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ESONET European Seas Observatory Network

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Project Deliverable D62

Report on High Level Implementation Structure and Regional Integration Bodies for ESONET

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PU	Public	
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
CO	Confidential, only for members of the consortium (including the Commission Services)	

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1. INTRODUCTION

As outlined in the DoW, one of the tasks of WP5 was to advance activities to develop and refine a High Level implementation structure/organization for ESONET-EMSO and associated Regional Integration Bodies (in conjunction with WP1). The structure will be flexible and adaptive to reflect the changing priorities of the Commission, Member States and partners. It will inform and advise the appropriate legal frameworks for a Core Legal Entity and Regional Legal Entities to be set up under EMSO. Hereafter, this Core Legal Entity will be referred to as the EMSO ERIC.

The objective of EMSO ERIC is to coordinate the operation of the distributed infrastructure, servicing the scientific community and other users in the public, private, and policy sectors. EMSO observatories will be deployed to monitor relevant environmental processes around Europe in deep-sea and water column. EMSO will make available observatory data following an open access policy.

A dedicated legal workshop with many of the ESONET SC members was held in Galway in November 2010 under the auspices of the EMSO PP project. Following on from this meeting, extensive discussions and exchanges took place between ESONET-EMSO partners. Legal advice has been engaged as part of the project through Xavier Rebardy of Ifremer's legal office and Bird & Bird, a European law firm. Other legal department representatives were participating on behalf of ITU, INFN and UGot.

What follows is a description of the governance structure and legal work undertaken for the ESONET-EMSO project to date. Some of the details will be amended and refined over the coming months as an ERIC application is developed.

The organisational elements were designed in such a way that the structure of EMSO-ERIC being founded will have the following characteristics:

- It will act as an effective central coordination and advocacy body for distributed facilities (open ocean observatories)
- It will be simple, agile and will have the necessary elements of flexibility required by the management of a distributed Research Infrastructure (RI).

2. EMSO MISSION, OBJECTIVES AND TASKS

Before defining any type of organisational structure it is important to define the mission of EMSO organisation. The mission implies also the definition of the objectives of the organisation and the necessary tasks to be implemented to achieve the objectives.

EMSO is a European-scale network of open ocean observatories and platforms with the basic scientific objective of coordinating long-term monitoring, mainly in real-time, of environmental processes. EMSO will underpin research on the interaction between the geosphere, biosphere, and hydrosphere. EMSO will be managed through the establishment of a European Research Infrastructure Consortium (ERIC).

2.1 Mission

EMSO-ERIC will coordinate and facilitate access to open ocean fixed point observatory Infrastructures according to selection criteria defined by the participating members. The EMSO-ERIC will be the central point of contact for observatory initiatives in other part of the world to set up and promote cooperation in this field.

EMSO-ERIC will also integrate research, training, and information dissemination activities on ocean observatories in Europe and to enable scientists and other stakeholders to make

efficient use of a future network of ocean observatories around Europe. EMSO-ERIC will consist of contributing member states and observer member states and shall ensure maximum benefit by coordinating and focusing the use of the commonly available infrastructure resources.

EMSO-ERIC aims to integrating the existing open ocean fixed point subsea observatories (hereafter referred to as Infrastructures) around Europe, help coordinate their extensions, and in the planning and deployment of new ones. The mission is also to facilitate the operation of the Infrastructures, ensure the continuity and quality of measurement time series acquisition and a reliable and user-oriented data management.

2.2 Scopes and Objectives

EMSO-ERIC shall ensure maximum benefit by coordinating, facilitating and optimizing the use of available infrastructure and sea operation resources. It will facilitate and coordinate access to open ocean observatory infrastructures and data. It will coordinate in-kind contributions and also manage directly contributed assets. It will employ selection criteria that will be developed under advisory of the structured scientific user community in consensus with all participating Member States. Observatory data will follow an open access policy.

EMSO-ERIC will enable scientists and other stakeholders to gain access to the data and facilities of open ocean observatories. It will integrate existing fixed point deep-sea floor and water column observatories around Europe and will ensure the continuity and quality of time series and a reliable data management.

EMSO will act as an advocate for its stakeholders, which include the scientific community and other users in the public, private, and policy sectors. It will liaise with comparable international initiatives and bodies.

The EMSO-ERIC will be the central point of contact for research, training, education and dissemination activities on ocean observatories in Europe in order to enable scientists and other stakeholders to make efficient use of the network of ocean observatories around Europe.

