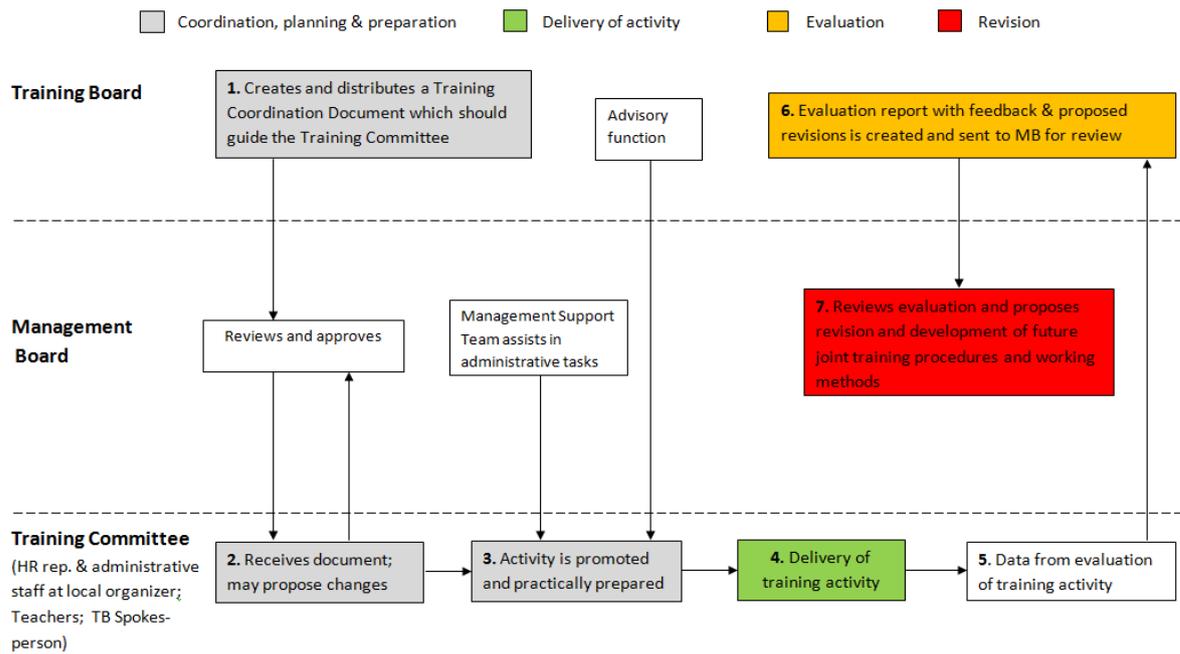
- Evaluation of activity.  
An evaluation form prepared by the Training Activity Board is distributed and then collected among the participants.
- Evaluation report.  
The training activity is evaluated within a report to be prepared by the Training Board. The report proposes revision and development of future joint training activities. The Training Board submits the report to MB for review.

### **7.3.5 Revision and Development of Joint Training Activities**

- Review of activity.  
On the evaluation report of the activity follows a review made by the MB which should open up for improvement of future training activities.

- Revision and development.  
MB passes on their ideas of revision and development of future training activities to the Participants Council and further to the General Assembly.

### 7.3.6 Figure: Process map Joint Training Activity – roles and responsibilities



## **8. Communication and Dissemination**

*(Implementation of Art.24 of the Statute)*

### **8.1 Purpose**

The objective of this board is to develop strategies for the consortium to allow efficient communication between the partners and to be visible and conveniently accessible to the European research community and the funding agencies.

### **8.2 Scope**

The EuroFEL communication board will jointly plan, coordinate and implement communication and PR activities for the EuroFEL consortium. The communication board will strongly interact with the other activity boards and give support (“service desk”) to all consortium member activities, if needed.

All heads of the partner communication & PR departments and the future consortium communication person are members of this board. The future communication person is leading this board.

