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DELIVERABLE 2.4

ELI ERIC Statutory Policies

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Abstract:	<p>The ELI ERIC Statutes lay down the basic principles of the statutory policies that need to be established and approved by the General Assembly (GA). The GA, along with the Director General, is charged to set the key policies that will be in effect for all the ELI Facilities, monitored by ELI ERIC, and supported by the Host Institutions.</p> <p>Whereas the overall prupose of WP2 is to ensure the development of ELI and its transition to an integrated scientific organisation, the objective of Task 2.2 specifically is the 'Definition and launch of the integrated management system for ELI', through the design and implementation of a shared management system and related supporting information systems. Within this scope, Deliverable 2.4 addresses the</p>



foundational layer of the management system, namely the 'ELI ERIC Statutory Policies'. This deliverable includes all ELI ERIC Statutory Policies and provides, for each of them some background information and an indication of their maturity and status.



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LIST OF ABBREVIATIONS

Abbreviation	Meaning
EC	European Commission
ELI	Extreme Light Infrastructure
ELI-ALPS	ELI Attosecond Light Pulse Source Facility
ELI-NP	ELI Nuclear Physics Facility
ELI ERIC	ELI European Research Infrastructure Consortium
ERIC	European Research Infrastructure Consortium
ESFRI	European Strategy Forum on Research Infrastructures
H2020	Horizon 2020
KPI	Key Performance Indicators
PC	Project Coordinator
RIs	Research Infrastructures
TL	Task Leaders
WP	Work Packages
WPL	Work Packages Leaders



1 PURPOSE

Pursuant to Article 24(1) of the ELI ERIC Statutes the General Assembly (GA) shall be the governing body of ELI ERIC with final authority to determine ELI ERIC's statutory policies and any other matters that are necessary to fulfil the mission of ELI ERIC.

The ELI ERIC Statutes lay down the basic principles of the statutory policies that need to be established and approved by the GA. The GA, along with the Director General, is charged to set the key policies that will be in effect for all the ELI Facilities, monitored by ELI ERIC, and supported by the Host Institutions.

Whereas the overall purpose of WP2 is to ensure the development of ELI and its transition to an integrated scientific organisation, the objective of Task 2.2 specifically is the 'Definition and launch of the integrated management system for ELI', through the design and implementation of a shared management system and related supporting information systems

Within this scope, Deliverable 2.4 addresses the foundational layer of the management system, namely the 'ELI ERIC Statutory Policies'. This deliverable includes all ELI ERIC Statutory Policies and provides, for each of them some background information and an indication of their maturity and status.

2 OVERVIEW OF THE STATUTORY POLICIES

As per Appendix 1 'The ELI ERIC Operations Management Model' of the Statutes, the policies will form the top, strategic layer of the ISO-compliant ELI ERIC Management system. Once policies are established, they will provide guidance to the operational management to further elaborate the ELI ERIC Management System, a comprehensive framework to implement the policies defined by the GA and Director General.

As described in chapter 4.2. of the Appendix, the ELI ERIC Management System refers to a 'process based' system including four main levels of supporting documentation starting from general (strategic) to specific (operational). The Management System will take policies from the 'governance' level and translate those into 'operative' level processes and procedures, being consistent in key strategic areas. The established policies form the key link between governance and management.

The scope of Deliverable 2.4 covers the following policies as set by the ELI ERIC Statutes:

2.1 User Access Policy

The User Access Policy provides high-level guidance from the GA and ISTAC relative to User Access. According to the ELI ERIC Statutes, the Director General approves all access, including provisions for local researchers, after review by an appointed peer



review panel. 'User Access' is granted as ELI Facilities become available. The ELI ERIC is charged with managing an integrated system for coordinating users and implementing a common system for quality assurance of services provided to the Users.

2.2 New Member Policy

This policy is the ELI ERIC governing document regarding the accession of new Members and the management of activities engaging with potential new Members, Observers and Strategic Partners.

2.3 Data Policy

The Data Policy governs the management of and access to data relevant to perform and calibrate experiments as well as from experiments performed at ELI ERIC. It pertains to the curation, storage and access to data and metadata collected from the operation and scientific usage of the ELI Facilities.

2.4 Employment Policy

Pursuant to 'Article 10 Employment Policy' of the ELI ERIC Statutes, ELI ERIC shall have a single employment policy defined in accordance with the laws of the countries in which staff is employed. ELI ERIC shall ensure equal treatment and opportunities for its personnel and shall support mobility with a view to foster professional training and development of personnel. The selection procedures for ELI ERIC staff positions shall be transparent, non-discriminatory and respect equal opportunities. Recruitment and employment shall not be discriminatory.

2.5 Procurement Policy

Pursuant to Article 11 of the ELI ERIC Statutes the ELI ERIC DG shall define a Procurement Policy to be approved by the GA. This Procurement Policy shall respect the principles of transparency, proportionality, mutual recognition, equal treatment, competition, and non-discrimination.

According to the ERIC Regulation, an ERIC is recognised, by its Host Country, as an international organisation for the purpose of the directive on public procurement. For the ERIC to enjoy this exemption, it is required that the Procurement Policy provided for in the Statutes be complemented with Procurement Rules implementing the policy.

The Procurement Policy and Procurement Rules were prepared in parallel within WP2 as they are considered integral to each other and follow a unified verification process.

2.6 Intellectual Property Rights Policy



Pursuant to 'Article 9 Intellectual Property Rights Policy' of the ELI ERIC Statutes, ELI ERIC shall adopt an Intellectual Property Rights Policy and related processes and procedures, where the term 'Intellectual Property' shall be understood in accordance with Article 2 of the Convention Establishing the World Intellectual Property Organisation signed on 14 July 1967.

Subject to the term of any contract between ELI ERIC and users, intellectual property rights created, obtained or developed by users shall be owned by those users.

2.7 Innovation and Industry Policy

In accordance with Article 14 of the ELI ERIC Statutes, the ELI ERIC vision and approach for innovation and industry shall be defined in a specific policy.

ELI ERIC shall as a part of its mission be a reference for European industry, leading research and technology development through outreach and collaboration opportunities with industry. It will enhance the economic effect of ELI ERIC on the European Research Area, and MEMBERS, by serving as a platform to build synergies and enhance knowledge and technology transfer, especially, but not limited to, the fields of laser and photonics technology.

2.8 Finance Policy (developed in combination with the Financial Rules)

As per Article 30(10) of the ELI ERIC Statutes the GA shall establish Financial Rules that define all other implementing rules relating to ELI ERIC's budget, accounting standards, and finances including rules regarding preparation, filing, auditing, and publication of accounts. Therefore the Finance Policy, is not a statutory policy per se, however it was developed as an integral part of the Financial Rules in line with the requirements of establishing a coherent management system.

The Finance Policy was developed as Section 1 of the Financial Rules as part of Deliverable 2.2.

2.9 Scientific Evaluation Policy

As per Article 7 of the ELI ERIC Statutes, ELI ERIC shall regularly evaluate and benchmark the quality of its scientific activities by international peer review, including a periodic assessment of its impact on the European Research Area, the regions hosting its activities and at international level.

ELI ERIC shall ensure that research carried out by its USERS meets the highest standards of quality and excellence and shall promote training and exchanges of best practices.

ELI ERIC shall assess the impact and effectiveness of its research policy and programme design, as well as the resources required to support these standards.



2.10 Dissemination Policy

As according to Article 8 of the ELI ERIC Statutes, ELI ERIC shall conduct communication and dissemination activities by using a variety of platforms to reach all relevant stakeholders and the general public so that its objectives to strengthen research, technology development, and innovation in Europe and worldwide are sufficiently supported.

ELI ERIC shall promote the dissemination to the research community, industry, and the general public of the scientific activities, results, publications, and the scientific-technical knowledge resulting from its activities.

2.11 Data Protection and Privacy Policy

This policy itself is not a statutory policy, however Article 6(3) of the ELI ERIC statutes calls for compliance with the European Data Protection legal framework and additional legal requirements, when handling personal data of users. As a result, the Data Protection and Privacy Policy was developed in parallel with the statutory policies to govern the processing of personal data involved in the operation of ELI ERIC.

3 OUTCOMES OF IMPULSE TASK 2.4

Each policy was developed by a separate, dedicated work group, engaging administrative and legal experts of the three ELI facilities, ELI-DC Management and the Facility management of ELI-ALPS, ELI Beamlines and ELI-NP, as needed.

Every individual policy is required to go through its own and dedicated verification process, as stemming from their specific nature, they might require the involvement of different stakeholders prior to being presented to the ELI ERIC General Assembly for adoption.

The following table shows the current status of each policy following completion within the WP2 scope.

The 3 maturity levels indicated are the following:

1 – Proposal complete

2 – Wider stakeholder review on-going (Management Board, AFC, ISTAC, GA, etc. as applicable)

3 – Adopted by the GA

POLICY	STATUS	Comments
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User Access Policy	3	Adopted by the GA on its 3 rd meeting
New Member Policy	3	Adopted by the GA on its 2 nd meeting
Data Policy	3	Adopted by the GA on its 3 rd meeting
Employment Policy	2	Stakeholder verification on-going
Procurement Policy	2	Tabled for adoption by the GA on its 4 th meeting
Intellectual Property Rights Policy	2	Stakeholder verification on-going
Innovation and Industry Policy	2	Stakeholder verification on-going
Finance Policy	3	Adopted by the GA on its 3 rd meeting
Scientific Evaluation Policy	1	Proposal ready, engagement of additional reviewers on-going
Dissemination Policy	1	Proposal ready, engagement of additional reviewers on-going
Data Protection and Privacy Policy	3	Adopted by the GA on its 2 nd meeting

All policies are enclosed in Annexes 1-11 of this document.

Annex 1: User Access Policy

Access Policy for Users

This policy is the governing document regarding access for Users to the Extreme Light Infrastructure ERIC (ELI ERIC). Providing excellence-based access to the international community is the core mission of this research infrastructure. That mission is complemented by access for research that addresses global challenges, drives innovation, and provides opportunities for world-class education and training.

Scope

Access, within the meaning of this policy, refers to *the legitimate and authorized physical, remote and virtual admission to ELI's research facilities, and other services offered by ELI to Users*. This policy applies to the ELI ERIC organisation, its staff, all Users, representing entities of ELI ERIC members, and all legally defined partnerships where access activities are performed with and/or on behalf of ELI ERIC.

Access may be granted for machine time from primary and secondary sources, computing resources, software, data, data-communication services, authentication services, sample preparation facilities, archives. It may also include access to staff for set-up, execution and dismantling of experiments, education and training, expert support, and analytical services.

Basis

This policy has regard for the following guiding documents:

- Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), amended by Council Regulation (EU) No 1261/2013 of 2 December 2013 and Article 7(3) thereof.
- Commission Implementing Decision C(2021) 2923 of 30 April 2021 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC), in particular Article 6(3) of the ELI ERIC Statutes.
- The European Charter for Access to Research Infrastructures, EU 2016, ISBN 978-92-79-45600-8
- Mission-Oriented Research & Innovation in The European Union. EU 2018, ISBN 978-92-79-79832-0

Principles

Scientific access will be competitive, international, and open. Access may address specific challenges and enable broad objectives for the European Research Area. There will also be access possibilities for development and training. Commercial use of the ELI facilities is also possible within limits determined in the ELI ERIC Financial rules.



The ELI ERIC organisation shall adopt a ‘Code of Conduct for Research Integrity and Ethics’ based on *The European Code of Conduct for Research Integrity ALLEA (All European Academies)*. That code shall consider principles of *Reliability, Honesty, Respect and Accountability*.

Management and sharing of USER personal data shall be regulated by the “ELI-ERIC Data Protection and Privacy Policy” as adopted by ELI-ERIC.

Processes

The Extreme Light Infrastructure ERIC will implement access with respect to three modalities:

- a) Open Excellence-Based Access – The process of competitively granting “free open access” based on excellence relies on a peer review of scientific proposals. With reference to Article 7 of ELI ERIC Statutes, a fair and transparent external peer review process shall be followed. Scientific evaluation and ranking of proposals are performed by international peer-review panels composed of qualified scientists appointed by the Director General (DG). The technical and safety feasibility of proposals shall be determined by the ELI Facilities. The access allocation process and scientific results will be monitored by the ELI International Scientific and Technical Advisory Committee (ISTAC). Results of experiments must be published and open. Staff involved in in-house research and development of the ELI-ERIC Facilities may also apply for access.
- b) Mission-Based Access – Strategic considerations may be included in access to ELI ERIC, such as: (i) contribution to top-level research in Europe; (ii) technological developments; (iii), innovation and societal challenges (including education and training); (iv) synergy with mission objectives of EU framework programmes. Staff involved in in-house research and development of the ELI-ERIC Facilities may also apply for access. The Director General may ex-ante determine thematic areas of research with advisement of the ISTAC, consistent with the ELI ERIC Scientific Evaluation Policy and in agreement with the GA. Proposals may be granted through dedicated calls and will follow the same evaluation process and duties, including related to data, as outlined under Open Excellence-Based Access. The allocation of access time may follow ad-hoc procedures.
- c) Proprietary Access – Paid access may be granted to users, industrial or otherwise, according to a variable quota provided it does not interfere with the other scientific access modes above. Paid access is determined based on the case use, and must consider overhead and variable costs, as well as market considerations. Results from proprietary access are retained by the user, consistent with ELI ERIC’s Data and IPR Policy.



Responsibilities and Reporting

The General Assembly of the Extreme Light Infrastructure ERIC assigns the ELI ERIC Director General and management to determine and implement the relevant and effective access-related processes and procedures as part of the ELI ERIC management system according to this policy.

The specific management procedures, rules and guidelines, following from and consistent with this policy, shall constitute the body of internal regulation determining and limiting all activity relative to **Access** carried out by the ELI ERIC organisation.