EMSO will contribute to the understanding of the complex interplay between hydrosphere, biosphere and geosphere and how these are related to climate change, marine ecosystems dynamics and geohazards. The infrastructure serves to stimulate and improve research in interdisciplinary themes including:

- Natural and anthropogenic change
- Interactions between ecosystem services, biodiversity, biogeochemistry, physics and climate
- Impacts of habitat destruction and pollution on ecosystems and their services
- Impacts of exploration and extraction of energy, minerals, and living resources
- Geo-hazard early warning capability for earthquakes, tsunamis, and gas hydrate release, and slope instability and failure
- Connecting scientific outcomes to stakeholders and policy makers

EMSO-ERIC will sustain connections with international initiatives relevant to open ocean observation and will represent Europe in other part of the world to promote cooperation in these areas.

2.3 Tasks

Here below we provide an overview of the tasks and activities that EMSO-ERIC will carry out. The list of tasks below derives from previous documents developed in WP2.

A list of the envisaged task includes:

- Ensuring high-quality scientific services
 - Define overall scientific strategy through the adoption of a periodically updated, long-term, strategic plan
 - Outline the future scientific developments and assess achievement of scientific objectives
 - Evaluate the experiments proposed by users
 - Review scientific objectives at different for each site, for the network of sites, and for joint objectives at a global level
 - Manage the communication with the scientific community/users
- Enable access to the distributed research infrastructure, which includes:
 - Managing integrated access to distributed observatories around Europe;
 - Management of standardization issues and definition of guidelines for calibration and registration of instruments according to pre-defined requirements (e.g. ESONET LABEL)
 - Work to enable long-term data series acquisition on the deep-sea floor and throughout the water column
 - Coordinate the storage and use of data for scientific research as well as the timely delivery of data for use in geo-hazard early warning, operational oceanography,.
- Capacity-building in order to foster the coordinated training of engineers and users
- Acting as an advocate for the science community involved in open ocean observation
- Promote the need for continued investments in deep sea observatories at Member State, EU and international level
- Promoting innovation and transfer of knowledge and technology
- Any other tasks closely related to the above-mentioned that the governing bodies (see below) might establish during the full time regime functioning.

EMSO-ERIC shall pursue these tasks on a non-economic (not for profit) basis. Limited economic activities closely related to the above-mentioned tasks may be carried out provided that they do not interfere with the primary tasks. The amount of economic activity shall not exceed a fixed limit to be established and reviewed by the decision making bodies. EMSO may also be part of other entities or incorporate other instrumental legal entities whenever relevant and necessary to the achievement of its objectives.

3. General Governance Principle

EMSO will be founded as an ERIC (European Research Infrastructure Consortium). The ERIC will be established as an organization to coordinate the activities of EMSO observatories. The main components of EMSO-ERIC structure shall be:

- Assembly of Members (AoM)
- Scientific and Technical Advisory Committee (STAC)
- Executive Board (EB)
- Director General (DG)
- EMSO Departments (outside the ERIC but inputting to them on important matters).

3.1 Assembly of Members (AoM)

The AoM is the highest decision-making body of EMSO-ERIC. The AoM shall be convened at least twice a year. The Assembly will be composed by at least one representative of the Member and Associate States/Funding Agencies, and one representative of the scientific community per Member Country. Each Country shall have a single vote within the Committee.

The AoM shall approve the legally binding Agreements and Memoranda of Understanding of EMSO-ERIC with other scientific institutions or consortia managing relevant facilities, with networks and if relevant with other ERICs, the content of which may have significant impact in the scope or nature of the tasks described in previous sections. It will also adopt the regulations and guidelines and take the decisions necessary to ensure the performance of the tasks entrusted to the EMSO-ERIC.

The Assembly of Members will be formed by the person or persons designated by the Member States or by the organisation designated by the Members States as representative within EMSO-ERIC. Members may represent one or more public entities, including regions or private entities with a public service mission.

The Director General and the members of the Executive Board shall attend the Assembly of Members as observers, without voting rights.

The Member Countries shall appoint the AoM representatives for a period of 3 years.

EMSO-ERIC membership will include the participation of Observers (Member States who are not in a position at this time to become full members, but who have an intention to do so in the future), who may attend Assembly of Members meetings without voting rights.

Specific tasks of the Assembly of Members shall include:

- (i) Election of the members of the Executive Board;
- (ii) Appoint the Director General;
- (iii) Approve, every 3 years a Multiannual Programme and an Annual Program of Work;
- (iii) Approve the annual budget and the accounts;
- (iv) Vote on any issues deemed of relevance by the Executive Board;
- (v) Note and approve minutes from the AoM;

(vi) Approve the annual report of the EMSO-ERIC activities;

The Executive Board may call an Extraordinary Assembly of Members Meeting if issues of importance arise that cannot be delayed until the next scheduled Assembly of Members meeting.

The Assembly of Members shall be chaired by a Chairperson appointed for a period of 3 years among the members of the AoM. Members and observers can submit proposals for the agenda.

In order for the Assembly of Members to vote, there shall be a quorum of two-thirds of the representatives. If the quorum is not met, the Chairperson may convene an extraordinary meeting at which decisions may be taken without regard to the quorum.