The heads of the partner communication & PR departments are acting as contributing editors for the consortium’s communication activities. Only these groups and the communication person deliver content for the communication activities.

### **8.3 Implementation**

The communication person starts and coordinates a planned activity and should be contacted for all communication & PR related issues.

Only the EuroFEL director, the contributing editors and the EuroFEL communication person make editorial changes and contribute to communication & PR materials.

Further rules and procedures will be defined through the board members, according to the respective publishing rules of the partner facilities.

#### **8.3.1 Decision levels on communication activities within the EuroFEL consortium**

Level A\*– EuroFEL consortium topic

Approval: by the EuroFEL director

Level A\*– EuroFEL collaboration topic

Approval: by all heads of the partner communication & PR departments

Level B\*\*

First approval: by all heads of the partner communication & PR departments.

Final approval: by the EuroFEL director

Level C\*\*\*– Topics which were already published by the partners

Approval: by the EuroFEL communication person

Level C\*\*\*– EuroFEL consortium topics / announcements

Approval: by the EuroFEL communication person

\*Level A topics:

EuroFEL consortium topic press release, collaboration topic press release

(needs extra approval time), joint press release regarding “...supported by EuroFEL” topics (EuroFEL and member), EuroFEL consortium print materials

(brochures, flyers, letterhead, name cards, exhibition panels,...)

\*\*Level B topics: EuroFEL quarterly newsletter (all contributing editors have to

be asked in advance for their contributions, newsletter contents of new articles or already published topics); EuroFEL corporate design guideline; new content for website;

presentation of EuroFEL on significant conferences, meetings or workshops; workshop /conference outfits; communication materials for summer schools and training activities

\*\*\*Level C topics:

already published webnews on member sites (source); webnews with EuroFEL consortium topics;

keeping the web site up-to-date (content); already published member press releases (source)

## 9. Relationship with Industry

*(Implementation of Art.20 of the Statute)*

### 9.1 Purpose

The main objective of the collaboration with industry is to open a dialog with industry and focus on initiation of R&D and knowledge and technology transfer to key/critical industries for construction/setting up of new FEL facilities. The key/critical industries here are defined as the areas where there are either none or maximum of up to three suppliers.

### 9.2 Scope

The proposed activities for EuroFEL in the area of relationships with industry are (*see Internal Regulation n.2, Core activities of EuroFEL*):

- Initiate and support pooling of techniques and sharing of equipment
- Support collaboration with neighbouring communities and industry
- Communication with industry

Hence EuroFEL will act as a focal point for the European industry and provide:

- Advanced notification to industry about required specification for realisation of advanced components and systems
- Required R&D collaboration with industry
- Enhance the economic effect of individual facilities through knowledge and technology transfer
- Avoid costly duplication in developments of some of the technologies resulting in significant time and cost saving in construction work of new national FEL facilities
- Outline industry's involvement and opportunities.

### 9.3 Implementation

#### 9.3.1 The activities will be overseen by the Industry Coordinator in cooperation with:

- A (KTT) group made up of representatives from the partner's facilities dealing with knowledge/technology EuroFEL technical expert group(s) and **Knowledge and Technology Transfer** transfer and IPRs. The responsibility of the KTT

will be to refine and adopt handling of knowledge/technology transfer and IP issues and to implement the decisions of Management Board (MB) regarding the IP issues in pooling of techniques. The KTT group will provide assistance to technical expert group(s) regarding the knowledge/technology transfer and IP issues.

- A EuroFEL technical expert group(s) and **Industry Forum (IF)** made up of representatives from the facilities (technical experts, workpackage leaders, management board and participant council) and invited key industry representatives and distributors of special components for any particular technological area.

Industry forum would be set up for each specific area needing the collaborative R&D with industry with a view of future supply of key/critical components and systems for construction of FEL facilities.

The responsibilities of the IF managed by the Industry Coordinator would be to implement organisation of workshops with industry regarding the key areas for construction of FEL facilities.