The Director General shall propose a yearly access plan to the GA demonstrating the balance and the calendar allocation of time between the various access modes. The Director General shall prepare an annual report on the balance of Access relative to the member states and organize industrial liaison activities to facilitate interaction with industry. The results of access, including scientific output and trends of access modalities shall be reported publicly at the Annual ELI User's Meeting.



Annex 2: New Member Policy

New Member Policy

This policy is the ELI ERIC governing document regarding the accession of new Members and the management of activities engaging with potential new Members, Observers and Strategic Partners. As a European and international research infrastructure, ELI ERIC actively contributes to the widening and deepening of the European Research Area (ERA) by integrating new countries into its membership. It strengthens Europe's position in the world by attracting countries from outside the ERA.

Scope

The ELI ERIC Policy for attracting and accessing new Members applies to its Members, Observers, Strategic Partners, representing entities, the ELI ERIC organisation, its staff, all Users, and all legally defined partnerships where activities are performed with and/or on behalf of ELI ERIC.

Basis

This policy has regard for the following guiding documents:

- Council regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), Recital (7) and Article 9(1).
- Commission Implementing Decision (EU) C(2021) 2923 of 30 April 2021 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC). In particular Article 16-22 of the ELI ERIC Statutes shall apply.

Principles

The engagement with and accession of new Members and Observers to ELI ERIC shall done with consideration of the unique position and role of ELI in Europe and the ERA in particular. The Extreme Light Infrastructure, as an ERIC contributes to the structure of the ERA and provides an important link in cooperation with countries from outside of Europe. Membership serves to further ELI ERIC's role in this ecosystem, creating synergies in excellent research, education, training, and innovation.

Sustainable Membership shall be to the mutual benefit of all the ELI ERIC Members, Observers and Strategic Partners. Expanding membership solidifies sustainability by expanding and diversifying both the scientific and the funding base.

The aim to expand the membership of ELI ERIC fulfils several important organisational objectives. A primary objective is to maximise the effective use of ELI ERIC facilities by attracting leading researchers using high energy/high repetition laser instruments. It is a further aim to impact the human capacity and competitiveness of Europe in the field by



building capacity and expertise with training and education. This effort to prepare an advanced workforce, combined with internationalising the facilities, will aim to create opportunities to remain in key regions and stabilise human resources in this field in the European Union.

Processes

In accordance with the ERIC regulation and ELI ERIC Statutes the membership in terms of an official legal relationship is possible in following categories:

- a. Member (according to Art.15 (1) of the Statutes - Member States of the European Union (EU), Associated countries, Third countries, other than Associated countries, Intergovernmental organisations).
- b. Observer (according to Art. 15 (1) of the Statutes - Members States, Associated countries, third countries, other than Associated countries, or Intergovernmental organisations that, according to Art. 17 (1) of the Statutes intend to apply for full membership but for specific reasons are not in the position to immediately join as such).
- c. Strategic Partner (according to Art. 19 (1) are e.g., national agencies and/or institutions, either within or outside of Europe, which will contribute to the mission and operation of ELI ERIC).

The processes of assessing engagement with potential new Members or Observers to ELI may take into account factors that demonstrate a country's potential to benefit from and contribute to the ELI ERIC. Such criteria may include:

- Level of national prioritisation or interest, i.e., included in the national roadmap.
- A relevant national user community;
- Sources of funding available;
- A history of building and using lasers and/or laser related research;
- Universities courses on laser science or plans to launch them;
- Industry interested to contribute to and collaborate with ELI;
- Prior participation or collaboration with ELI or other laser facilities;
- Sharing European values of openness of science, scientific data and freedom of research.

After the engagement phase, the prospective Members and Observers should establish a formal relation with ELI ERIC by sending a formal Expression of Interest letter to the DG. The phase of engagement will then proceed to accession.

The contributions will be determined based on principles applied in Annex 2 to the ELI ERIC Statutes. Consideration will be given to the expected capacity used by the Members researchers, as well as requirements of the ELI long-term financial plan and the Annual Activity Plan. Cash and in-kind contributions may be considered, but it is expected all Members will contribute some amount in cash.

Contributions of Strategic Partnerships agreements shall be decided by the GA case by case applying the criteria listed in the general conditions part of this document.

Responsibilities and reporting



The ELI ERIC Director General (DG) shall determine and implement the relevant processes and procedures for the engagement and accession phases as part of the ELI ERIC management system. New members are proposed by the DG to the ELI ERIC General Assembly for evaluation and eventual accession.

The DG shall be responsible for the engagement, negotiation, and conclusion of Strategic Partnerships. Such agreements are proposed by the DG to the GA for evaluation and approval.

The specific management procedures, rules, and guidelines, following from and consistent with this policy, shall constitute the body of internal regulation determining and limiting all activity relative to engagement and accession of new Members, Observers and Strategic Partners carried out by ELI ERIC. Adequate resources shall be assigned within the ELI ERIC budget for engagement and accession of new Members, Observers and Strategic Partners.

The DG shall develop a New Members and Strategic Partners engagement plan and evaluate the progress on new Members, Observers and Strategic Partners engagement and accession and report to the GA regularly.

This ELI ERIC Policy for accepting new Members and any further version adopted by the ELI ERIC GA shall be citable using a persistent identifier.

This Policy is valid upon its acceptance by a GA decision.

Definitions

1. Associated countries are third countries which have concluded an Association agreement to a framework programme between their state and the EU: currently to the Horizon 2020 programme are associated the following countries - Albania, Armenia, Bosnia and Herzegovina, Faroe Islands, Georgia, Iceland, Israel, North Macedonia, Moldova, Montenegro, Norway, Serbia, Switzerland, Tunisia, Turkey, Ukraine.
2. Third countries are the countries which are not EU Member States and did not conclude an Association agreement between their state and the EU. E.g., USA, Canada, Japan, Russia.



Annex 3: Data Policy

Data Policy

This Data Policy governs the management of and access to data relevant to perform and calibrate experiments as well as from experiments performed at the Extreme Light Infrastructure ERIC (ELI ERIC). It pertains to the curation, storage and access to data and metadata collected from the operation and scientific usage of the ELI Facilities.

Scope

This Data Policy applies to all measurements performed for and during the experiments for which beamtime at the ELI Facilities has been granted, in accordance with the ELI ERIC Access Policy and confirmed in a User Access Agreement. That includes, but is not limited to, raw data, metadata and the associated auxiliary data collected and derived from scientific experiments and laser/beamlines operations at the ELI Facilities operated by ELI ERIC (hereinafter referred to as 'Data'). Authors' rights are subject to the ELI ERIC Intellectual Property Rights Policy. Acceptance of the Data Policy and terms and conditions derived from it shall be a condition for the awarding of beamtime.

Basis

This policy has regard for the following guiding documents:

- Article 13(2) of the ELI ERIC Statutes, according to which *“Open Access to FAIR data sets and metadata stored in Open Access repositories shall be favoured for data collected as a result of the use of the ELI Facilities ...”*;
- [Directive \(EU\) 2019/1024](#) of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information.
- The [“Turning FAIR data into reality” report](#) by the European Commission’s FAIR Expert Group, which outlines guiding principles to make data Findable, Accessible, Interoperable, and Reusable;
- The [European Data Strategy](#), which recognises the European Open Science Cloud (EOSCA) as the nucleus for a science, research and innovation data space;

Principles

The ELI ERIC considers research data to be valuable results of its operation which contributes to sharing and dissemination of knowledge across the European Research Area. Results of publicly-supported research should in principle be made publicly available. The ELI ERIC aims to preserve and manage Data according to the 'FAIR' principles, meaning that Data shall be Findable, Accessible, Interoperable and organised in Reusable datasets. Data shall be managed according to processes and standards having regard, among others, to security, quality control, data tracking and documentation.



For experiments performed at the ELI facilities, a Data Management Plan (DMP) will be provided by the users applying for experiments. The DMP is the core document used to define the experimental data lifecycle and will be updated as needed and possible during the experiment.

ELI ERIC data shall receive a unique and persistent identifier (Digital Object Identifier). Users shall be able to cite the persistent identifier in any publication that refers to the data (or to a subset of the data). Machine-readable metadata standards shall be preferred for describing the datasets and associated services.

A rich metadata format shall be used and associated with the datasets, providing detailed provenance information. The metadata format shall meet the domain-relevant community standards and be described with a plurality of accurate and relevant attributes. Metadata shall be registered/indexed into a common searchable resource making the data and metadata easily searchable and discoverable by the users.

Objectives

For the purposes of this policy, ELI ERIC aims to fulfil the following objectives:

- Prepare data for the exclusive use of the scientists who conducted the experiment which produced the data for up to three years after the conclusion of the experiment;
- Develop tools for FAIR-by-design metadata collection and storage. Collaborate with users for the production of adequate metadata to all successfully generated datasets.
- Preserve data for a minimum of 10 years for scrutiny, comparison and reproducibility to reinforce scientific knowledge and integrity;
- Promote data use, after an embargo period, for other scientists in the same field or for cross-disciplinary research and machine learning;
- Enable researchers to mine ELI public data and metadata and in previously unknown ways or apply future methods to existing data.

Responsibilities and reporting

The ELI ERIC shall be the custodian of the Data, with the responsibility to collect, secure, archive and provide access to the Data. The ELI ERIC Director General (DG) determines and implements relevant data management and access-related processes and procedures as part of the ELI ERIC management system. The DG may delegate this responsibility. The DG will report to the General Assembly annually on the application of this Data Policy.

The specific management procedures, rules and guidelines, following from and consistent with this policy, shall constitute the body of internal regulations determining and limiting all activity relative to data management and data access carried out by ELI ERIC.



ELI ERIC shall have a Scientific Data Management plan, which is a defined strategy covering the production of data, volumes, metadata requirements, data retention periods, data disposal, processing and analysis requirements and tools, thus clarifying all aspects of data management. The SDM plan shall be reviewed and updated periodically, at least every second year, evolving with the computing environment.

The ELI ERIC organisation shall adopt a 'Code of Conduct for Research Integrity and Ethics' based on *The European Code of Conduct for Research Integrity ALLEA (All European Academies)*. That code shall consider principles of *Reliability, Honesty, Respect and Accountability*. This Data Policy and any further version adopted by the ELI ERIC GA shall be citable using a persistent identifier.



Annex 4: Employment Policy

Employment Policy

The Employment Policy (hereinafter the 'Policy') is the single document which governs all Human Resources activities within Extreme Light Infrastructure ERIC (ELI ERIC) and identifies the main principles and processes which ELI ERIC commits to follow and will further detail in its Internal Staff Rules.

Scope

The main purpose of the Employment Policy is to ensure highly qualified, internationally selected, motivated, and continuously trained staff, and, as well, to create quality working conditions and an inspiring research environment within ELI ERIC - a driver for ELI ERIC to achieve its main mission, namely to operate the world's leading laser-based research infrastructure and to serve as cutting-edge research in physical, chemical, materials and medical sciences, as well as breakthrough technological innovations.

ELI ERIC shall promote equal treatment and opportunity and shall support mobility among staff and, moreover, pledges that recruitment and employment shall not be discriminatory. The scope of the Employment Policy covers all direct employees and, as well, all persons employed under any other form of employment by ELI ERIC.

Basis

This policy has regard for the following guiding documents:

- Council Regulation (EC) No. 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), amended by Council Regulation (EU) No 1261/2013 of 2 December 2013 and Article 7(3) thereof.
- Commission Implementing Decision (EU) 2021/960 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC), in particular Article 10 of the ELI ERIC Statutes.
- The Employment Policy and its Internal Staff Rules shall comply with the laws of the countries in which staff is employed.

Principles

- **Equality/non-discrimination:** The ELI ERIC is committed to developing, maintaining and supporting a culture of equality in employment in which staff are treated equitably, and where they can realize their potential whatever their age, race, color, nationality, ethnic origin, creed, disability, sexual orientation, sex, gender identity, marital or civil partnership status, parental status, religion, belief or non-belief, social



or economic class, employment status, or any other criteria that cannot be shown to be properly justifiable..

- **Diversity/inclusion:** ELI ERIC is dedicated to establishing a work environment that values and respects individuals for their talents, skills and abilities to benefit the collective culture in the workplace.
- **Transparency:** Decisions are made based on clear, openly stated procedures and criteria. The outcomes with justifications are accessible to all ELI ERIC staff or as applicable. .
- **Openness and cooperation:** The communication of the ELI ERIC is based on facts and actual figures and uses a wide range of internal communication channels to make sure that the information is accessible by all. It respects other people's opinions and is open to compromises. We actively encourage the free flow of ideas and information between the ELI facilities and employees. We respect the freedom of association.
- **Work-life balance:** The ELI ERIC applies flexible and alternative forms of employment that support the balance between the employees' work duties and personal interests.
- **Health and safety at work:** The ELI ERIC applies internal healthcare and safety guidelines to ensure a safe work environment.
- **Objectivity:** The ELI ERIC selects and employs its employees on the basis of objective aspects and merit, and promotions are also based on merit.
- **Reasonable, fair and equitable remuneration and benefits:** The remuneration policy of the ELI ERIC ensures external competitiveness and internal fairness and culture regarding employee benefits.
- **Acknowledgement of performance and supporting individual development:** to maintain or increase the motivation of employees performing at or above the expected level, the ELI ERIC encourages managers to provide positive feedback – either in monetary or non-monetary terms – and to support the professional development of each individual employee.

Processes

- **HR planning** ensures that each ELI Facility will have sufficient qualified staff to be able to perform all the current activities and implement planned projects and goals. HR planning should take into account at least changes related to individual employees' needs, extension/reduction of FTEs, retirement, starts/ends of maternity/parent leaves, secondments, participation in mobility programmes, etc.
- The goal of the **recruitment and selection process** is to attract highly qualified, talented and motivated employees in the long term. The international-level selection procedures are conducted with maximum possible transparency, openness towards the candidates, based on relevant selection criteria and with respect to all the job applicants.