The Assembly of Members shall try to reach decisions by consensus. If this is not possible, decisions shall be taken by majority vote among the representatives present at the meeting. By the way of exception to this rule, decisions on the admission of new ERIC members, amendments to these statutes and on the dissolution of EMSO-ERIC shall be adopted by [two third] majority votes.

In urgent matters votes of the Assembly can also be taken by mail ballot or via telecommunication upon decision of the Chairperson.

The Assembly of Members may establish additional subsidiary bodies and approve Implementing Rules, Guidelines and Regulations, including Rules of Procedure, as required for the proper functioning of EMSO.

3.2 Director General

The DG is a highly qualified professional with an international reputation, vision and high-level profile, with proven management expertise. The DG is in charge of the day-to-day management of EMSO and is the contact point for the governing bodies and the operational part of EMSO. The DG is appointed by the AoM. The duration of the appointment shall be for 3 years. The Director General shall be the central point of contact for external affairs.

3.3 Executive Board

The Executive Board (EB) will be in charge of EMSO-ERIC day-to-day management in strict collaboration with the Director General.. It is composed of the DG, and one representative for each EMSO site, by the Data Management Officer and by the Logistics Coordinator (see following paragraphs). It will work with the DG to formulate the strategies to be proposed to the AoM that will discuss and ratify them. The EB and the DG will work to ensure the management and operation of EMSO. The EB discusses and proposes budget and staff issues to be submitted to the AoM.

Among the tasks of the EB will be the evaluation and acknowledgement of the value of the in-kind contribution. Specific “rules and procedures on in-kind contribution” will be adopted. This is a critical component of the Regional Legal Entities input to the EMSO ERIC.

The Assembly of Members shall inform the EB of the decisions of the Assembly and the EB will manage the overall activities of the EMSO-ERIC. The EB shall be responsible for the coordination of the activities at EMSO sites on all issues related to the current business of the EMSO-ERIC. It will meet at least four times per year and briefly report to the AoM. The EB will decide by two-thirds majority in a first instance and by simple majority in subsequent voting.

The Chairperson of the Executive Board is the Director General.

The EB Members will be appointed by the AoM upon proposition of the Director General.

The relations with the data user community will be the responsibility of the EB members in charge of a given EMSO site (Head of Department), who will inform regularly to the DG.

3.4 Scientific and Technical Advisory Committee

The STAC shall be established as an advisory body, to provide recommendations on the strategy of the RI and to advice on the general scientific activities of the RI. It will be the major representative of EMSO user community and will ensure that the EMSO-ERIC is capable of providing services which will enable Europe to lead the different science domains covered by EMSO.

The STAC will be composed of a sufficient number of Members enabling the coverage of all the disciplines represented within EMSO. The EMSO user's community will be represented within the STAC through appropriate representation of ESONET-Vi (see deliverable D72) which is the structure to be created in order to have a permanent link among the community after ESONET NoE project.

The STAC will develop appropriate mechanisms to assess the scientific quality of the proposals for access to the EMSO observatories by the users, and of the scientific quality of new experiments.

The rules for appointing the members of the STAC will envision an open call for participation followed by an assessment from the EB of the candidates; another portion of the Members shall be appointed by ESONET Vi.

Membership of representatives of other subsea observatories of Third Countries is encouraged as a result of international agreements.

3.5 EMSO Central Management Office

EMSO management office will be established at EMSO-ERIC headquarters. It will be composed of the following staff members (in parenthesis the indication of the number of Full Time Equivalents **at full regime**):

- The Director General (1 FTE)
- A secretariat for the director general (1 FTE, desirable 2)
- A Data Management Unit composed of a Data Management Officer (1 FTE) and 1 FTE IT specialist (2 FTEs) to deal with all the data management coordination aspects at central level. These unit will take care of the e-infrastructure aspects of EMSO and interact continuously with data management staff at Department to ensure the harmonised flow of data and to ensure data are distributed to the users on a continuous basis
- A Logistic Manager (1FTE) who will coordinate the logistic aspects of EMSO-ERIC. The Logistic Manager will be in charge of the coordination of the effective ship and ROV time sharing at EMSO sites.
- A Finance Department, composed of 1 Chief Financial Officer (CFO, 1 FTE) and 2 accountants (2 FTE desirable, 1 absolutely necessary) when the RI will be fully operational.

- Part of EMSO-ERIC staff will also be the Head of Departments, the number of which will be depending on the number of EMSO sites to be implemented

An initial estimate of the staff effort and costs needed to run EMSO Management Office is provided below.

