



Horizon Europe: Coordination
and Support Actions



ET-PP 1st review meeting

14/12/2023

Grant agreement: N° 101079696

Introduction WP2

WP2 working group:

- **Lead Nikhef, INFN, STFC**
- Standing invitation: secretary BGR
 - Nikhef team: Miriam Roelofs, Hans Chang
 - INFN team: Fernando Ferroni, Nando Minnella
 - STFC team: Justin O'Byrne (recently: Laura Woodward, Jamie Parkin)

WP2 Objective/task

- **Provision of expertise and necessary input** for the political processes related to legal entity, governance and site selection process.
- **Output**, including the **preparation of the documents with proposals for the legal entity and governance model.**
- **Main principle: structure follows function**
 - Requires close cooperation and interaction between scientific, technical, legal and financial experts as well as governments investing in ETO
- **Goal:** to allow a **stable and fruitful long-term operation of the ET facility**

WP2 interactions

Interactions with:

- **ETO Directorate**, organisational aspects
- **ET Board of Governmental Representatives (BGR)**
 - Input for discussions and interactions with BGR on governance requirements for all phases ET project (ESFRI lifecycle)
- **ET PP workpackages:**
 - Input for governance requirements
 - **WP3** (Financial architecture), **WP7** (Industrial involvement), **WP5** (ET project office): e.g. fair return on investment, procurement, beneficial tax regime, contribution model

ET working assumptions

Currently known assumptions (September 2023)

(Ch. 5 of Del. 2.1.)

- E.g. According to ESFRI application is ET a single site observatory with a Headquarter and datacenter*
- **Parallel developments** in the ET project of the future ET organisation: instrument-design, procurement model, financial model, HR model
- Later on: possible **revision or adjustment of assumptions**
- This might have an impact on the legal model preferred → **Structure follows function**

*However, multiple site options are under discussion within the ET organisation

Overview Deliverables WP2 (2022-2026)

2.1. Report providing options for a legal entity (October 2023)

2.2. Minutes of meetings with involved Ministries (BGR) and EC (October 2023)

2.3. Legal entity statutes (31 August 2025)

2.4. Roadmap to establish the legal entity (31 June 2026)

Del 2.1. Report providing options for a legal entity

Study and analysis on governance:

1. Construction and maintenance phase

- Focus on ERIC and IGO

2. Design and preparatory phase

- Intermediate legal entity

Del 2.2. Minutes of meetings with the BGR

Two invitations to BGR meetings

Del 2.1. Options final entity for construction and maintenance phase

Options final legal entity of ET

- Analysis of the ET characteristics
- Inventory of legal frameworks of various research infrastructures
- Gathering best practices and lessons learned from ESS, SKA, CERN, CTA, EGO (ESRF)
- Mapping the ET characteristics on legal frameworks

After these steps, WP2 focus on 2 final international legal frameworks, analysis of pro's and con's:

1. European Research Infrastructure consortium (ERIC)
2. Intergovernmental organisation (treaty organisation)

Del. 2.1. Options intermediate entity for preparatory phase

Search for intermediate entity to prepare for construction and final legal framework

Legal form:

- ex novo (examples ESS, SKA, CTA)
- existing agency

Lessons learned and best practices from ESS, SKAO, CTAO for intermediate entity:

- Clear hierarchical line with recognition of the BGR as a decision-making body for the entity
- Autonomy of the project
- Balanced financial model, allocation keys for contribution
- Transparent decision making model
- Inclusive and open for late joiners

Del 2.2. Minutes of meetings with the BGR

Two invitations to BGR meetings:

1. Introduction and presentation of WP2 work program (16 February 2023)
2. Discussion and reflection on first ideas of governance options (27 September 2023)

➤ **Further input for the development of the governance and legal framework proposals:**

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- *the legal framework should be able to accommodate all the construction and operational, maintenance and decommissioning requirements of the ETO;*
 - *the ERIC application process can be troublesome as is shown by some recent examples;*
 - *especially for large and expensive infrastructures there is no evidence on how quickly an ERIC can be established, in comparison with an IGO;*
 - *consideration should also be given to the hybrid model of ESRF, an intergovernmental agreement with an executive national legal entity;*
 - *the legal entity should provide for the possibility to include future global partners, like IGOs and non-EU countries;*
 - *take into account the operational aspect of the ability to attract and recruit qualified staff by offering a competitive salary and uniform labour regulations;*
 - *the future ETO organization should take into account the experience of the existing EGO/VIRGO organization;*
 - *the legal framework should be independent from the choice of the site independent from the infrastructure geometry.*

Critical risks, deviations from Annex I, contingency plans (2024-2026)

Deliverables (2024-2026)

2.3. Legal entity statutes (31 August 2025)

2.4. Roadmap to establish the legal entity (31 June 2026)

Risks

- Extension of decision making timelines with an impact on the governance:
Instrument-design, procurement model, site selection, funding model
- WP2 depends on the input from BGR (ET decision making body), if this input for the long term and/or intermediate entity is not timely exchanged, WP2 will be unable to deliver the legal documents (Del.2.3.) and roadmap (Del.2.4.) within the ETPP project timeline.

Risk Mitigation

- Direct link to ETO directorate in WP2
- Direct link to BGR via standing invitation of the secretary at WP2 meetings

Outlook and next steps WP2

Development of governance and organisation

- Exchange and interaction with the ET directorate on organisational aspects
- Follow up on BGR response to the options for legal frameworks
- Continuous exchange and interaction with BGR

Workprogram 2023- 31 August 2025 (December 2023)

- Digest input from EC review 14 /12/23
- Del. 2.3. Legal entity statutes
 - follow up of discussion about options with BGR
 - developing a strawman governance

WP 2: Contributions by the partners

| INSTITUTION | | PM as per Annex I | PM in the period |
|---------------------|---------------|-------------------|------------------|
| UKRI | CONTRIBUTIVES | 4,8 | 1,2 |
| | REQUESTED EC | 0 | 0 |
| INFN | CONTRIBUTIVES | 10 | 0 |
| | REQUESTED EC | 0 | 0 |
| NIKHEF | CONTRIBUTIVES | 10 | |
| | REQUESTED EC | 15 | 6,2 |
| Total Person Months | CONTRIBUTIVES | 24,8 | 1,2 |
| Total Person Months | REQUESTED EC | 15 | 6,2 |
| | | 39,8 | 7,4 |



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