- **Building the employer's brand** includes the analysis of the situation on the labour market and possible competitive advantages of ELI ERIC on the national and international level. Based on these inputs the most suitable means of the candidates' attraction are identified. The aim is to promote and profile the ELI ERIC as a stable and world-class research organization which offers its employees the most suitable conditions possible for their professional career and growth.
- Smooth induction of new employees is facilitated within an **on-boarding process**. A systematic set-up of this process helps new employees to quickly understand the operation of the organization and provides them with information they need to perform their work. The individual support by the HR team also helps to lower mental load related to joining a new team and establishing relationships at a new workplace.
- **Regular performance assessment** at the ELI ERIC aims to strengthen mutual communication between employees and managers, support systematic improvement of our employees' knowledge and productivity and to contribute to employees' motivation to achieve excellent results. The assessment inputs are also very important for subsequent activities, mainly for the area of career planning, learning and compensation. The assessment of staff is performed in the form of a qualification audit. The results of qualification audits are decisive for the future career growth and employees' salary evaluation.
- **Learning and development** are designed to create suitable conditions for development of employees at all levels holding all different posts. Long-term goals in this area include ensuring systematic and targeted approach to training and development of each employee. Training and workshops at the ELI ERIC offer not only extension of professional and language knowledge but also development of soft skills for individuals and teams as well.
- **Career development** of employees includes transfer of experience, long-term training, personal growth, improvement and extension of professional qualifications and the options of future career growth. Career growth planning for individual employees is primarily based on close cooperation of employees with their managers. Additional supportive tools include mentoring and regular education programmes, workshops and seminars.
- In the area of **compensation and benefits** ELI ERIC strives to use the possibilities of the institution to the maximum so that it could offer attractive and long-term sustainable conditions to its employees. The ELI ERIC supports fair and motivating working conditions which encourage the work-life balance and enable adequate employment for employees according to their individual needs.
- **Termination of an employment** relationship is an integral part of HR processes. Fairness and transparency is the goal of our institution with respect to the legal framework, as well as described principles of ELI ERIC.



- All HR processes are supported and framed by the **Personnel Administration**. ELI ERIC is working on the effectiveness of all administrative processes to ensure in providing services in the area of HR. ELI ERIC is committed to implement an HR Information System that will enable the organization to ensure security and availability of data processed, useful applications and systemization and will be connected to other modules such as payroll and attendance systems.

Responsibilities and Reporting

The Employment Policy shall be defined by the ELI ERIC Director-General and approved by the General Assembly.

The General Assembly of the Extreme Light Infrastructure ERIC assigns the ELI ERIC Director General and management to determine and implement the relevant and effective HR Policies, processes and procedures as part of the ELI ERIC management system according to this policy.



Annex 5: Procurement Policy and Procurement Rules

Procurement Policy

The Procurement Policy is the chief governing document defining the principles applicable to all procurement contracts, concluding in writing or not, for the provision of goods, works or services, concluded by the Extreme Light Infrastructure (hereinafter referred to as 'ELI ERIC' or 'the Organisation') with third parties.

The Procurement Policy shall govern ELI ERIC organisational processes and procedures that determine specific procurement activities. It is complemented with and implemented by Procurement Rules, which shall establish the detailed processes governing procurement planning, the choice of selection procedures, publicity, evaluation, contract awards, and appeals. Implementing procedures shall be defined to organise the daily processing of procurement activities within the Organisation. The latter form the Internal Procurement Manual.

Scope

Procurement at ELI shall be organised and carried out with a view to satisfy the principles of economy, expediency, and efficiency. Procurement activities shall be organised so as to best support ELI ERIC's objective of scientific excellence and its mission to offer best-in-class research opportunities to the international scientific community and industrial users.

ELI ERIC shall, as a part of its mission, become a reference for innovation in European industry, as mentioned in the Statutes and in the Innovation and Industry Policy, leading research and technology development through outreach and collaboration opportunities with industry. The Procurement Rules shall include procedures supporting innovation, through the procurement of innovative technologies and processes and partnerships with innovative companies, including SMEs.

The Procurement Policy and Procurement Rules shall apply to all procurement of goods, works or services carried out directly by ELI ERIC, or in the name and on behalf of ELI ERIC.

Basis

This policy has regard for the following guiding documents:

- Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), amended by Council Regulation (EU) No 1261/2013 of 2 December 2013 and Article 7(3) thereof



- Commission Implementing Decision (EU) 2021/960 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC) in particular Article 11 of the ELI ERIC Statutes thereof
- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, and in particular Article 9(1)(b) thereof
- Commission notice - Guidance on Innovation Procurement, Brussels, 15.5.2018, C(2018) 3051 final.

Principles and objectives

The procedures for the award of contracts by ELI ERIC shall respect the EU principles of transparency, proportionality, mutual recognition, equal treatment and non-discrimination.

While conducting procurement, ELI ERIC shall seek to pursue and promote the following principles and objectives:

- *Best Value for Money* – ELI ERIC shall secure the best mix of quality, effectiveness and price over the whole life cycle of the purchased goods, works or services.
- *Publicity* – Contracts above certain thresholds specified in the Procurement Rules shall be published in appropriate media, except where the circumstances or the nature of the contract justify reliance on specific exemptions.
- *Integrity* – All procurement shall be conducted in a manner above reproach and with complete impartiality and preferential treatment for none. Personnel involved in ELI ERIC's procurement (or in procurement conducted in the name and on behalf of ELI ERIC) shall adhere to the ELI ERIC's 'Code of Conduct in Contracting'.
- *Innovation* – Where possible, procurement needs should be communicated as early as possible in a non-prescriptive way to maximise the opportunities for innovators and suppliers to present their solutions. Whenever practicable, early supplier involvement shall be sought with a view to realise the full potential of suppliers' ideas.
- *Sustainability* - In accordance with relevant EU and national policy, ELI ERIC shall seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured. This may include, for example, the reduction of greenhouse gas emissions and air pollutants, improved energy and water efficiency, use of renewable resources, reduced hazardous waste and support for refuse and recycling.
- *Social responsibility* – Through its procurement, ELI ERIC shall seek to promote decent work, social inclusion, accessibility, employment opportunities, ethical trade, gender



equality, health and safety and achieve wider compliance with social objectives, provided these are linked to the subject matter of the contract.

Processes

To implement this Policy, Procurement Rules shall be adopted. They shall address and regulate among others the following processes:

- **Procurement planning**
 - All procurements over 25,000 EUR should be included in the annual Procurement Plan with a view to optimise economic and organisational efficiency in procurement. Additional rules regarding procurement planning shall be set out in the Organisation's internal procedures.
- **Selection of procurement strategy and procedures**
 - The Organisation shall have the freedom to organise the procurement procedure leading to the award of a contract in accordance with any of the procedures as defined in the Procurement Rules.
 - Selection processes and authority of approval shall be regulated by the Procurement Rules and further detailed in the Internal Procurement Manual.
- **Publicity**
 - Tenders - Unless the Procurement Rules regulate differently, a call for tenders shall be published, as a minimum requirement, on the Organisation's website in a designated area accessible to suppliers via the Internet. Depending on the subject matter and the value of the contract, the Organisation may publish the call for tenders in additional media to ensure transparency and competition (e.g., Official Journal of the European Union).
 - Request for Quotations (RFQ) – RFQs may be published on the organization's website depending on the subject matter of the procurement.
 - Furthermore, the Organisation will, where possible, publish on its website information regarding procurement activities planned for forthcoming months or years.
 - The Procurement Rules shall set thresholds above which publicity shall be mandatory.
- **Evaluation**
 - The evaluation shall be conducted against the criteria defined in the procurement documents. For a procurement procedure above 200,000 EUR, a Procurement Evaluation Board (PEB) should be established as specified in the Procurement Rules.



- **Award decision and notification**

- The Organisation shall award contracts on the basis of best-value-for-money, which shall be assessed on the basis of objective criteria established in accordance with ELI ERIC's procurement principles.
- The rules of notification and content of notices sent to tenderers who failed to meet the exclusion or selection criteria shall be defined by the Procurement Rules.
- The identity of awarded tenderer(s) or the tenderer(s) selected for the next stage in a tender procedure conducted in several stages shall remain confidential until the award decision.
- ELI ERIC shall maintain a list of Contract Award Notices on its website for all procurements published on the ELI ERIC webpage.

- **Appeals and disputes**

- The right of appeal and handling of appeals shall be regulated by the ELI ERIC Procurement Rules.
- The Director General shall appoint a Tenders Appeal Board that is independent from the Organisation's Procurement Division. The composition and rules of procedure of the Tenders Appeal Board are regulated by the Procurement Rules and ELI internal regulations.

- **Audit and reporting**

- All procurement contracts awarded shall be kept recorded and available for internal supervisory and auditory purposes.

Responsibilities and Reporting

The ELI ERIC Director General is responsible to determine and implement the Procurement Rules and Internal Procurement Manual in accordance with this Policy. The Internal Procurement Manual shall establish in particular the conditions under which the Director General delegates authority in the implementation of procurement activities.

The ELI ERIC Director General shall be responsible for ensuring the efficiency and effectiveness of the Organisation's procurement activities. The latter shall be assessed with the support of internal audit.

The Director General shall report on procurement activities within the framework of the annual report. In particular, reporting shall include information on the geographical distribution of ELI ERIC's expenditures related to the Organisation's procurement.



Procurement Rules

Preamble

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), and in particular Article 7(3) thereof;

Having regard to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, and in particular Article 9(1)(b) thereof;

Having regard to the Commission Implementing Decision (EU) 2021/960 of 30 April 2021 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC).

Having regard to the ELI ERIC Procurement Policy of the Extreme Light Infrastructure ERIC, which requires that Procurement Rules be drawn up to establish the detailed processes governing procurement planning, the choice of selection procedures, publicity, evaluation, contract awards, and appeals,

Whereas the Procurement Policy requires that procurement be conducted so as to pursue and promote the following principles and objectives:

- (1) Best Value for Money – Secure the best mix of quality, effectiveness and price over the whole life cycle of the purchased goods, works or services.
- (2) Publicity – Contracts above certain thresholds shall be published in appropriate media, except where the circumstances or the nature of the contract justify reliance on specific exemptions.
- (3) Integrity – All procurement shall be conducted in a transparent manner and without impartiality and/or preferential treatment. Guidelines for Suppliers shall be made available on the Organisation’s website, including reference to ethical principles.
- (4) Innovation – Where possible, procurement needs should be stated as outcomes as early as possible in a non-prescriptive way to maximise the opportunities for innovators and suppliers to present their solutions. Whenever practicable, early supplier involvement shall be sought with a view to realise the full potential of suppliers’ ideas.
- (5) Sustainability – Where practical and without prejudice to technical performance, ELI shall seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same



primary function that would otherwise be procured. This may include, for example, the reduction of greenhouse gas emissions and air pollutants, improved energy and water efficiency, use of renewable resources, reduced hazardous waste and support for refuse and recycling.

- (6) Social responsibility – Seek to promote decent work, social inclusion, accessibility, employment opportunities, ethical trade, gender equality, health and safety and achieve wider compliance with social objectives, provided these are linked to the subject matter of the contract.

The General Assembly of the Extreme Light Infrastructure ERIC has adopted these procurement rules:



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CHAPTER 1 - GENERAL PROVISIONS

ARTICLE 1 DEFINITIONS

For the purpose of these rules:

“AFC” means the Administration and Finance Committee of the Organisation.

“Call for Tenders” means a call for competition made in a manner required or permitted by Article 11.

“Currency” means the monetary unit of account.

“Contract” means the legally binding agreement whereby ELI ERIC purchases works, goods or services in accordance to those Procurement Rules.

“Contractor” means a party who has entered into a contractual relationship with the Organisation for the performance of works, provision of goods, or services.

“Days” mean calendar days, unless otherwise indicated.

“Delivering body” means an in-kind partner or a representing entity within the meaning of Article 15(2) of the ELI ERIC Statutes.

“Directive 2014/24/EU” means Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement.

“Electronic means” means electronic equipment for the processing and storage of data transmitted, conveyed, or received electronically.

“Framework agreement” means an agreement between the Organisation and one or more Contractors, the purpose of which is to establish the terms governing individual orders to be concluded during a given period, in particular with regard to price, technical aspects and, where appropriate, quantity envisaged.

“Host State” means an ELI ERIC Member country where an ELI ERIC Facility is located.



"Hosting institution" means the legal entity responsible for the implementation of an ELI ERIC Facility and having entered an operating agreement with ELI ERIC.

"ILO" means an Industry Liaison Office operating in a country that has been accepted by ELI ERIC to participate in its ILO Network. A core function of an ILO is to foster the establishment of business relations between ELI ERIC and the private sector of that country.

"Member" means a country or intergovernmental organisation which, following approving of their application for accession by the ELI ERIC General Assembly, has the rights and obligations set forth in Article 20 of the ELI ERIC Statutes.

"Organisation" means ELI ERIC.

"PAN" stands for Procurement Advanced Notice and means a public announcement of a future procurement being planned, including sufficiently precise information to enable suppliers to identify the nature and scope of the future demand.

"Procurement documents" or "Tender documents" mean any document or documents produced or referred to by the Organisation to describe or determine elements of the procurement or the procedure, including the call for tenders, the invitation to tender, the technical specifications, and where appropriate, the proposed conditions of contract and any additional documents.

"RFQ" stands for Request for Quotation and means a document that details ELI ERIC's needs and asks suppliers to respond with a detailed proposal.