3.6 Departments

These are part of the EMSO organization but not strictly part of the EMSO ERIC as such but input to its activities through the Executive Board. EMSO Departments will mainly be dedicated to 2 sub-classes of activities;

- Departments owning and running EMSO observatories, that may be regionally localised in proximity of the site shore station, or may be further distributed among different Countries having a specific interest for a given site (e.g. the Arctic). This definition corresponds to the initial Esonet concept of Regional Legal Entity and regional legal bodies.
- Service Departments providing specific services in thematic areas such as Engineering, Public Outreach, Legal Consultancy, Education, Technology Transfer and Intellectual Property Rights management, Calibration and Testing Groups, etc... Service Department shall be proposed by the Executive Board and approved by the AoM.

The Department is composed by engineers, scientists and technicians specifically dealing with:

- Day-to-day observatory operation
- Planning, construction and operation of open ocean observatory systems
- Plan and implement logistic intervention, both ordinary and extraordinary
- Prepare and implement scientific experiment according to proposed and approved request
- Deployment and maintenance of sensors and observatory frameworks
- Contracting with companies, service providers, hardware/software purchasers, consultants etc...
- Managing the permanent data flow and data quality, sharing and storage
- Training and dissemination activities for engineers, users, other scientists and relevant stakeholders

The Department shall be led by a **Head of Department** who will be a member of the EMSO Executive Board. The Head of Department will be in charge of coordinating the group of scientists, engineers and technicians that are located in each Department. The Department shall independently define their internal organisation and staff needs and the integrated operation of EMSO observatories will be ensured by the Head of Department, who will be link among the Department and EMSO central office.

The budget of the Department shall be independently managed by the Department itself. Member States participating in the EMSO-ERIC will allocate funds to Departments (and thus to EMSO sites) of interest.

The inclusion of a Department within EMSO-ERIC shall be decided by the Assembly of Members with a double qualified majority and upon consultation with the STAC. The

Assembly of Members shall, with a qualified majority, taking into consideration the recommendations of the STAC, decide the creation, the cessation of operations, the split, merger, change of focus, the description and services of each Department.

4. Distribution of votes

Each Member state of EMSO-ERIC shall have 1 vote per Member State. Defaulting Members are excluded of exercising voting rights. Observers shall not have voting rights.

5. Financial contributions

EMSO ERIC is considering developing in two phases:

Phase 1-Start-up (3 years): Small structure, with part-time personnel implementing the needed functionalities. Part (or all) of the costs can be covered by the hosting Country.

Phase 2-Regime (to be reviewed after phase 1): Still small structure, with full-time and part-time functionalities. Personnel is recruited through public calls among Member Countries (it will facilitate the contribution in-kind to the secretariat costs).

It should be noted that the figures in the following tables are not definitive and will be subject to discussion and refinement by EMSO PP over the coming year.

5.1 Draft estimation of staffing and related costs for EMSO-ERIC central management for Years 1-3

Timeline		Y1	Y2	Y3
		START-UP PHASE		FULL REGIME *
Staff Member	Task Description	Number of FTEs		
Director General	Overall management of EMSO-ERIC	0,5	0,5	1,0
Logistics Manager	Coordinate ordinary and extraordinary logistic intervention for all operational sites	0,1	0,1	0,2
Chief Financial Officer	Financial management and accounting of the ERIC (Balance sheet, financial report, etc...)	0,2	0,2	1,0
Accountancy	Manage day-to-day finance (invoices, book-keeping, etc...)	0,2	0,2	1,0
Secretary	Assistance to DG, secretary work for the central office, travel organisation, organisation of AoM and STAC meetings	0,1	0,1	1,0
Data management Officer	Set-up, maintain and manage integrated access to long-term data stream from EMSO sites	0,2	0,3	0,4
IT System Engineer	Assist in centralised data management, desktop assistance, manage video-conferencing system	0,2	0,3	0,4
Communication	Take care about communication material, coordinate dissemination activities at site level, produce brochure, graphics, create content for the site, organise conferences, seminars and training sessions	0,1	0,2	0,3
TOT Number of FTEs at ERIC secretariat		1,6	1,9	5,3
Staff Costs* of ERIC secretariat (k€)		112,0	133,0	371,0
Legal / contracting costs	Legal consultancy concerning agreements with EMSO sites, procurement, IPR management, etc...	14,0	14,0	14,0
Webmaster costs	Set-up and maintain the website	7,0	14,0	14,0
TRAVEL		12,0	18,0	30,0
Overheads*** (office rent, electricity, computers, etc...assumption of 20% of personnel)		22,4	26,6	74,2
COSTS FOR STAC Meetings and members remuneration		10	10	10
TOT COSTS of EMSO-ERIC secretariat		177,4	215,6	513,2
Head of Departments FTEs**	Manage staff dedicated to observatory operation and ensure link with central office. Participate in the EB	0,5	1	1,5
TOT COSTS of EMSO-ERIC ORGANISATION		212,4	285,6	618,2

