

# The km3net AISBL

Piera Sapienza - Caserta 15th of March 2024

# KM3NeT-INFRADEV2

1.5 ME/3 years

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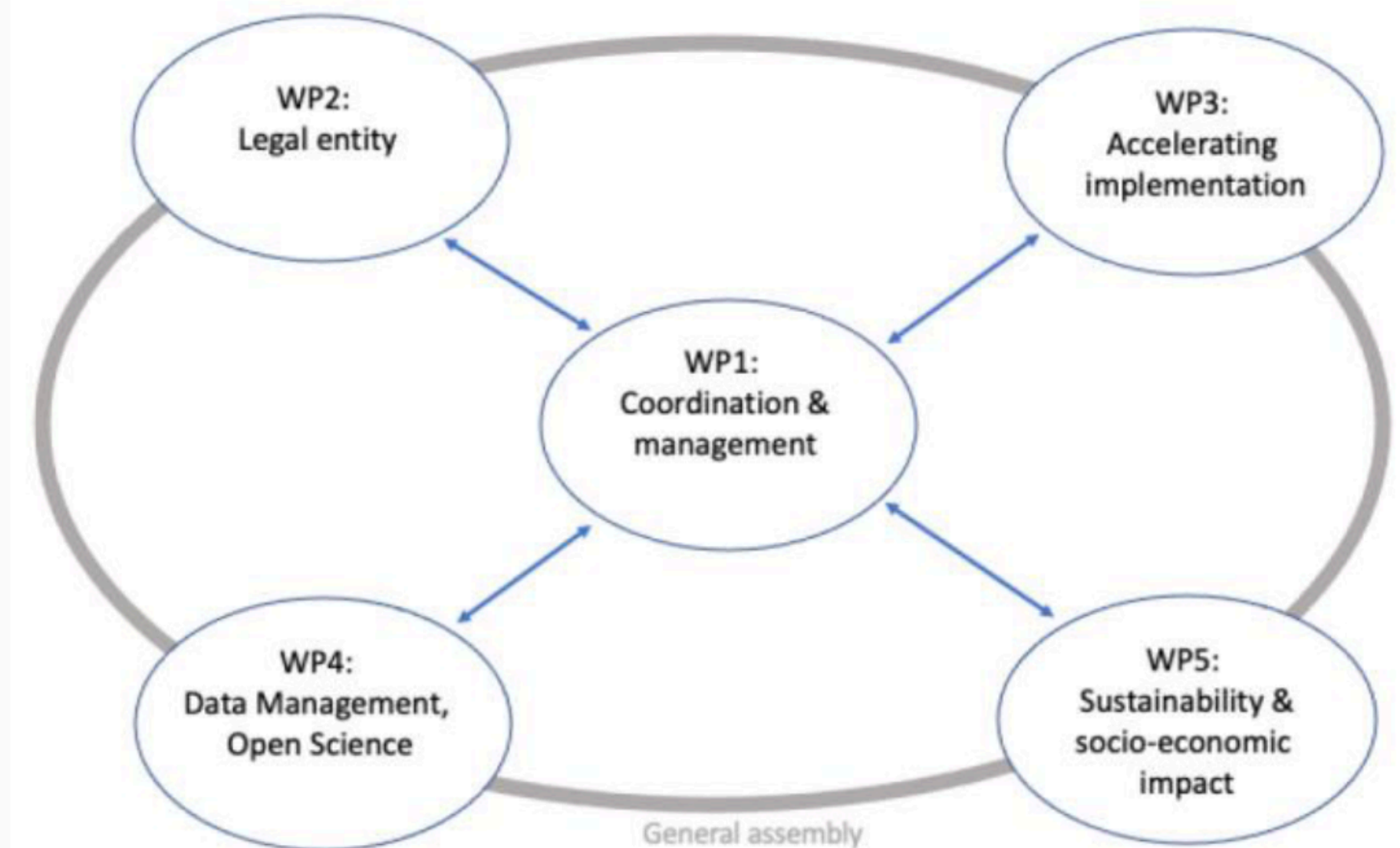
WP1: Management (Paschal-CNRS)