“Statutes” mean the Statutes of the Organisation, published in the Commission Implementing Decision (EU) 2021/960 of 30 April 2021 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC).

“Supplier” means any natural or legal person, a public entity or group of such persons and/or bodies, which offer the execution of works, supply of products or services on the market.

“Tenderer” means a supplier that has submitted a tender or a request to participate in a tender procedure.

“Working day” means a day other than Saturday, Sunday or a bank holiday in the Czech Republic, unless otherwise specified.

ARTICLE 2 SCOPE OF APPLICATION

- 2(1) These procurement rules apply to all contracts for pecuniary interest for the provision of goods, works or services between the Organisation and a third party or parties, other than those exempted as per Article 6 of those Rules.
- 2(2) These procurement rules shall apply to procurement carried out by ELI ERIC, or in the name and on behalf of ELI ERIC.

ARTICLE 3 PRINCIPLES AND OBJECTIVES

- 3(1) The procedures for award of contracts by the Organisation shall respect the EU principles of transparency, proportionality, equal treatment and nondiscrimination.
- 3(2) While conducting procurement, the Organisation shall seek to promote the objectives of best value for money, publicity, integrity, innovation, sustainability and social responsibility, as set out in the preamble to these rules.

ARTICLE 4 ESTIMATION OF THE VALUE OF CONTRACTS

- 4(1) The estimated value of a procurement shall be based on the total amount payable over the duration of the contract or the framework agreement, net of VAT, as estimated by the Organisation, including any forms of options and renewals, taking into account all forms of remuneration.
- 4(2) Unless objectively justified by the specific circumstances of the contract, the Organisation shall neither divide its procurement nor use a particular valuation



method for estimating the value of procurement so as to limit competition among suppliers or tenderers or to otherwise avoid its obligations under these rules.

- 4(3) Notwithstanding paragraph (2) above and provided that transparency and competition are preserved, the Organisation may subdivide contracts into separate lots to facilitate market access opportunities for small and medium enterprises and to reduce the risk of over dependency on one supplier.

ARTICLE 5 INFORMATION ON POSSIBLE FORTHCOMING PROCUREMENT

- 5(1) The Organisation will, where possible, publish information regarding future procurement activities.
- 5(2) The Organisation may also publish a Procurement advance notice (PAN) of a future procurement being planned. A PAN shall include information relevant to the procurement and must be sufficiently precise, insofar as that information is available to the Organisation, to enable suppliers to identify the nature and scope of the future procurement.
- 5(3) Where, in relation to contracts with a value exceeding EUR 200,000, a PAN is published between 30 days and 12 months in advance of the publication of a call for tenders, and the conditions in paragraph 4 below are met, the time limit for submitting a request to participate or for the submission of a tender may be shortened in accordance with Articles 13 to 17.
- 5(4) For the purpose of paragraph (3) above, a PAN shall include the following information, insofar as that information is available at the time the PAN is published:
- a) description of the procurement including the nature and extent of works, nature and quantity or value of supplies, nature and extent of services, as applicable;
 - b) estimated date for the performance of the contract;
 - c) estimated time frame for the publication of a call for tenders in respect of the contract referred to in the PAN;
 - d) any other information that may be relevant in the circumstances.
- 5(5) Any publication in accordance with this Article does not constitute a call for tenders and does not confer any rights on suppliers or tenderers.

ARTICLE 6 SPECIFIC EXCLUSIONS

- 6(1) These procurement rules do not apply to contracts:



- a) for the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property;
 - b) for employment, secondment and personnel placement contracts;
 - c) for arbitration, conciliation or other legal services;
 - d) for the delivery of in-kind contributions entered between the Organisation and a delivering body, provided that the financing of such in-kind contribution is through the budget of the Member. For the purpose of this paragraph, it does not matter if the financing provided by the Member is done by way of a direct payment from the Member to the delivering body, or through a designated cash contribution made by the Member to the Organisation, which is transferred further to the delivering body;
 - e) for joint or collaborative procurement conducted in accordance with Articles 22(2) and 22(4);
 - f) for banking services and loans;
 - g) for educational and vocational services;
 - h) for recreational, cultural and sporting services;
 - i) for hotel, accommodation and catering services;
 - j) for meeting and conference services;
 - k) for health and work environment related services; or
 - l) entered into between ELI ERIC and the hosting institutions.
- 6(2) In the circumstances referred to under paragraph 6(1), ELI ERIC may award the contract by way of direct negotiations with one or more suppliers with a view to satisfy the best interests of the Organisation without prior publication of a contract notice or Request for Quotation ('RFQ').

ARTICLE 7 LANGUAGE

- 7(1) All procurement documents and ancillary correspondence shall be in English, unless decided otherwise by the Organisation where the following conditions are fulfilled:
- a) the decision is justified by the subject matter of the contract; or
 - b) due to technical or geographical reasons, only domestic suppliers are likely to be interested in submitting tenders.
- 7(2) Responses to calls for tenders or RFQs may be in English or in the language of the procurement documents if the latter are in another language than English.



- 7(3) For procurement documents in languages other than English, RFQs and calls for tenders published on the Organisation’s website shall always include a summary in English.

ARTICLE 8 CURRENCY

- 8(1) As a general rule, the Organisation shall ask suppliers to submit tender quotes in EUR.
- 8(2) Depending on the subject matter of the contract and the circumstances, the Organisation may also allow suppliers to submit tenders in CZK or HUF, or in special circumstances, other currencies.

ARTICLE 9 CONFLICTS OF INTEREST

- 9(1) For the purpose of these Rules, a conflict of interest shall, at the least, be deemed to arise in any situation where a relevant staff member of the Organisation has a private or other interest which influences, or appear to influence, the impartial and objective performance of the procurement process, the outcome of the procurement process, or his or her official duties.
- 9(2) The Organisation shall take appropriate measures to effectively identify, prevent and remedy conflicts of interest arising from the conduct of the procurement so as to ensure integrity, equal treatment of all suppliers and tenderers and to avoid any distortion of competition.
- 9(3) Staff members of the Organisation shall abide by the Organisation’s Code of Conduct in Contracting, which shall be made accessible to the public once approved and systematically maintained.

CHAPTER 2 - PROCUREMENT PROCEDURES

ARTICLE 10 GENERAL PROVISIONS

- 10(1) The provisions under this chapter shall apply to contracts with an estimated value of EUR 200,000 and above.
- 10(2) The procurement documents shall be free of charge and fully accessible to suppliers from the date of publication of a call for tenders via the Internet, in a designated area on the Organisation’s website.
- 10(3) In some cases due to the subject matter of the contract, the tender documents may not be made available by means of the Internet, potential suppliers may request the delivery of the tender documents, in which case the Organisation shall provide the



tender documents within 5 working days of receipt of such request, provided such request was made at least 5 working days before the time limit for receipt of tenders or request to participate.

- 10(4) In the case referred to in paragraph (3) above, the time limits for the receipt of tenders referred to in Articles 13 to 17 shall be prolonged by 5 days.
- 10(5) Documents submitted electronically shall be signed with an extended electronic signature, based on a qualified certificate, issued by a supplier accredited certification service submitted to the Organisation according to the information in the tender documentation.
- 10(6) Except in cases duly justified in the tender documents, the Organisation shall require that proposals be submitted following a double envelope system, whereby the commercial offer is separated from the technical offer.

ARTICLE 11 CALL FOR TENDERS

- 11(1) The Organisation shall make known its intention to conduct a new procurement by means of a call for tenders, unless the circumstances justify use of the procedure without publication of a call for tenders in accordance with Article 16.
- 11(2) The information provided with the call for tenders shall be sufficiently precise so as to enable suppliers to identify the nature and scope of the procurement. The Organisation shall set out their needs and requirements as well the chosen award criteria and indicative timeframe in the tender documents.
- 11(3) A call for tenders shall be published, as a minimum requirement, on the Organisation's website in a designated area accessible to suppliers via the Internet. Depending on the subject matter and the value of the contract, the Organisation may publish the call for tenders in additional media to ensure transparency and competition, including, where appropriate, the Industry Liaison Officers' network and the Supplement to the Official Journal of the European Union.

ARTICLE 12 CHOICE OF PROCEDURES

- 12(1) The Organisation shall organise the procurement procedure leading to the award of a contract in accordance with any one of the procedures described in Articles 13 to 17, provided that a call for tenders has been made in accordance with Article 11.
- 12(2) The choice of the procurement procedure shall be made taking into account the specific circumstances of the procurement, the nature of the goods, services, or works being procured, their degree of innovativeness and complexity, as well as the



organisation of the market. The procedure shall be selected in such way as to best ensure the fulfilment of the objectives and principles set forth in Article 3.

ARTICLE 13 OPEN PROCEDURE

- 13(1) Upon publication of a call for tenders, any interested supplier may submit a tender in response.
- 13(2) The minimum time limit for receipt of tenders shall be reasonable and proportionate to the subject matter of the contract, at least 20 days from the date on which the call for tenders was published. For contracts where no PAN has been published in accordance with Article 5, the minimum time limit for receipt of tenders shall be at least 30 days.
- 13(3) The Organisation shall assess the tenders submitted on the basis of the award criteria set out in the tender documents and in line with Article 28.

ARTICLE 14 RESTRICTED PROCEDURE

- 14(1) Upon publication of a call for tenders, any interested supplier may submit a request to participate.
- 14(2) The call for tenders may require the provision of information for qualitative selection within the time limits indicated and may include a questionnaire. The selection criteria used to carry out the qualitative selection shall comply with Article 27 and shall be published with the call for tenders.
- 14(3) The minimum time limit for receipt of a request to participate in response to a call for tenders shall be at least 20 days. For contracts where no PAN has been published in accordance with Article 5, the minimum time limit for receipt of a request to participate shall be at least 30 days.
- 14(4) Only those suppliers invited to do so by the Organisation following their qualitative assessments of the information provided in response to the call for tenders may submit a tender. The minimum number of suppliers invited to submit a tender shall be two.
- 14(5) The minimum time limit for the receipt of tenders shall be reasonable and proportionate to the subject matter of the contract, but at least 20 days. For contracts where no PAN has been published in accordance with Article 5, the minimum time limit for the receipt of tenders shall be at least 30 days.
- 14(6) The Organisation shall assess the tenders submitted on the basis of the award criteria set out in the tender documents and in line with Article 28.



ARTICLE 15 COMPETITIVE PROCEDURE WITH NEGOTIATION

- 15(1) Upon publication of a call for tenders, any interested supplier may submit a request to participate.
- 15(2) The call for tenders may require the provision of information for qualitative selection within the time limits indicated and may include a questionnaire. The selection criteria used to carry out the qualitative selection shall comply with Article 27 and shall be published with the call for tenders.
- 15(3) In addition to (2) above, the call for tenders may also require the submission of an initial tender, which shall be the basis for the subsequent negotiations.
- 15(4) The minimum time limit for receipt of a request to participate in accordance with paragraphs (1) and (2) shall be at least 20 days, or for contracts where no PAN has been published in accordance with Article 5, at least 30 days.
- 15(5) Following the qualitative assessment of the information provided in response to the call for tenders, only those suppliers invited to do so by the Organisation may take part in the negotiations. Where the call for tender is made in accordance with paragraphs (1) and (2), the invitation to negotiate may be accompanied by a requirement to submit an initial tender, which shall form the basis for such negotiations. The number of tenderers invited to take part in the negotiations shall be at least two.
- 15(6) During the negotiations, the Organisation shall ensure equal treatment of all tenderers and shall not provide information in a discriminatory manner by giving some tenderers an advantage over others.
- 15(7) The negotiations may take place in successive stages in order to reduce the number of tenders to be negotiated.
- 15(8) In accordance with Article 32, the Organisation shall not reveal to the other tenderers any confidential information communicated by a tenderer participating in the negotiations without first obtaining that tenderer's consent.
- 15(9) The Organisation shall inform tenderers in due course of its intention to conclude negotiations and set a common deadline for submission of final tenders. The final tenders shall comply with the minimum requirements of the tender documents and be based on the outcome of the negotiations.
- 15(10) The Organisation shall assess the final tenders submitted on the basis of the award criteria set out in the tender documents and in line with Article 28.



ARTICLE 16 COMPETITIVE DIALOGUE

- 16(1) Upon publication of a call for tenders, any interested supplier may submit a request to participate provided minimum supplier qualifications are met where required.
- 16(2) The call for tenders may require the provision of information for qualitative selection within the time limits indicated and may include a questionnaire. The selection criteria used to carry out the qualitative selection shall comply with Article 27 and shall be published with the call for tenders.
- 16(3) The minimum time limit for receipt of a request to participate in response to a call for tenders shall be at least 20 days. For contracts where no PAN has been published in accordance with Article 5, the minimum time limit for receipt of a request to participate shall be at least 30 days.
- 16(4) Following the qualitative assessment of the information provided in response to the call for tenders, only those suppliers invited to do so by the Organisation may take part in the dialogue. The invitation to dialogue may be accompanied by a requirement to submit an initial tender, which shall form the basis for such negotiations. The minimum number of candidates invited to take part in the dialogue shall be two.
- 16(5) The dialogue shall take place individually with each candidate, ensuring confidentiality of each solution.
- 16(6) During the dialogue, the Organisation shall ensure equal treatment of all tenderers and shall not provide information in a discriminatory manner by giving some tenderers an advantage over others.
- 16(7) Competitive dialogues may take place in successive stages in order to reduce the number of solutions to be discussed during the dialogue stage by applying the award criteria laid down in the call for tenders or in the descriptive document. In the call for tenders or the descriptive document, the organization shall indicate whether it will use that option.
- 16(8) The Organisation shall inform tenderers in advance of its intention to conclude the dialogue and set a common deadline for submission of final tenders. Having declared that the dialogue is concluded and having so informed the remaining tenderers, the Organisation shall ask each of them to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue. Those tenders shall contain all the elements required and necessary for the performance of the contract.
- 16(9) At the request of the Organisation, negotiations with the tenderer identified as having submitted the winning tender may be carried out to confirm financial commitments or other terms contained in the tender by finalising the terms of the contract provided



this does not have the effect of materially modifying essential aspects of the tender or of the procurement, including the needs and requirements set out in the call for tenders or in the descriptive document and does not risk distorting competition or causing discrimination.