5.2 Draft estimation of staffing and related costs for EMSO-ERIC central management for Year 1

Timeline		Y1		
Staff Member	Task Description	Minimal effort needed (FTE)	Cost for the ERIC (k€)	Costs with Italy as hosting state
Director General	Overall management of EMSO-ERIC	0,6	42,0	
Logistics Manager	Coordinate ordinary and extraordinary logistic intervention for all operational sites	0,0		
Chief Financial Officer	Financial management and accounting of the ERIC (Balance sheet, financial report, etc...)	0,2	14,0	
Accountancy	Manage day-to-day finance (invoices, book-keeping, etc...)	0,2		14,0
Secretary	Assistance to DG, secretary work for the central office, travel organisation, organisation of AoM and STAC meetings	0,1		7,0
Data management Officer	Set-up, maintain and manage integrated access to long-term data stream from EMSO sites	0,2	14,0	
IT System Engineer	Assist in centralised data management, desktop assistance, manage video-conferencing system	0,2		14,0
Communication	Take care about communication material, coordinate dissemination activities at site level, produce brochure, graphics, create content for the site, organise conferences, seminars and training sessions	0,1		7,0
TOTAL		1,6	70,0	42,0
Legal / contracting costs	Legal consultancy concerning agreements with EMSO sites, procurement, IPR management, etc...		14,0	
Webmaster costs	Set-up and maintain the website			7,0
TRAVEL			12,0	
Overheads*** (office rent, electricity, computers, etc...assumption of 20% of personnel)				22,4
COSTS FOR STAC Meetings and members remuneration			10	
TOT COSTS of Secretariat to EMSO-ERIC			106,0	
EXTRA COST TO HOSTING STATE				71,4
Head of Departments FTEs**	Manage staff dedicated to observatory operation and ensure link with central office. Participate in the EB	0,5	35	

5.3 Draft estimation of staffing and related costs for EMSO-ERIC central management for Year 2

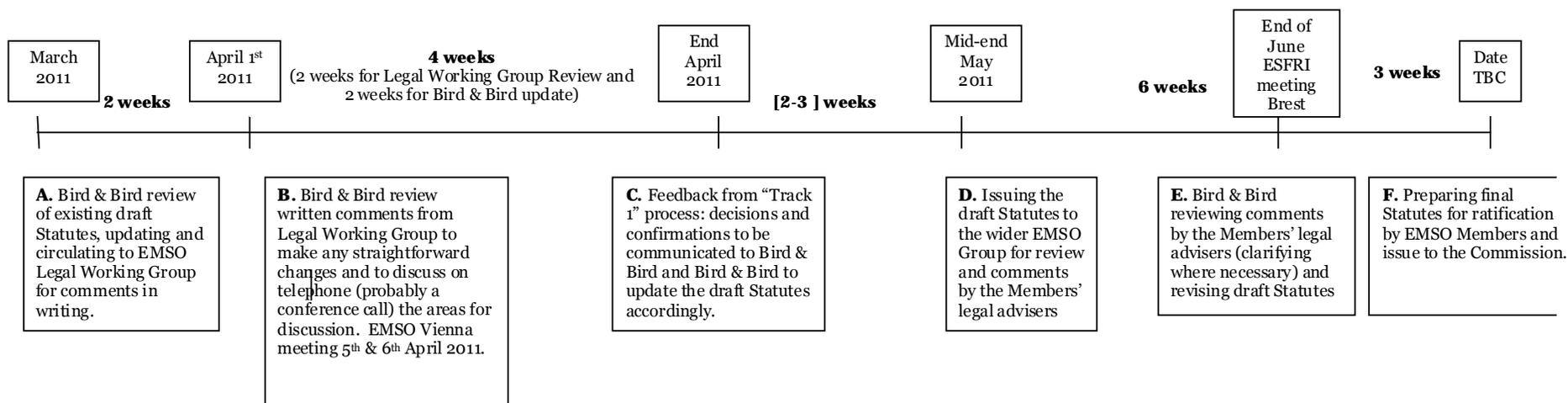
Timeline		Y2		
<i>Staff Member</i>	<i>Task Description</i>	Minimal effort needed (FTE)	Cost for the ERIC (k€)	Costs with Italy as hosting state
Director General	Overall management of EMSO-ERIC	0,6	42,0	
Logistics Manager	Coordinate ordinary and extraordinary logistic intervention for all operational sites	0,1		7,0
Chief Financial Officer	Financial management and accounting of the ERIC (Balance sheet, financial report, etc...)	0,2	14,0	
Accountancy	Manage day-to-day finance (invoices, book-keeping, etc...)	0,2		14,0
Secretary	Assistance to DG, secretary work for the central office, travel organisation, organisation of AoM and STAC meetings	0,1		7,0
Data management Officer	Set-up, maintain and manage integrated access to long-term data stream from EMSO sites	0,3	21,0	
IT System Engineer	Assist in centralised data management, desktop assistance, manage video-conferencing system	0,3		21,0
Communication	Take care about communication material, coordinate dissemination activities at site level, produce brochure, graphics, create content for the site, organise conferences, seminars and training sessions	0,2		14,0
TOTAL		2,0	77,0	63,0
Legal / contracting costs	Legal consultancy concerning agreements with EMSO sites, procurement, IPR management, etc...		14	
Webmaster costs	Set-up and maintain the website			14
TRAVEL			18	
Overheads*** (office rent, electricity, computers, etc...assumption of 20% of personnel)				28
COSTS FOR STAC Meetings and members remuneration			10	
TOT COSTS of Secretariat to EMSO-ERIC			119,0	
EXTRA COST TO HOSTING STATE				105,0