- Industry Forum (IF) managed by the Industry Coordinator

## 9.4 Operational procedures

### 9.4.1 Activity 'Initiate and support pooling of techniques and sharing of equipment'

In a collaborative R&D tasks and pooling of techniques there will be institutes with varying levels of IPRs. The review of the extent of ownership will be carried out prior the initiation of collaboration with the involvement of KTT and when necessary IP/legal representatives from the partners institutes involved in the task. The work will be initiated following the appropriate agreement being in place (e.g. memorandum of understanding, non-disclosure or confidentiality agreement, licensing etc.)

The knowledge and technology transfer (KTT) group will provide assistance to technical expert group regarding IPR issues. The Industry Coordinator would be a point of contact for the consortium and would together with KTT group refine and adopt handling of the KTT and IP issues between the institutes involved in pooling of the techniques.

#### **9.4.2 Activity 'Support collaboration with neighbouring communities and industry'**

The objective of this activity is the initiation of workshops and collaborative R&D with key industry with a view of future supply. The procedure include setting up an Industry Forum (IF) consisting of representatives from the facilities (technical experts, workpackage leaders, management board and participant council) and invited key industry representatives and distributors of special components for that particular area. There would not be a general IF addressing the whole area of FELs, but rather a specific IF for each area depending on the technological needs of that group. The industry forum would meet as needed and would be organised by the Industry Coordinator.

An example here is based on a preparatory work and scoping for an industry workshop on 'Photon beamlines and diagnostics' held at DESY, June 2010. The areas of interest include X-ray optics (e.g. XUV monochromators, multilayer gratings and mirrors), metrology (e.g. standardization for fabrication and metrology) and electronics (e.g. fast ADC systems). The workshop with industry would be initiated following the agreement with industry forum and invited companies. Selection criteria for invitation of relevant companies would apply and the links established with Japan and USA would be maintained.

#### **9.4.3 Activity 'Communication with industry'**

Communication with industry involves setting up, populating and managing a web site in terms of: Registration - Events - Tenders – Knowledge and Technology Transfer opportunities.

Setting up of the web page would be carried out in collaboration with the communication group, which would include the above links where the industry could register for the events for example.

The web site would also include the agreed (by the MB and KTT group) publishable summary on EuroFEL IP policy and knowledge and technology transfer opportunities (in generic terms).

Other communication with industry would be via regular newsletters featuring articles on examples of knowledge and technology transfer activities and a feedback and suggestions from the industry for collaboration and workshops.

## 10. Intellectual Property

*(Implementation of Art.19 of the Statute)*

### 10.1 Purpose

The EU Commission, at the request of the EU Council, developed guidance on the management of intellectual property by public research organisations in the form of a Recommendation to Member States (1).

This Recommendation seeks to provide Member States and public research organisations with **policy guidelines** in the form of a *Code of Practice*, in order to improve the way public research organisations manage intellectual property and knowledge transfer.

The Code of Practice (1) and the IP charter (2) are in line with the EuroFEL collaboration principles and therefore they shall be adopted by the EuroFEL Consortium.

### 10.2 Scope

This **Code of Practice** (1) consists of three main sets of principles:

- The **principles for an internal intellectual property** (hereinafter “IP”) **policy** constitute the basic set of principles which public research organisations should implement in order to effectively manage the intellectual property resulting from their – own or collaborative – activities in the field of research and development.
- The **principles for a knowledge/technology transfer** (hereinafter “KTT”) **policy** complement those relating to IP policy by focusing more specifically on the active transfer and exploitation of such intellectual property.
- The **principles for collaborative and contract research** are meant to concern all kinds of research activities conducted or funded jointly by a public research organisation and the private sector, including in particular collaborative research (where all parties carry out R&D tasks) and contract research (where R&D is contracted out to a public research organisation by a private company).

The EU Commission Recommendation (1) has also been adopted by CERN (2) and associate members to provide a set of policy principles aimed at helping organisations active in particle, astro-particle and nuclear physics to adopt a sensible IP and KTT approach and support the associated implementation measures while remaining fully compatible with open science.