ARTICLE 17 INNOVATION PARTNERSHIP

- 17(1) Upon publication of a call for tenders, any interested supplier may submit a request to participate provided minimum supplier qualifications are met where required.
- 17(2) The call for tenders may require the provision of information for qualitative selection within the time limits indicated and may include a questionnaire. The selection criteria used to carry out the qualitative selection shall comply with Article 27 and shall be published with the call for tenders.
- 17(3) The minimum time limit for receipt of a request to participate in response to a call for tenders shall be at least 20 days. For contracts where no PAN has been published in accordance with Article 5, the minimum time limit for receipt of a request to participate shall be at least 30 days.
- 17(4) The innovation partnership shall aim at the development of an innovative product, service or works and the subsequent purchase of the resulting supplies, services or works, provided that they correspond to the performance levels and maximum costs specified by the Organisation and the tenderers.
- 17(5) The procurement documents shall provide information on the innovative product, service or works the Organisation intends to procure, indicating in particular the requirements that cannot be met at the time of the call by the products, services or works already available on the market. The documents shall indicate minimum requirements to be met. The information provided shall be sufficiently precise to enable suppliers to identify the nature and scope of the required solution and decide whether to request to participate in the procedure.
- 17(6) The Organisation may decide to set up the innovation partnership with one tenderer or with several tenderers conducting separate research and development activities.
- 17(7) The innovation partnership shall in principle be structured in successive phases following the sequence of steps in the research and innovation process, which may include the manufacturing of the products, the provision of the services or the completion of the works. The innovation partnership shall set intermediate targets to be attained by the selected Contractor(s) and provide for payment of the remuneration in appropriate instalments.



- 17(8) Based on those targets, the Organisation may decide after each phase to terminate the innovation partnership or, in the case of an innovation partnership with several Contractors, to reduce the number of Contractors by terminating individual contracts, provided that the Organisation has indicated in the procurement documents those possibilities and the conditions for their use.
- 17(9) The Organisation shall negotiate with tenderers the initial and all subsequent tenders submitted by them, except for the final tender, to improve the content thereof.

ARTICLE 18 PROCEDURE WITH DIRECT NEGOTIATIONS

- 18(1) In the specific cases and circumstances laid down in this Article, the Organisation may award contracts by way of direct negotiations with one or more suppliers, without prior publication of a call for tenders. In such cases, Article 30 shall not be applicable.
- 18(2) The Organisation may award contracts following the procedure under this Article in the following circumstances:
- a) in the absence of competition for technical reasons or due to exclusive rights including intellectual property rights, where no reasonable alternatives are available;
 - b) where only one or no applications, requests to participate or suitable tenders have been submitted in response to a previous call for tenders, provided that the initial conditions of the contract or the tender documents are not substantially altered, that the tenderer who should be awarded the contract complies with the original exclusion and selection criteria if such were required, and that no more than one year has elapsed since the publication of the original call for tenders;
 - c) for research and development contracts which are performed by noncommercial entities for purpose of research, or testing, experimentation, study or development in connection with research or construction, provided that the contract does not include serial production for commercial reasons;
 - d) in circumstances of an urgent nature, unforeseeable and not attributed to the Organisation, where the time limits under in Article 13, Article 14 and Article 15 cannot be complied with;
 - e) for additional deliveries by the original supplier where a change of supplier would oblige the Organisation to acquire supplies or services having different characteristics which would result in incompatibility, disproportionate technical difficulties or damaging time delays in operation, maintenance or application; or
 - f) for strict security reasons;



- g) for the procurement of second-hand equipment at particularly advantageous terms;
- h) for contracts at particularly advantageous terms, from a supplier which is winding up business activities, or from receivers or liquidators of a bankruptcy, an agreement with creditors, or similar procedures.

CHAPTER 3 - LOW VALUE PROCUREMENT

ARTICLE 19 GENERAL PROVISIONS

The provisions under this Chapter shall only apply to individual contracts and framework agreements with an estimated value of up to EUR 200,000, which do not fall under one of the exemptions listed in Article 6.

ARTICLE 20 CONTRACTS ESTIMATED TO BE LESS THAN EUR 25,000

- 20(1) Where practicable, the Organisation shall ensure limited competition through requests for quotation and price comparison.
- 20(2) The Organisation shall ensure that best-value-for-money is obtained.

ARTICLE 21 CONTRACTS ESTIMATED TO BE BETWEEN EUR 25,000 AND EUR 200,000

- 21(1) Where appropriate, the Organisation may publish the contract opportunity on the Organisation's website in a designated area accessible to suppliers. Publication under this Article does not constitute a call for tender in accordance with Article 11.
- 21(2) The Organisation may also maintain a suppliers database, within the e-tendering tool, from which it shall seek requests for quotation. The suppliers database shall be subject matter specific, easily defined on the basis of purchases made under the category concerned.
- 21(3) The suppliers database shall be open for registration of new suppliers by way of a call or expression of interest to be posted in a designated area on the Organisation's website accessible to suppliers. The call for expression of interest may specify duration and conditions of admission to the database, including the requirement to meet certain selection criteria for qualification of suppliers.
- 21(4) At minimum, the Organisation shall ensure appropriate competition by inviting at least 3 suppliers to submit quotations.



- 21(5) Where, for objective reasons, the number of suppliers available to respond to the publication or to the request for quotation is less than 3, the Organisation shall seek to ensure an optimal level of competition in the circumstances.
- 21(6) For planned procurements with an estimated value of EUR 50,000 to EUR 200,000, the organisation shall usually notify the ELI ILOs at least three (3) weeks in advance of opening the Request For Quotation for selected suppliers to give the ILOs the chance to provide ELI ERIC with suitable suppliers that can be added to the invitee list. In cases of extreme urgency, safety-related or unforeseen circumstances, ELI ERIC and the ILOs can agree on a shorter notification period.

CHAPTER 4 - PROCUREMENT ARRANGEMENTS

ARTICLE 22 FRAMEWORK AGREEMENT

- 22(1) The Organisation may award a framework agreement in accordance with these rules and in such a case all references to a contract in Chapter 2 should be read as including a framework agreement.
- 22(2) The duration of the framework agreement shall be reasonable and justified by the subject matter of the framework agreement and shall not exceed 5 years.
- 22(3) Where a framework agreement is concluded with a single supplier, contracts awarded pursuant to the framework agreement shall be within the limits laid down in the framework agreement.
- 22(4) Where a framework agreement is concluded with more than one supplier and all the terms and conditions governing the provision of the works, services or supplies concerned are laid down in the framework agreement, orders shall be placed without reopening the competition. Conditions for placing the order shall be stipulated in the original tender documents or in the framework agreement.
- 22(5) Notwithstanding paragraph (4) above, the Organisation reserves the right to reopen competition amongst suppliers party to the framework agreement provided that the choice of whether to reopen competition is reasonable given the circumstances at hand and that the award criteria used are objective, communicated to tenderers in advance, and relate to the subject matter of the specific contract.
- 22(6) Where a framework agreement is concluded with more than one supplier, the Organisation may award a contract for which not all the terms and conditions are laid down in the framework agreement provided that:



- a) The initial tender documents stipulated that competition amongst suppliers party to the framework may be reopened for the award of specific contracts;
- b) The specific contract is awarded following competition; and
- c) The competition is based on the same criteria for the award of the framework agreement, but such criteria may be more precisely formulated and where appropriate, accompanied by other criteria, which have been referred to in the original tender documents for the framework agreement.

22(7) The Organisation shall not misuse a framework agreement in order to prevent, restrict or distort competition.

ARTICLE 23 ELECTRONIC CATALOGUES

23(1) The Organisation may require tenders to be presented in the format of an electronic catalogue, in accordance with the technical specifications and format established by the Organisation.

23(2) Where tenders have been submitted in the form of electronic catalogues to a framework agreement concluded with more than one supplier, the Organisation may use one of the following options:

- a) award a contract on the basis of the electronic catalogues originally submitted to the framework agreement; or
- b) invite suppliers party to the framework agreement to resubmit electronic catalogues, adapted to the requirements of the contract in question if necessary.

ARTICLE 24 COLLABORATIVE AND JOINT PROCUREMENT

24(1) The Organisation may award a contract or conclude a framework agreement jointly or in collaboration with other contracting authorities in the Host Countries or in other countries.

24(2) When acting in collaborative procurement with other contracting authorities that are subject to other procurement procedures pursuant to Directive 2014/24/EU, or international rules, the Organisation may choose to organise the joint or collaborative procurement in accordance with such other procurement procedures.

24(3) The Organisation may enter into a contract or establish a framework agreement for use by other contracting authorities, provided that it has clearly identified, by name or by category, those contracting authorities entitled to rely on the contract or framework agreement in the call for tenders and tender documents.



24(4) Where one or more of the contracting authorities mentioned in paragraph (3) above are subject to other procurement procedures pursuant to Directive 2014/24/EU or international rules, the Organisation may organise the award of the contract or the framework agreement in accordance with such other procurement procedures.

CHAPTER 5 - CONDUCT OF THE PROCUREMENT

ARTICLE 25 GROUNDS FOR EXCLUSION

25(1) The Organisation may treat as ineligible and may choose not to invite a supplier to tender or award a contract to a supplier if the Organisation has actual knowledge that the supplier or any other person who has powers of representation, decision or control of the supplier:

- a) has been convicted of any of the following offences in the last three years: participation in criminal organisation; corruption; fraud; money laundering; terrorist offences or offences linked to terrorist activities; child labour or other forms of illegal trafficking in human beings;
- b) has failed to comply with applicable environmental, social or labour laws in the last three years;
- c) is guilty of grave professional misconduct, which renders the supplier or tenderer's integrity questionable;
- d) is involved, or has been involved in the last three years, in collusion;

or where the Organisation has actual knowledge of the existence of any of the following circumstances:

- e) a conflict of interests affecting the supplier or tenderer that cannot be remedied by other means than exclusion;
- f) an unfair advantage that may distort competition as a result of the prior involvement of the supplier or tenderer in the preparation of the procurement process, in accordance with Article 29(4);
- g) significant, documented and notified previous deficiencies in the performance of prior contracts awarded by the Organisation;
- h) serious misrepresentation while supplying information required as part of a tender procedure; or



- i) where the supplier or tenderer is bankrupt, or is the subject of insolvency or winding-up procedures or is in any equivalent situation arising from a similar procedure under the laws and regulations of any state.
- 25(2) At any time during the procurement procedure, the Organisation may exclude a supplier or a tenderer where, due to new information brought to light, the Organisation becomes aware that the supplier or tenderer is in one of the situations referred to in paragraphs (1)(a)-(i) above or other exclusion grounds specified in the procurement documents.
- 25(3) The Organisation may request that official registers, certificates, statements and other means of proof are submitted as evidence against grounds for exclusion in accordance with paragraph (1) above.
- 25(4) A supplier that is in one of the situations referred to in paragraph (1) above shall have the possibility to request that compliance measures taken by that supplier are sufficient to demonstrate its reliability despite the existence of a relevant ground for exclusion, with a view that possible admission to the procurement procedure be examined.
- 25(5) Such compliance measures may particularly include personnel and organisational measures such as the severance of all links with persons or organisations involved in the misbehaviour, appropriate staff reorganisation measures, the implementation of reporting and control systems, the creation of an internal audit structure to monitor compliance and the adoption of internal liability and compensation rules.
- 25(6) The compliance measures taken by the supplier shall be evaluated by the Organisation, taking into account the particular circumstances of the offence or misconduct. The Organisation shall give the supplier a statement of the reasons for its decision in case it considers the compliance measures taken to be insufficient. Such decision shall be made at the sole discretion of the Organisation.

ARTICLE 26 TECHNICAL SPECIFICATIONS

- 26(1) The technical specifications shall define the components required of the works, supplies or services to be performed under the contract and shall be set out in the tender documents.
- 26(2) Technical specifications shall afford equal access to suppliers in the procurement procedure and shall not have the effect of creating unjustified obstacles to competition or result in unfair discrimination.



- 26(3) Where relevant to the subject matter of the contract, the technical specifications shall be drawn up so as to promote the objectives of innovation, sustainability and social responsibility as set out in the preamble to these rules.
- 26(4) Technical specifications may refer to a specific make or source, or a particular process that characterises the products or services provided by a specific supplier. In such a case the technical specifications shall always allow an equivalent solution and each such reference shall always be accompanied by the words “or equivalent”.

ARTICLE 27 SELECTION CRITERIA

- 27(1) Where applicable, the Organisation shall establish selection criteria for the qualitative selection of suppliers to be invited to tender or, where applicable, to negotiate the contract.
- 27(2) The selection criteria used shall be based on clear and objective criteria that the Organisation may determine, provided it makes the criteria available to suppliers in advance.
- 27(3) The criteria must be related and proportionate to the subject-matter of the contract, and may include (but are not limited to): suitability to pursue a professional activity, economic and financial standing, and technical and professional ability.
- 27(4) Where appropriate and relevant for a particular contract, a tenderer may rely on the capacities of other entities to demonstrate economics and financial standing or technical and professional ability, subject to the following conditions set out in paragraphs (5), (6) and (7) below.
- 27(5) With regard to criteria relating to economic and financial standing, the Organisation may require that the tenderer and those other entities be jointly liable for the execution of the contract.
- 27(6) With regard to criteria relating to technical capacity, the Organisation may require the tenderer to prove that it will have at its disposal the relevant resource by, for example, providing a commitment in writing to that effect.
- 27(7) With regard to educational and professional qualifications or experience of individuals, a tenderer may only rely on the capacities of other entities if those individuals perform the services or works that require their qualification or experience.
- 27(8) In order to facilitate an efficient evaluation process and reduce the likelihood of errors, the Organisation may decide to request the documentary evidence of fulfilment of the selection criteria upon finalisation of the evaluation of tenders and to request such



documentary evidence from the tenderer(s) recommended for award only. The decision to request the documentary evidence together with the tender from all tenderers or at the end of the evaluation process from the awarded tenderer(s) only, shall rest with the Organisation and the chosen option shall be clearly stated in the call for tenders and the tender documents.