5.4 Draft estimation of staffing and related costs for EMSO-ERIC central management for Year 3

Timeline		Y3 (Full regime)		
Staff Member	Task Description	Minimal effort needed (FTE)	Cost for the ERIC (k€)	Costs with Italy as hosting state
Director General	Overall management of EMSO-ERIC	1,0	70	
Logistics Manager	Coordinate ordinary and extraordinary logistic intervention for all operational sites	0,2		14
Chief Financial Officer	Financial management and accounting of the ERIC (Balance sheet, financial report, etc...)	1,0	70	
Accountancy	Manage day-to-day finance (invoices, book-keeping, etc...)	1,0	70	
Secretary	Assistance to DG, secretary work for the central office, travel organisation, organisation of AoM and STAC meetings	1,0		70
Data management Officer	Set-up, maintain and manage integrated access to long-term data stream from EMSO sites	0,4	28	
IT System Engineer	Assist in centralised data management, desktop assistance, manage video-conferencing system	0,4		28,0
Communication	Take care about communication material, coordinate dissemination activities at site level, produce brochure, graphics, create content for the site, organise conferences, seminars and training sessions	0,3		21
TOTAL		5,3	238,0	133,0
Legal / contracting costs	Legal consultancy concerning agreements with EMSO sites, procurement, IPR management, etc...		14,0	
Webmaster costs	Set-up and maintain the website			14,0
TRAVEL			30,0	
Overheads**** (office rent, electricity, computers, etc... assumption of 20% of personnel)				74,2
COSTS FOR STAC Meetings and members remuneration			10	
TOT COSTS of Secretariat to EMSO-ERIC			292,0	
EXTRA COST TO HOSTING STATE				221,2

6. NEXT STEPS FOR THE EMSO ERIC IMPLEMENTATION

EMSO “Track 2 Processes”



Appendix I – Legal Meeting Galway

Minutes of Meeting + Action Plan

Contract: ESONET-EMSO	Contract No:		
Location: MI Galway	Date of Meeting: 17/11/10	Duration: 1 day	
Recorder of Minutes:	Name: P. Ni Fhlatharta, D. Fitzhenry, C. Maloney, F. Grant	Signature:	
List of Attendees			
	Mick Gillooly	MI	
	Fiona Grant	MI	
	Roger Bickerstaff	Bird & Bird	
	Namik Çagatay	ITU	
	Sara Dahlberg	UGOT	
	Juanjo Danobeitia	CSIC	
	Paolo Favali	INGV	
	Pier Luigi Franceschini	INGV	
	Belarmino Barata	FFCUL	
	Anne Holford	Uni ABDN	
	Richard Lampitt	NOC	
	Vasilios Likousis	HCMR	
	Jurgen Mienert	UiT	
	Emilio Migneco	INFN	
	Didem Ozgur	ITU	
	Xavier Rebardy	IFREMER	
	Jean Francois Rolin	IFREMER	
	Henry Ruhl	NOC	
	Pier Sapienza	INFN	
	Christoph Waldmann	Marum	
Actions to be taken	Person Responsible	Deadline	Status
Working Group (WG) to refine draft Statutes and main legal issues	F. Grant, R. Bickerstaff, X Rebardy & others	26/11/10	In Progress
WG to write the Scientific and Technical Description of the EMSO ERIC	F. Grant & others	26/11/10	In Progress
WG to define contributions (cash and benefit in kind)	J.F. Rolin & Bénédicte Ferre	26/11/10	In Progress
FTP site for file download https://webdav.marine.ie/webdav/OSS/EMSO	F. Grant		Complete

Username: xossuser			
Password: N0vR@in (capital N, R, a zero and an At sign)			

Key Issues or Discussion

WG Contributors

- *Legal WG participants* – Fiona Grant, Roger Bickerstaff, Xavier Rebardy, Sara Dahlberg, Pier Luigi Franceschini (?) (governance aspects).
- *Scientific and Technical Description WG* – Fiona Grant, Christoph Waldmann, Miguel Miranda (nominated by Belarmina Barata), Henry Ruhl, Jurgen Mienert, Pier Luigi Franceschini.
- *Cash and Benefit in Kind (BIK) Contributions WG* – Jean Francois Rolin, Benedicte Ferre and Fiona Grant.

