



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 September 2013

13777/13

**Interinstitutional File:
2012/0321 (NLE)**

**RECH 405
COMPET 656
FISC 168**

NOTE

From: Presidency
To: Delegations
No. Cion prop.: 17561/12 RECH 461 COMPET 767 FISC 193– COM(2012) 682 final
Subject: Proposal for a Council Regulation amending Regulation (EC) No 723/2009
concerning the Community legal framework for a European Research
Infrastructures Consortium (ERIC)
– Presidency text

Delegations will find attached a Presidency text on the Proposal for a Council Regulation amending Regulation (EC) No 723/2009 concerning the Community legal framework for a European Research Infrastructures Consortium (ERIC).

Explanation:

~~Strikeout~~ = deletion in relation to doc. 17561/12

Bold underlined = new text

2012/0321 (NLE)

Proposal for a

COUNCIL REGULATION**Amending Regulation (EC) No 723/2009 concerning the Community legal framework for a European Research Infrastructures Consortium (ERIC)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 187 and 188 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legal act to the national Parliaments,

Having regard to the opinion of the European Parliament¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Whereas:

- (1) Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community Legal Framework for a European Research Infrastructure Consortium (ERIC)⁴ establishes a legal framework laying down the requirements and procedures for and the effect of setting-up a European Research Infrastructure Consortium.

- (2) The support and development of research infrastructures in Europe has been an ongoing objective of the Community, as last reflected in Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)⁵ and in particular in Council Decision No 2006/974/EC of 19 December 2006 on the specific programme "Capacities"⁶.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ L 206, 8.8.2009, p.1

⁵ OJ L 412, 30.12.2006, p.1.

⁶ OJ L 54, 22.2.2007, p.101.

- (3) The European Strategy Forum on Research Infrastructures (ESFRI) and the e-Infrastructure Reflection Group (e-IRG) have produced and updated the first ever European Roadmap for Research Infrastructures.
- (4) Since the entry into force of the Community legal framework for a European Research Infrastructure Consortium (ERIC) in 2009, two European research infrastructures have been awarded ERIC status.
- (5) Membership of an ERIC is open to Member States, associated countries, third countries other than associated countries and intergovernmental organisations.
- (6) Associated countries play an integral role in the preparation and the implementation of European research infrastructures and should be able to participate in ERIC's on the same footing as Member States, as they contribute to the scientific excellence of Union research and to the competitiveness of the Union's economy through their support.
- (7) In order to facilitate the participation of associated countries in ERIC's, Article 9(2) and (3) of Regulation (EC) No 723/2009 should be amended so that the contributions of the associated countries can be fully reflected in terms of membership and voting rights,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 723/2009 is amended as follows:

Article 9(2) and (3) of Regulation (EC) No 723/2009 are replaced by the following:

"2. ~~An ERIC shall have one~~ **The membership of an ERIC must include a** Member State and at least two other **countries that are either** Member States or associated countries ~~as members~~. Further Member States or associated countries may join as members at any time on fair and reasonable terms specified in the Statutes and as observers without voting rights on conditions specified in the Statutes. Third countries other than associated countries as well as intergovernmental organisations may also become members of an ERIC, subject to approval by the assembly of members, referred to in Article 12(a), in accordance with the conditions and procedure for changes in membership laid down in its Statutes.

3. Member States or associated countries shall hold jointly the majority of the voting rights in the assembly of members. For an ERIC hosted by a Member State, proposals for amending its Statutes shall require the agreement of the majority of the Member States that are member of the ERIC."

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the Council
The President*