ARTICLE 28 AWARD CRITERIA

- 28(1) The Organisation shall award contracts on the basis of best-value-for-money, which shall be assessed on the basis of objective criteria in accordance with the principles set out in Article 3(1) above.
- 28(2) The objective criteria used to assess the best-value-for-money shall be linked to the subject matter of the contract and shall not confer an unrestricted freedom of choice on the Organisation. Such criteria may include environmental, social or innovation-related criteria and shall reflect the objectives set out in the preamble of these rules and Article 3(2) above.
- 28(3) The criteria used to assess the best-value-for-money shall be set out in the call for tenders or the tender documents and be sufficiently clear to allow tenderers to understand on what basis their tenders will be assessed and to allow the information provided by the tenderers to be effectively verified.
- 28(4) In appropriate cases, justified by the subject matter of the contract, the best-value-for-money may be based solely on price or life-cycle costing.
- 28(5) In exceptional cases justified by the technological requirements of the Organisation, the Organisation may award contracts on best-performance basis, provided this award criterion is specified in the tender documents.

ARTICLE 29 MARKET CONSULTATIONS AND INVOLVEMENT OF SUPPLIERS IN THE PROCUREMENT

- 29(1) Prior to commencing a procurement procedure or a low-value procurement, the Organisation may conduct a market survey or consultation with potential suppliers to plan the conduct of the procurement, prepare the tender documents and inform the market on forthcoming procurement plans.
- 29(2) For this purpose, the Organisation may engage external independent experts and/or potential suppliers, provided this does not have the effect of distorting competition.
- 29(3) The Organisation shall take appropriate measures to ensure that competition is not distorted as a result of the participation in the procurement procedure by a tenderer



or an entity related to a tenderer previously involved in the preparation of the procurement.

- 29(4) The Organisation may exclude a supplier or a tenderer if it has grounds to conclude that the prior involvement of that tenderer, supplier or related entity in the procurement process is capable of distorting competition or compromising the integrity of the procedure.
- 29(5) Prior to any such exclusion, the supplier or tenderer shall be given the opportunity to prove that its involvement in the preparation of the tender process is not capable of distorting competition.

ARTICLE 30 NOTICE OF DECISION TO REJECT A TENDERER OR TO AWARD A CONTRACT

- 30(1) The Organisation shall send a notice to tenderers who were excluded pursuant to Article 25 or failed to meet the selection criteria pursuant to Article 27. The notice shall be sent as soon as possible after a decision has been made and include the reasons why the tenderer was unsuccessful in meeting those criteria. The identity of awarded tenderer(s) or the tenderer(s) selected for the next stage in a tender procedure conducted in several stages (i.e., restricted or competitive with negotiation, innovation partnership and competitive dialogue) will remain confidential until the award decision.
- 30(2) Prior to entering into a contract or concluding a framework agreement, the Organisation shall send all unsuccessful tenderers, who have not been informed of their rejection pursuant to paragraph (1) above, a notice communicating its decision.
- 30(3) The notice referred to in paragraph (2) shall include:
- a) the criteria used for the award of the contract;
 - b) the name of the tenderer or tenderers to be awarded the contract or to become a party to the framework agreement;
 - c) the score for each award criterion obtained by the tenderer which is to receive the notice and the tenderer or tenderers to be awarded the contract or to become a party to the framework agreement; and
 - d) where paragraph (4) below is applicable, the earliest date the Organisation intends to enter into the contract or to conclude the framework agreement.
- 30(4) For contracts failing under Chapter 2 (with the exception of contracts awarded based on the procedure without publication of Article 18) the Organisation must not enter into the contract or conclude the framework agreement before the end of a standstill period.



- 30(5) The standstill period shall end at midnight at the end of the 10th day following the relevant sending date of the notice in accordance with paragraph (2). The “relevant sending date” means the day on which the notice is sent, which for the purpose of calculating the standstill period, shall be counted as the first day.
- 30(6) For contracts falling under Chapter 3, the decision of whether to follow the provisions of this Article shall be at the Organisation’s discretion.

ARTICLE 31 CANCELLATION OF A PROCUREMENT PROCEDURE

- 31(1) The Organisation may decide to cancel a procurement procedure at any time before entering into a contract, provided such decision is in conformity with the principles set out in Article 3(1).
- 31(2) For procurement procedures conducted in accordance with Articles 14 to 17, the Organisation shall cancel the procedure in the event no or only one supplier has qualified to submit a tender.
- 31(3) The Organisation shall inform all tenderers of its decision within a reasonable time.
- 31(4) Participation in a tender procedure that has been cancelled shall not give rise to any right for compensation for foregone profits or costs incurred by suppliers or tenderers.

ARTICLE 32 CONFIDENTIALITY

- 32(1) In its communications with suppliers or tenderers or any other third party, the Organisation shall not disclose any information if the non-disclosure of such information is necessary for the protection of essential interests of the Organisation or a Member Country.
- 32(2) The Organisation shall not disclose information communicated to it by a supplier or a tenderer that has been reasonably designated by that supplier or tenderer as confidential and that, according to the Organisation’s assessment, would likely prejudice the legitimate commercial interests of that supplier or tenderer, or would impede fair competition, unless disclosure of that information is ordered by a court or administrative body as required under EU laws or laws of the Host State.

CHAPTER 6 - AUDIT

ARTICLE 33 GENERAL AUDIT

The Director General shall appoint an internal auditor to conduct an annual review of procurements against the procurement rules of the Organisation. The auditor shall provide a



written report of its findings. The auditor shall be independent of the Organisation's procurement function.

CHAPTER 7 - CONTRACT PERFORMANCE

ARTICLE 34 CONTRACT CONDITIONS

- 34(1) In case of works executed or services provided outside the Host Countries, the Organisation may require compliance with obligations in the fields of environmental, social, tax and employment law that apply at the place of execution of the works or provision of the services, in addition to obligations resulting from laws, regulations, decrees, collective agreements and decisions applicable in the relevant Host Country.
- 34(2) The Organisation may also require additional stipulations relating to the performance of the contract, concerning in particular innovation-related, environmental, social or employment-related considerations, or financial penalties in the event of non-performance or non-compliance with the contractual terms.

ARTICLE 35 SUBCONTRACTING

- 35(1) Tenderers must indicate in their tenders any share of the contract that may be subcontracted to third parties and the identity of such proposed subcontractors.
- 35(2) The Organisation may exclude subcontractors under Article 23, in which case it may require a tenderer to replace those subcontractors so identified.

ARTICLE 36 MODIFICATION ON CONTRACTS

- 36(1) Contracts may be modified during their term only if one or more of the following conditions are fulfilled:
- a) the modification is not substantial within the meaning of Article 36(2);
 - b) the modification has been provided for in the initial tender documents and is included in the final contract by way of a clear, precise and unequivocal review or option clause;
 - c) the modification is in relation to the identity of the contracting partner due to corporate restructuring, including takeover, merger, acquisition or insolvency of the original contracting partner, provided the new contracting partner fulfils the criteria for qualitative selection applied in the original tender procedure;
 - d) additional works, services or supplies by the same contractor have become necessary or the modification has become necessary due to unforeseen and urgent



circumstances related to technical and economic reasons and the replacement of the contractor is not possible or would result in a significant increase of costs or substantial delays for the Organisation. In any event, the increase in the value of the contract due to such modification - or successive modifications - must not exceed 50% of the value of the original contract; or

e) the value of the modification (either in terms of price or risk allocation) is below 25% of the original contract, provided the modification does not change the main objectives of the initial procurement.

36(2) A “substantial modification” is any modification which:

- a) would have attracted additional or other suppliers to the initial tender process;
- b) introduces or excludes conditions that would have allowed the admission of suppliers other than those initially selected to the tender process;
- c) would have resulted in the appointment of a tenderer other than the one originally appointed; or
- d) considerably changes the economic balance of the contract in favour of the contractor.

CHAPTER 8 - APPEAL PROCEDURE

ARTICLE 37 RIGHT OF APPEAL

37(1) Subject to Article 2(3) above and to paragraph (2) below, any supplier or tenderer who suffered or risks suffering loss or damage due to breach of these rules, may appeal a procurement decision taken by the Organisation.

37(2) Appeals must be submitted in writing to the Organisation’s Tenders Appeal Board within 10 days from the day on which the person submitting the appeal knew or ought to have known of the grounds for the appeal and in any event no later than 3 months from the date when the grounds for submitting the appeal first arose.

37(3) The Tenders Appeal Board may appoint an ad-hoc internal auditor in relation to a specific procurement. The auditor shall provide its report in writing to the Tenders Appeal Board within 14 days of its appointment. The ad-hoc internal auditor shall be independent of the Organisation’s procurement function.

37(4) In exceptional circumstances, the Tenders Appeal Board may extend the time limit of 10 days set out in paragraph (2) above, where the Tenders Appeal Board considers that there are compelling reasons for doing so. However no such extension of the time



limit shall be granted so as to permit an appeal to be reviewed more than 3 months from the date when the grounds for submitting that appeal first arose.

ARTICLE 38 HANDLING OF APPEALS

- 38(1) If the Tenders Appeal Board considers that a decision taken by the Organisation infringes these rules, it shall order that the tender procedure or parts of it be rectified or grant any other remedy that would be adequate and reasonable in the circumstances. Where no infringement is considered to have taken place, it shall reject the appeal.
- 38(2) The Tenders Appeal Board may make an order suspending the procurement procedure or the award of contract until it has issued its final decision.
- 38(3) For the purpose of investigating an appeal, the Tenders Appeal Board may order that an audit be conducted in accordance with Article 31(2) prior to issuing its decision.
- 38(4) The Tenders Appeal Board shall notify the appellant in writing of its final decision within 30 working days following the date of receipt of the appeal; such notification shall state the grounds on which its decision is based. If the Tenders Appeal Board has rejected an appeal in accordance with Article 38(1), the Organisation may immediately proceed with signing the awarded contract(s) in case the contract(s) have not yet been awarded.
- 38(5) The Tenders Appeal Board shall be appointed by the Director General and composed of at least 3 but no more than 5 competent members of the Organisation's staff and/or external parties, chaired by a person who is legally qualified and competent in the field of public procurement.
- 38(6) The members of the Tenders Appeal Board shall be independent of the Organisation's Procurement Division or any relevant staff member of the Organisation within the meaning of Article 9(4).

CHAPTER 9 - FINAL PROVISIONS

ARTICLE 39 INTERPRETATION

These rules shall be interpreted in light of relevant principles of the European Union legislation.



ARTICLE 40 AMENDMENTS

Material amendments to these procurement rules shall require the approval of the General Assembly by simple majority vote following recommendation of the AFC.

ARTICLE 41 ENTRY INTO FORCE

These procurement rules shall enter into force on XX.



Annex 6: Intellectual Property Rights Policy

IPR Policy

This policy sets the general approach to intellectual property (IP) provisions applicable at ELI ERIC.

SCOPE

ELI ERIC considers creation, protection, and exploitation of IP to be an integral part of its operations. The created IP is a result of ELI ERIC's overall mission in science, research, technical development and other activities specifically requiring high level of human creativity, education, and invention.

ELI ERIC seeks to ensure that created IP will be actively exploited to provide positive socio-economic impact in the benefit of society and the expansion of its reputation in the scientific and industrial community.

BASIS

This policy has regard for the following guiding documents:

- Article 9 of the ELI ERIC Statutes on Intellectual Property Rights Policy
- Article 2 of the Convention Establishing the World Intellectual Property Organisation signed on 14 July 1967 on defining term „Intellectual Property“
- National legislations on copyright, industrial and other IP-relevant laws of ELI ERIC member states

PRINCIPLES

The IP created at ELI ERIC includes inventions and technical solutions (protected by patents and utility models), copyrights (incl. software and databases), industrial designs, trademarks and know-how (protected as trade secret).

IP arises from

- Independent or teamwork of ELI ERIC personnel; or
- Collaboration of ELI ERIC personnel with other research organizations or businesses; or
- Use of ELI ERIC facilities conducted by external users with or without contribution of ELI ERIC personnel.

IP created at ELI ERIC is protected in a manner that recognizes the contributions of individual inventors and their employers.

PROCESSES

ELI ERIC seeks to obtain the IP protection taking the following aspects into consideration



- Scientific and/or technical importance;
- Substantial potential for commercial exploitation; and
- Costs (filing costs, renewal fees, etc.).

The IP with a likely or already demonstrated application and exploitation potential shall not be publicly disclosed or otherwise disseminated until all necessary steps are taken to ensure the IP protection and determination of its next use. Inventors, originators, technology developers and other involved persons shall demonstrate best efforts to contribute to successful completion of the IP protection and refrain from any actions that could prevent or thwart obtaining such protection by e.g., premature disclosure of any confidential or novelty information.

ELI ERIC prefers to file an application for the IP protection at the national level first. Priority regional and international applications may be filed, subject to justification by a business analysis and approval by the ELI ERIC management.