F. Grant to develop before 26th November and make contact with WG participants.

Welcome

Participants were welcomed by Mick Gillooly to the Marine Institute in Galway and a brief outline of the purpose of the meeting was given.

Introduction

Fiona Grant introduced the agenda for the day and hoped that participants would treat it as workshop. It was a good opportunity to introduce the project to Bird & Bird and today is to brief them on the status of the project. EMSO is fortunate to have engaged the services of Roger Bickerstaff and his team to advise the project. There are a number of timelines which are relevant to the project:

- EC project review meeting 23rd November
- ESONET GA in December – presentation to partners and the VISO meeting (13-16th December)
- Q1-Q2 require set of legal documents outlining the establishment of an EMSO ERIC and the overarching rules for participation.

Bird & Bird

Roger Bickerstaff gave a presentation on the Bird & Bird company and the team which will work on the EMSO project. He also gave an overview of their experience with the PRACE consortium. An outline work plan for developing an EMSO legal entity was presented. He requires feedback on timelines for the project, clarification on the proposed governance structure and the precise role of the ERIC (tasks and responsibilities). There also remains an issue about what the ERIC will own, i.e., what are Member States (MS) paying for? What is the benefit of being in the ERIC? Will it hold assets or make the available to researchers through access agreements etc?

The question of whether EMSO will be a hub and spokes model was discussed. PRACE was presented as an example as it doesn't have facilities itself – it is a virtual entity with contributions from members. The purpose of the PRACE project is to use these contributions to give researchers access to the facilities. It was initially set up under Belgian law (AISBL)

for speed and ease of set up – operational within 9 months. Also the ERIC framework was not available and could have impeded day-to-day operations with a new, untried and untested legal entity. PRACE are now looking towards moving to an ERIC legal framework.

There are two key elements to the current PRACE model:

1. Developing Contributors Agreements

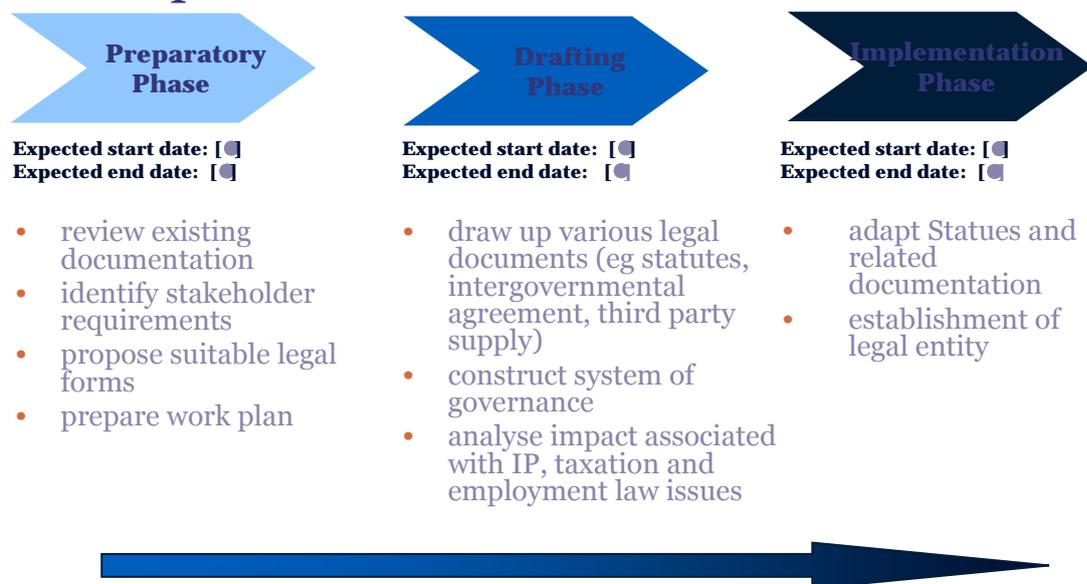
- Governs the contributions "in kind" of the Contributing Members
- Links in with the "Agreement for the First Five Years" and the Statutes

2. Developing the Users Agreement

- Regulates the scientific usage of the Tier 0 facilities by approved users

Note that there will be a nine month period between applying for an ERIC and an outcome so this timeframe should be built into the EMSO process. Bird & Bird are not recommending that we use PRACE as a model but it is an example of how another RI will operate.