*References*

- 1. Commission recommendation on the management of intellectual property in Knowledge transfer activities and code of practices for universities and other public research organisations; C (2008)1329, Brussels, 10.04.2008.*
- 2. The IP charter for organisations active in particle, astro-particle and nuclear physics, TDN/D2009-01, 2009/09/18; The IP Charter Accompanying Document, TDN/D2009-01A.*

## 11. Financing of the Consortium

*(Implementation of Art.6 of the Statute)*

### 11.1 Financial Rules

1. Financial Year.
2. Currency (Euro unit).
3. The Annual Budget.  
Presentation under HEADINGS, divided into SUB-HEADINGS.  
Main HEADINGS:
  - a) the INCOME, subdivided in :
    - cash contributions
    - in-kind contributions (the financial value credited to them)
    - any other income.
  - b) Commitments and payments (expenditure) subdivided in:
    - staff
    - recurrent costs
    - capital investments.
4. Carry-forward of unspent sums.
5. Presentation of the budget.
  - deadlines etc.
6. Authorization to the expenditure.
7. Records.
8. Transfers between different headings and subheadings.
9. Travelling expenses of the Party's representatives.  
As a rule be borne by Parties concerned.
10. Accounting.

Usual provisions concerning the book-keeping about income, expenditure (also in excess of the original forecasts) assets and liabilities, transactions, etc.

11. Auditing.

Following Art. 19 of the Statute, the procedures established by the internal rules concerning the procurement shall also be applied for the selection of a specialized Auditing Company.

## 11.2 In-kind Contributions

### In-kind Contributions to EuroFEL

- An in-kind contribution is the supply of a technical component, information which is part of the Intellectual Property of the contributors or personnel needed for running the Consortium or the execution of a specific task.
- Based on the yearly activity plan of EuroFEL a corresponding list of requirements on resources will be prepared by the Management Board and submitted to the EuroFEL Parties, or their representing Entities. Every Party, or their representing Entities, may express its interest in providing an in-kind contribution and in turn submit a proposal to the Management Board.
- An In-kind Review Panel (IRP) will be set up as sub-committee of the General Assembly where the President of the Management Board is “ex-officio” member. If required, additional experts can be called by the General Assembly to the IRP. The IRP will assess the proposals of the Parties to provide in-kind contributions and will submit a recommendation to the Management Board for appropriate proposal to the General Assembly.

### Tasks of the IRP

- To technically scrutinize and validate an in-kind contribution
- To check the technical capability, in particular also the available resources, of an in-kind contributor
- To credit the value of an in-kind contribution
- To make recommendations to the Executive Director for subsequent submission to the General Assembly (Art.11 Par4.c of the Statute)

The rules of procedure of the IRB will be prepared by the Management Board and approved by the General Assembly.

## **12. Procurement Procedures**

*(Implementation of Art.21 of the Statute)*

12.1 According to the principles of the procurement policy contained in Art. 21 of the Statute, in the interest of EuroFEL, the general purchasing procedures shall have the following goals:

- ensure that bids fulfill all the necessary technical, financial and delivery requirements;
- keep overall costs for EuroFEL as low as possible.

12.2 The award of the contracts shall follow the following rules:

- according to the WTO rules if the value of the tender is above the limit stated by WTO (Ref: WTO regulations)
- if the value of the tender is below the limit stated by the WTI, not less than three competitive offer to be sought for the purchase of equipment, supplies and services;
- as a general rule, the contracts shall be awarded to the firm whose tender satisfactorily complies with the technical, financial and delivery requirements.

12.3 No contract valued at more than ..... euro shall be awarded without the prior approval of the General Assembly.

12.4 In exceptional cases, the General Assembly may approve a dispensation from the foregoing procedure.

12.5 The Management Board shall report regularly to the General Assembly on the distribution of contracts.