Where applicable, ELI ERIC can decide to drop IP protection application (e.g. a patent application) or abandon already existing IP protection (e. g. a granted patent), if there is no realistic expectation to adequately exploit the IP rights in an appropriate time scale and/or industrial property protection actions require costs that are not justified. In such cases, prior to dropping the application or abandoning the IP protection ELI ERIC might be required by applicable law to offer the transfer of respective rights to the inventor(s).

The IP rights ownership arising from the activities performed with ELI ERIC personnel's involvement differ according to the nature of the activities. In case of joint research activities, ELI must agree with other partners on the allocation and the terms of exercising the ownership of the created IP as follows:

- IP created solely by ELI ERIC personnel in the course of their scope of work (employment contract, job description and other mandatory acts for the inventor) shall be the exclusive property of ELI ERIC, unless other contractual arrangements apply.
- IP created in part by the ELI ERIC personnel shall reflect at least the financial and human contribution to the IP creation. The ratio would be determined by a separate agreement. ELI ERIC prefers to be the sole or majority owner of IP rights.

In case of access of external users to the ELI ERIC infrastructure, the created IP is attributed according to the following:

- ELI ERIC requires 0% of the IP rights to outcomes of external users, who fully cover infrastructure access charges (e.g., proprietary users). ELI ERIC retains the right to use a non-exclusive, royalty-free license to use this IP for research and development purposes. This IP is not provided to other entities without the prior consent of the owner.
- ELI ERIC requires ownership of the IP rights to outcomes of those users, who either (i) do not pay the access fees or (ii) pay them in part, unless agreed otherwise. The



required share of IP rights corresponds to the share of covered costs by ELI ERIC. Upon ELI ERIC's approval, these users have the right to free and unlimited access to the IP for non-commercial use, especially for publications and public research activities.

ELI ERIC financially compensates its inventors and originators in a reasonable way and proportionally to commercial success according to appropriate laws.

The IP is usually disseminated through appropriate channels (publications, research community knowledge sharing or knowledge transfer). ELI ERIC shall decide on the exploitation of the IP on a case-by-case basis, including but not limited to the license or transfer of the IP, further, the establishment of a spin-off company.

ELI ERIC makes regular re-evaluation and maintenance of its IP portfolio in order to

- Maximize its value;
- Avoid unnecessary maintenance fees and other related costs; and
- Identify and defend against any violations of its proper IP rights.

Responsibilities and Reporting

The General Assembly of the Extreme Light Infrastructure ERIC assigns the ELI ERIC Director General and management to determine and implement the relevant and effective processes and procedures as part of the ELI ERIC management system according to this policy.

Annex 7: Innovation and Industry Policy

Innovation and Industry Policy

This policy defines the general approach to innovation and industrial collaborations at ELI ERIC as stated in Article 14 of Statutes of the Extreme Light Infrastructure ERIC. Specific steps and measures in innovation processes are determined by the ELI Innovation Strategy.

Scope

ELI ERIC's vision is to be an innovation leader among global research institutions in the domains of photonics and laser driven sources. Based on existing scientific, research and technical know-how, ELI ERIC commits to further develop innovation activities with direct societal and economic impact on its member countries, observers, countries within the European Research Area and other partners on the global scale.

To this aim ELI ERIC will support every effort at the ELI facilities to drive innovation activities that create and capture sustainable and profitable value from innovation while contributing to long-term financial stability and sustainability of the facilities. Accordingly, ELI ERIC welcomes all meaningful initiatives to do research and development (R&D) with industrial partners and other academic and non-academic institutions for the scientific and commercial exploitation of inventions, know-how and patents through knowledge transfer, innovation development projects and support of spin-out companies.

ELI ERIC, as a technology exploitation technology push leader among the photonics and laser research institutions, makes every effort to inform its partners about emerging technologies and innovation opportunities to identify new stakeholders to open up and enlarge its innovation ecosystem expanding across the ELI facilities and far beyond their borders based on open-minded dialogue with industry and research institutions.

Basis

This policy has regard for the following guiding documents:

- Article 14 of the ELI ERIC Statutes, according to which “ELI ERIC shall as a part of its mission be a reference for European industry, leading research and technology development through outreach and collaboration opportunities with industry ...”
- Making Science Happen: A new ambition for Research Infrastructures in the European Research Area. ESFRI WHITE PAPER (2020), Chap. 1.1. “Research infrastructures as knowledge hubs and pillars of competitiveness”.
- European Commission: Strategic Plan 2020 – 2024, DG Research and Innovation; Specific objective 4.1: Regional research and innovation strategies and broader association policy contribute to promoting common European R&I values and creating a global Research and Innovation Space. EU 2020, *Ares(2020)5352987*
- Mission-Oriented Research & Innovation in the European Union. EU 2018, *ISBN 978-*



Principles

ELI ERIC coordinates innovation and industry-related activities via its Industrial Liaison Office (Central ILO). All ELI ERIC facilities do their specific innovation and industry-related activities via their local Industrial Liaison Offices (Facility ILOs), which do their best to contribute to the innovation-driven activities equally, however the contribution differs according to the nature of research, technical and personnel capacities.

This policy in particular is strongly linked with IPR, access, and procurement policies of ELI ERIC.

Objectives

The main objective is to ensure ELI ERIC and its partners' competitiveness in the global marketplace and to pursue state-of-the-art research and economic self-sufficiency of ELI ERIC.

Wherever possible, ELI ERIC aims to establish long-term innovation-driven collaborations aligned to strategic research themes of the ELI facilities. The main criteria for establishing these collaborations are based on their accordance with internal rules and ethical principles of ELI ERIC Research Excellency.

In order to achieve these aims and objectives, ELI ERIC commits to submit joint ERIC-level proposals to public funding tenders thus increasing the income from non-host sources.

Responsibilities and Reporting

The General Assembly of the Extreme Light Infrastructure ERIC assigns the ELI ERIC Director General (DG) and management to determine and implement the innovation driven processes and procedures as part of the ELI ERIC management system according to this policy. The ELI ERIC DG may delegate this responsibility to Central ILO – umbrella body for all local Facility ILOs. The DG will report to the General Assembly annually on the application of this Innovation and Industry Policy.

Relevant rules and guidelines for innovation processes and cooperation with industrial partners are subject of ELI Innovation Strategy (IS). ELI IS is reviewed in cooperation with all ELI ERIC members and its fulfilment is being coordinated and continuously evaluated by Central ILO.

It is also the responsibility of Central ILO to define and establish tools and bodies necessary for successful implementation of ELI IS. Of foremost importance is the establishment of internal support schemes as a mechanism for identifying the most prospective innovation projects across ELI ERIC member facilities and in conjunction with ELI Innovation Board as a critical and evaluating body.



Annex 8: Finance Policy

ELI ERIC Financial Rules

The ELI ERIC Financial Rules form the chief governing document regarding financial matters of the Extreme Light Infrastructure ERIC (hereinafter referred to as 'ELI ERIC' or 'the Organisation'). It is drawn up according to Article 30(10) of the ELI ERIC Statutes. The Financial Rules include the *ELI ERIC Financial Policy* (Section 1) and *Rules for Financial Processes* (Section 2).

SECTION 1: FINANCIAL POLICY

SCOPE

The purpose of the Financial Rules is to provide essential directives for setting internal rules and regulations for the preparation of financial information that forms the basis of ELI ERIC's internal and external reports and financial statements (i.e., Financial Accounting, Management Accounting, Budgeting, and other reports).

Pursuant to Article 12 d) of the ELI ERIC Statutes, the Financial Rules are the internal regulations adopted by the General Assembly regarding ELI ERIC's budget, accounting standards, cash and in-kind contributions and resources, and rules regarding preparation, filing, auditing, and publication of accounts.

The use of these Rules will ensure that all other ELI ERIC implementing rules regarding financial matters follow the Statutes and other relevant legal requirements. ELI ERIC needs to provide relevant information on its financial position, financial statements, budgeting, and management reports to all the Members.

This policy applies to the financial management of all activities of ELI ERIC, including, where applicable, those implemented by the hosting institutions.

BASIS

The financial management of ELI ERIC shall be governed by the Statutes, these Financial Rules and any further implementing regulations drawn up by the ELI ERIC General Assembly ('GA') and management in compliance with the applicable legislation.

This policy has regard for the following guiding documents:

- Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), amended by Council Regulation (EU) No 1261/2013 of 2 December 2013;
- Commission Implementing Decision (EU) 2015/1478 setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC);



- Czech Republic Decree no. 504/2002 Coll., which implements provisions of Act no. 563/1991 Coll., on Accounting, as amended, for accounting units whose main activity is not business/entrepreneurship, if they keep a double-entry bookkeeping.

ELI ERIC shall pursue its principal task on a non-economic basis. However, ELI ERIC may carry out limited economic activities, provided that they are closely related to its principal task and that they do not jeopardise the achievement thereof.

PRINCIPLES

All items of expenditure and revenue of ELI ERIC shall be included in the annual budget to be drawn up for each year of the financial period.

Establishment and implementation of the budget shall be governed by the principles of efficiency, economy, effectiveness, and optimum use of ELI ERIC's resources, considering in particular the international, multi-site character of ELI.

The revenues and expenditures of ELI ERIC shown in the ELI ERIC budget shall be in balance over the long term. The GA shall ensure that planning and resources are approved in a timely manner and that resources are available according to the agreed planning.

The GA shall ensure that ELI ERIC's resources are used in accordance with the principles of sound financial management and only for purposes as laid down under the Statutes.

Any external funding or contribution shall be used only for the purpose it has been dedicated for in the framework of the ELI ERIC work plan.

In accordance with Article 30(1) of the Statutes, the financial year shall begin on 1st of January and shall end on 31st of December.

PROCESSES

1.1.1 The **Accounting process** ensures that ELI ERIC establishes and maintains comprehensive accounting records of all assets and liabilities, including summaries, analysis and reporting of transactions to the GA, Administrative and Finance Committee ('AFC'), regulators and tax collection entities. The financial statements used in accounting shall provide ~~are~~ a concise summary of ELI ERIC's financial transactions over the accounting period, summarizing the Organisation's operations, financial position, and cash flows. The Financial Rules provide a framework for the internal controls and procedures to be followed by ELI ERIC.

1.1.2 **Auditing** is the systematic process of examining ELI ERIC's financial records to determine if they are accurate and in accordance with the applicable rules, regulations, and laws. In accordance with Article 30(12) of the Statutes, the GA should appoint an independent External Auditor no later than by the end of March of the following financial year. The ELI ERIC Director General ('DG') shall establish an Internal Audit function, reporting directly to the DG, to audit the legality, propriety, and



regularity of financial activities in accordance with the Financial Rules. In addition, the Internal Audit shall examine whether the management of ELI ERIC provides adequate procedures for monitoring of performance and for follow-up of identified internal control weaknesses and deviations from the procedures laid down in the internal control system. A periodic assessment and review of risk and the sound functioning of the internal control system shall be performed.

- 1.1.3 **Budgeting** is the process whereby future revenue and expenditure are decided in order to streamline the expenditure process. Budgeting is done in order to keep track of the expenditures and revenue relative to activities. It is a planning and monitoring tool to manage the use of resources by the Organisation. The annual budget is the primary instrument to authorise annually and in advance the estimated expenditures and revenue of ELI ERIC. Value added tax shall be excluded, except where it is foreseen that VAT cannot be refunded to or recovered by ELI ERIC on the basis of its exemption. The five-year budget plan shall establish the general framework for estimated annual budgets.
- 1.1.4 **Budget implementation** is the process that directs funds, legally and efficiently, to execute the planned activities and manage access to the ELI Facilities for users according to ELI ERIC's policies. The DG shall submit an annual budget and five-year budget plan to the GA and received an approved budget by November 30th of the previous year, in line with Article 30(4) of the Statutes.
- 1.1.5 The **Funding process** enables ELI ERIC to perform its tasks and activities in accordance with Article 2 of the Statutes by providing a framework for resources to be made available to ELI ERIC.

RESPONSIBILITIES AND REPORTING

The Financial Rules are prepared by the DG and adopted by the GA as defined in the Article 25(10) and Article 30 of the Statutes.

The GA of the Extreme Light Infrastructure ERIC assigns the DG and management to determine the appropriate processes, and procedures to implement and control the ELI ERIC budget, ensuring accuracy and transparency of accounting data. Those documents, subordinated to the Financial Rules, form the ELI ERIC Internal Financial Manual and are an integral part of the ELI ERIC Management System.

The DG, the Facility Directors and all ELI management shall ensure the necessary internal functions are in place to support effective control. They shall provide reasonable assurance that ELI ERIC will achieve its objectives of safeguarding assets, promoting operational efficiency, and ensuring compliance with established managerial policies. The DG may designate and formally delegate authority to officials who may decide on disbursing and



receiving funds, on the basis of formal approval procedures and authorisation for transactions.

Detailed internal control activities shall be determined by the Internal Financial Manual. Internal control activities shall ensure the segregation of duties among the management, and avoidance of conflicts of interests, and adequate audit trails and data confidentiality, integrity and availability in information systems.



Annex 9: Scientific Evaluation Policy

Scientific Evaluation Policy

This policy document governs the Scientific Evaluation of the Extreme Light Infrastructure (ELI) ERIC and its activities. The process of periodically evaluating the scientific effectiveness of ELI is critical to ensure relevance for the research community and the effectiveness of the organisation relative to its primary mission. This policy describes the criteria, objectives and responsibilities for managing and reporting on the scientific effectiveness of the organisation relative to established international indicators combined with the unique aspects of ELI ERIC.