The route to a EMSO legal entity – Outline Workplan



Note timelines are missing in this diagram. This meeting will give Bird & Bird an indication of timelines and schedules.

Summary: In answer to the question, how soon does an EMSO ERIC need to be set up, it was agreed that by Spring 2011, documents should be prepared in anticipation of getting approval in each Member State.

Realistically, the project is looking at a 14-18 months from November 2010 for EMSO to be a legal entity.

Liability: Can be defined within the statutes – can be limited to member contributions or whatever level is appropriate.

Regional Presentations

Presentations by Jurgen Mienert (Norwegian site), Christoph Waldmann (Arctic – linked to Norwegian site), Henry Ruhl (PAP site), Piera Sapienza (Sicilian site) and Jean Francois Rolin (Ligurian site).

Slides are available from ftp site for download and review.

Discussion by Xavier Rebardy on the ERIC Statutes (some notes missing here as FG and PNIF out of room for parts of discussion).

Any changes to the ERIC have to pass through the EC.

There is a difference between full and observer members.

The link between the central legal entity and the regional legal entities is critical – is it foreseen that regional entities are “owned” by EMSO? Are they part of EMSO or separate?

There is also an issue on how to manage regional entities from the same country.

There are three issues – 1. Definition of the legal entity and infrastructure; 2. Personnel and 3. Budget

Who defines the programme, who implements and who pays? What are the rules that bind the parties? This level of detail should go into the working documents, but the statutes should remain at a high level.

Contributions

Cash versus in-kind contributions – to be assessed by Jean Francois Rolin in conjunction with Benedicte Ferre (dedicated WG).

Discussion about how Regional Departments could provide services to EMSO but ownership of assets remains with institutes/Member States.

Mick Gillooly suggested that EMSO should start with a broad scale set of statutes that focuses on the central structure. This would offer services such as standards and interoperability advice, access to infrastructure, training, data management etc. Regional departments would remain independent. The EC should accept that the ERIC will evolve and will increase over the construction phase of its lifetime.

ERIC legal framework

The MI were given a mandate to pursue the preparation of legal work for an EMSO ERIC over the course of the next 6-18 months.

Gaps in Information for legal work

Discussion led by Roger Bickerstaff.

Three areas need clarification:

1. Financial - Member Contributions
Other sources > EU
Commercial
2. Assets - Tangible
IP
3. In Kind (e.g. service access)

One way in which to develop this would be to prepare a Multi Partner Agreement for five years. It could be an MoU if a legally binding agreement is too strong. The Multi Partner Agreement stands alongside the statutes. Access rules are also important.

Question: What are the benefits for Member States investing in an EMSO ERIC?

Benefits: Coordinating standards and interoperability issues
Coordinating research
Access to partner sites for experiments
Increased purchasing power for Ship and ROV time – significant part of OPEX costs
Data management

To be further developed through WGs.

Governance aspects

The current structure is unclear. Main discussion points/comments on Article 13 of the draft statutes is outlined below.

- Assembly of Members (AoM) – decision making body – strategic focus – represents Member States
- Executive Board (EB) – normally comes after the AoM – related to the operational activities.
- The Director General and the Executive Board work together for day to day operations
- The Executive Board could be comprised of one or more representatives from the Regional Departments. They may not need to be employed/allocated to the ERIC full time
- Network Control Dept does not have to be in the statutes

A “Contributors Agreement” for five years will be very important – it will make clear what the ERIC has “to operate”.

IP Issues

This is one of the benefits of membership. Is there a contradiction between the data policy and IPR (Article 24)?

R. Lampitt advised that in the ocean observing community it is now the exception for data not to enter the public domain within a few hours (real-time) and QC data within a few weeks. This policy is beneficial to increase the profile of the project.

C. Waldmann advised that GEOSS¹ advocate the concept of *full and open exchange of data*. In the Implementation Guidelines accepted by the GEO Plenary, it states that data, metadata and products made available through the GEOSS are made accessible with minimal time delay and with as few restrictions as possible, on a non-discriminatory basis, at minimum cost for no more than the cost of reproduction and distribution.

1

http://www.earthobservations.org/documents/geo_vii/07_GEOSS%20Data%20Sharing%20Action%20Plan%20Rev1.pdf

Deliverable D62 - Report on High Level Implementation Structure and Regional Integration Bodies for ESONET

F. Grant to check Infomar/INSS seabed mapping projects for data access/IPR policy as a guide. Also data policy on ship time data.

As the meeting was drawing to a close, it was proposed that a number of WGs be set up to develop:

- Statutes
- Technical and Scientific description of the ERIC
- Assets and in-kind contributions to the ERIC

These WGs will return to the wider group towards the end of the year with the results of their work. Membership of the WGS are listed at the top of the meeting report. F. Grant to outline and assign tasks before 26th November.

Next Meeting	Location	Date
TBC		TBC