Scope

In the Council Regulation establishing ERICs, it is stated that all pan-European research infrastructures operate to “safeguard the scientific excellence of [European] Community research and the competitiveness of the [European] Community’s economy,” including being “effectively open to the European research community at large,” and “should have the aim of enhancing European scientific capabilities beyond the current state of the art and should thereby contribute to the development of the European Research Area.”¹

These aims shall be evaluated both by ELI ERIC’s governance, and in the broader scope of being an ESFRI Landmark and leading ERIC with multiple sites. The process shall be defined and evaluations performed by the ELI ERIC International Scientific and Technical Advisory Committee (ISTAC). The result of such an evaluation shall be a report assessed against predetermined criteria and presented to the Director General and General Assembly.

Basis

This policy has regard for the following guiding documents:

- Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), amended by Council Regulation (EU) No 1261/2013 of 2 December 2013 and Article 7(3) thereof.
- Commission Implementing Decision C(2021) 2923 of 30 April 2021 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC), in particular Article 6(3) of the ELI ERIC Statutes.
- European Commission, Directorate-General for Research and Innovation, *ERIC practical guidelines: Legal Framework for a European Research Infrastructure Consortium*, Publications Office, 2015, <https://data.europa.eu/doi/10.2777/72348>

¹ Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), Preamble Art. 9



- ESFRI: *Working Group Report on Monitoring of Research Infrastructures Performance, 2019*

Principles

Scientific evaluation shall be done systematically on a periodic basis by the ELI ISTAC using a predetermined set of key performance indicators (KPIs). Those KPIs should “*be aligned with the objectives of RIs and fulfil RACER criteria: Relevant, Accepted, Credible, Easy to monitor, Robust.*”² The KPIs should be defined in advance, have determined data source(s), methods of calculation, and other information concerning calculation or applicability.

Processes

The following objectives, adopted by the *ESFRI Working Group on Monitoring RIs*, form the basis for KPIs around each of the individual objectives:

- Enabling scientific excellence – Number of user access requests, number of users served, number of publications, quality of cited publications, conference participation;
- Delivery of education and training – Number of Master/PhD students using the RI, training outside of RI staff;
- Enhancing transnational collaboration in Europe – Number of members of the RI from ESFRI countries, share of users/publications per ESFRI member country, user community building events;
- Optimising data use – Number of open, publicly available data sets, number of requests for access to open data;
- Provision of scientific advice – Participation by ELI in policy related activities, citations in policy related publications;
- Facilitating International co-operation – Share of users and publications per non-ESFRI member country, number of international trainees, number of members of the RI from non-ESFRI countries.

Responsibilities and Reporting

The General Assembly of the Extreme Light Infrastructure ERIC assigns the ISTAC to determine relevant KPIs and perform regular periodic evaluations. The ELI ERIC Director of Science shall manage and implement the relevant processes and procedures as part of the ELI ERIC management system according to this policy.

The specific management procedures, rules and guidelines, following from and consistent with this policy, shall constitute the body of internal regulation determining and limiting all activity relative to **Scientific Evaluation** carried out by the ELI ERIC organisation.

² ESFRI: *Working Group Report on Monitoring of Research Infrastructures Performance, 2019*

The evaluations shall be carried out periodically by the ISTAC, but at least every [three years]. The ELI ERIC Director of Science shall organise internal process to continuously monitor and collect the relevant data for KPIs to provide the basis of the evaluation; the ELI ERIC organisation shall support and respond to the requirements of the evaluation.

Regular reporting of KPIs shall be published in the ELI Annual Report. The periodic ISTAC Evaluation Report shall be presented to the General Assembly, which will determine terms of publication of the report.

When requested or required, and with the approval of the General Assembly, ELI ERIC will participate in external monitoring activities to maintain its status as an ESFRI Landmark and ERIC. The Director General, supported by the ISTAC and Director of Science, will lead and coordinate all external monitoring and evaluation activities.



Annex 10: Dissemination Policy

Dissemination Policy

This Policy governs the dissemination of the non-proprietary research results resulting from the activities of users and staff of the Extreme Light Infrastructure (ELI) ERIC. In accordance with Article 8 of the ELI ERIC Statutes, ELI ERIC shall aim to strengthen research, technology development, and innovation in Europe by ensuring the widest possible dissemination of and access to ELI's results. In complementarity with the Data Policy, the User Access Policy, and the Intellectual Property Rights Policy, this Policy describes the objectives, principles and responsibilities for ensuring open access to the scientific publications derived from publicly-funded research conducted at ELI ERIC.

Scope

The Dissemination Policy applies to all dissemination activities to support the aim of ELI ERIC to strengthen research, technology development, and innovation in Europe and worldwide, in accordance with the ELI ERIC Access Policy and ELI ERIC Data Policy. That includes publication of research and unrestricted access to the published outputs of research and innovation funded or conducted by ELI ERIC or conducted at, or in collaboration with ELI ERIC, not including the outputs of proprietary access.

This Policy applies to persons producing Open Science, including the ELI ERIC organisation, its staff, all Users, representing entities of ELI ERIC members, and all legally defined partnerships where dissemination activities are performed with and/or on behalf of ELI ERIC.

Basis

This Policy has regard for the following guiding documents:

- Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), amended by Council Regulation (EU) No 1261/2013 of 2 December 2013 and Article 7(3) thereof.
- Commission Implementing Decision C(2021) 2923 of 30 April 2021 on setting up the Extreme Light Infrastructure as a European Research Infrastructure Consortium (Extreme Light Infrastructure ERIC), in particular Articles 8(1) and 8(2) of the ELI ERIC Statutes.
- Background note on open access to scientific publications and open research data, European Commission (2016)
- The ELI ERIC Data Policy and Access Policy.

Principles

Results of publicly-supported research should in principle be made publicly available.



In order to achieve the scientific goals of ELI ERIC, the Dissemination Policy, together with the Data Policy and Access Policy, aims to ensure the openness of outputs of ELI ERIC's research and technology development, facilitate assessment and reporting of research and innovation results and promote open research in general.

For the purposes of this Policy, the following definitions are used:

- 'Open science' refers to a) the public availability of research outputs to support transparency and quality of research conducted in or in collaboration with ELI ERIC and b) the adoption of best practices that support the full attribution of credit for ELI ERIC's outputs to: individuals, ELI ERIC as a research-performing organisation, representing entities of ELI ERIC members, and all legally defined partnerships where dissemination activities are performed with and/or on behalf of ELI ERIC.
- 'Open Access' is free, online access to peer-reviewed research papers, journal articles or conference papers that have been submitted and accepted for publication. Open Access can be achieved either by immediate free access to the peer-reviewed research paper, journal article or conference paper, usually through the payment of an Article Processing Charge ("Gold Open Access"), or after a suitable embargo period ("Green Open Access").
- 'Users' means any person granted with legitimate and authorized physical, remote and virtual admission to ELI's research facilities, and other services offered by ELI.

Users granted Excellence-Based Access and Mission-Based Access are expected:

- To publish their results via open access with a strong recommendation for gold open access and cover the costs of publication, if any
- To give appropriate credit to ELI ERIC staff members in the form of co-authorship or of acknowledgment
- To give appropriate credit to ELI ERIC and cite the DOI of the instrument used to obtain the results
- To provide information to ELI ERIC on the publication, including the complete reference and the abstract of all papers appearing in print, and resulting from the use of ELI ERIC's instruments and expertise.

Processes

To implement this Policy, ELI ERIC shall define the following processes and develop user guidelines in the following areas:

- **Record of published materials:** ELI ERIC shall maintain a publicly accessible record of all publications of results arising from research at ELI ERIC. ELI ERIC Users and staff shall provide information to ELI ERIC in a timely fashion on such publications.
- **Citation of ELI ERIC staff:** ELI ERIC staff members shall be included as co-authors in all publications arising from the research they have directly contributed to or thanked in the acknowledgments when they have supported the research results, but not acted as direct contributors.



- **Citation of instrument:** Users should specify the instrument used to obtain the published results in their acknowledgements. Where possible, Users should use the instrument DOI provided by ELI ERIC.
- **Funding to be acknowledged:** where relevant, Users benefiting from specific ELI ERIC grants shall make reference to this source of funding in the acknowledgements of their publications in line with the requirements of the grant agreement.

Responsibilities and reporting

The ELI ERIC Director of Science shall manage and implement the processes and procedures derived from and relevant to this Policy as part of the ELI ERIC management system according to this policy. The ELI ERIC User Office shall be responsible for their day-to-day implementation towards ELI ERIC Users.

The specific management procedures, rules and guidelines, following from and consistent with this policy, shall constitute the body of internal regulation determining and limiting all activity relative to Scientific Dissemination carried out by the ELI ERIC organisation.

The ELI ERIC Director of Science shall report periodically to the General Assembly and the ISTAC on the implementation of this Policy. Relevant data for KPIs related to dissemination activities, as defined in the Scientific Evaluation Policy and processes, shall be collected and published in the ELI Annual Report.

Annex 11: Data Protection and Privacy Policy

Data Protection and Privacy Policy

This Data Protection and Privacy Policy (hereinafter referred to as Policy) governs the processing of personal data involved in the operation of the Extreme Light Infrastructure ERIC (ELI ERIC).

Purpose

This Policy and implementing processes, procedures and rules that shall altogether ensure the lawfulness of processing personal data and to ensure the principles of data protection as well as the right of informational self-determination and the requirements of data security in connection which ELI ERIC makes appropriate technical and organizational measures to ensure the safety of the personal data.

ELI ERIC makes high level efforts to ensure the protection of personal data due to the principle of privacy by design in order to prevent personal data breach. Under the provisions laid down in this present Policy and also the Data Protection and Privacy Regulation of ELI ERIC data subjects would get brief, transparent, understandable and clear information concerning processing of personal data by ELI ERIC, including those that processed by a processor, as well as about the type of data, sources from where personal data are obtained, the purposes, legal grounds and retention period, the technical and organizational measures to secure the personal data processed, and - if the personal data of the data subject may be transferred - the legal basis of the transfer.

Basis

This Policy has regard for the following guiding documents:

- a) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation - GDPR);
- b) ELI ERIC Statutes;
- c) Data Protection Regulation of ELI ERIC;
- d) Where applicable, separate documents of the ELI Facilities in connection with processing of personal data where additional and Facility-specific provisions may be laid down.

Principles

ELI ERIC as controller shall be responsible for determining the purposes and meaning of processing of personal data in accordance with Article 4 par. (7) of the GDPR. Regarding the



provisions laid down in Article 5 of the GDPR, ELI ERIC guarantees the compliance with the principles relating to processing of personal data occurs in carrying out its activities, in respect

of which ELI ERIC ensures that the processing of personal data occurs during each of its activities:

- A. complies with the principle of lawfulness, fairness and transparency (personal data shall only be processed for a clearly defined, legitimate purpose: at all stages of processing, it must be appropriate to the purpose of the processing, and the collection and handling of personal data must be fair and lawful);
- B. complies with the principle of purpose limitation (personal data shall be processed for specified, explicit and legitimate purposes and no further processed in a manner that is incompatible with those purposes; prior to processing of personal data ELI ERIC in all cases shall inform data subjects about the purpose and legal basis of processing);
- C. complies with the principle of data minimisation (adequate, relevant and limited personal data shall be processed solely what personal data are necessary in relation to the purposes of processing);
- D. complies with the principle of accuracy (personal data shall be accurate having regard to the purposes for which they are processed, inaccurate personal data shall be erased or rectified without delay);
- E. complies with the principle of storage limitation (personal data shall be stored in limited period: personal data shall be stored no longer than is necessary for the purposes for which the personal data are processed; prior processing ELI ERIC shall inform data subjects about the storage period);
- F. complies with the principle of integrity and confidentiality (processing of personal data shall be in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures).

Processes

Main processing activities of ELI ERIC are:

- I. processing of personal data in connection with recruitment, employment or engagement relationship of ELI ERIC;
- II. processing of personal data in connection with contracts of ELI ERIC;
- III. processing of personal data to achieve the communication, dissemination and marketing objectives of ELI ERIC, such as:
 - processing of personal data of website visitors or visitors who are registered on the website;
 - processing of personal data in connection with newsletter distribution;
 - processing of personal data in connection with organising events such as trainings, seminars, conferences;
- IV. processing of personal data of users applying for access at the ELI Facilities.



In compliance with the principles set out above, ELI ERIC ensures the rights of data subjects and the protection of personal data (specially to hinder unauthorised access to processed personal data) in compliance with the GDPR, particularly:

- a) data subjects may request information on the processing of his / her personal data (“right to information”);
- b) data subjects may request the correction of his/her personal data (“right to rectification”) and also the erasing of his/her personal data (“right to be forgotten”);
- c) data subjects may submit an objection to the processing of his/her personal data (“right to object”);
- d) data subjects have the right to obtain from the controller restriction of processing (“right to restriction”);
- e) data subjects have the right to lodge a complaint with the complement supervisory authority and before the competent courts (“right to remedy”).

Responsibilities and reporting

The ELI ERIC Director General (DG) shall determine processes and procedures necessary for the implementation of this Policy as part of the ELI ERIC management system with the support of a Data Protection Officer (DPO), within the meaning of the GDPR.

The DPO of ELI ERIC will be responsible at least for:

- Ensuring that ELI ERIC complies with the GDPR in activities involving the processing of personal data;
- Providing information, recommendation and advice following the principle of data protection by design provides advice when data protection impact assessment is being carried out;
- Maintaining an internal record of processing activities (personal data map) in accordance with Article 30 of the GDPR.

The provisions laid down in the present Policy shall be interpreted in harmony with the ELI ERIC Statutes and the Policies of ELI ERIC. If regarding the processing of personal data there could be any contradiction between provisions stipulated herein and the provisions stipulated in any other Policies, in such case the provisions of this present Policy shall be of governing force in connection with processing of personal data.

This Policy shall apply to the ELI ERIC organisation, its staff, all Users, and in relevant cases to representing entities of ELI ERIC Members and Strategic Partners, or otherwise legally defined, partnerships, where processing of personal data activities are occurred.