WP2: Legal Entity (Piera-INFN)

WP3: Accelerating implementation (Miles-CNRS)  
Procurement officer (Fr), RAMS officer (Italy)

WP4: Data management/open science (Jutta-FAU)  
3 postdocs (IFIC, Nikhef, Erlangen)

WP5: Sustainability & socio-economic impact (Christos-NCSR)  
1 postdoc (Greece)



# Motivations for a legal entity for km3net

The establishment of a legal entity for KM3NeT will have many advantages for the development of the project and its sustainability. In particular the legal entity will make possible:

- independent action in its full legal capacity
- financial autonomy: collects and administrates membership fees
- emission of orders and issue invoices or receipts
- possibility to receive subsidies and be partner in projects
- better organized internal structure
- employment/secondment of personnel
- increased possibility of fund raising at regional, national and EU level
- stronger commitment of the participating agencies and institutions
- improved sustainability on medium and long term
- easier and straightforward participation in EU call and grant
- gain of visibility in the European science funding landscape

# Examples of legal entity for RI

## LEGAL ISSUES

ERIC ----→ Not-for-profit, limited liability regime, legal personality, tailor-made for pan-EU single-sited and distributed RI's

AISBL----→ Not for profit, limited liability regime, legal personality, not tailor-made for the needs of pan-EU RI's

CONSORTIUM---→ Not-for-profit, limited liability regime, legal personality,

SCARL -----→ Not for profit, limited liability regime, legal personality

## FINANCIAL AND FISCAL ISSUES

ERIC -----→ No capital required, contributions are cash and in-kind, enjoys VAT exemption

AISBL -----→ No capital required, contribution are cash and in-kind, Partial exemption or reduced % rates depending on the type of activity pursued

CONSORTIUM ---→ Initial contributions required only by the Founding members, contributions are cash and in-kind, enjoys No VAT exemption

SCARL-----→Initial minimum capital required, contributions are cash and in-kind, enjoys No VAT exemption but reduced %rates on income tax depending on the mutual purpose pursued

## ADMINISTRATIVE ISSUES

ERIC-----→ 3 MS Established by EU Council regulation but lengthy 2-steps process (average 2-3 years), amendments to statutes need EC approval

AISBL -----→ 2 Founding members, established by notarial deed or private act, approved by royal decree within 3 months

CONSORTIUM----→ 2 Founding members, established by notarial deed, effective among its members on the date of Statutes' signature and towards third parties from the date of registration in the national Commercial Register.

SCARL--→2 Founding members, established by notarial deed, effective from the date of registration in the national Commercial Register.

## LIABILITY

ERIC -----→ Financial liability of the company and financial protection of Members

AISBL-----→ Members are not liable for the obligations contracted by the Association, but managers or administrators liable in case of Statute's violation or misconducts.

CONSORTIUM----→ Members are not personally and jointly liable towards third parties with their assets for the obligations contracted by the Consortium. Third parties can exert their rights exclusively on the Consortium fund.

SCARL-----→ Members are not personally and jointly liable towards third parties with their assets for the obligations contracted by the Company. Third parties can exert their rights exclusively on the Consortium fund

# The statute of the legal entity

- The draft statute of the ERIC agreed between Italy and The Netherlands was used as starting point
- The AISBL chosen as legal entity form
- Draft statute finalized after several interactions with Resource Review Board (RRB) of km3net, last version to be reviewed by RRB (voting system to be chosen)
- In parallel discussion on Service Level Agreements between the AISBL and Sea Floor Network and Shore Station Host Sites (INFN and IN2P3) started
  - A meeting with INFN legal experts will be organized before next WP2 meeting

# Next steps towards km3net AISBL

- WP2 will request to IN2P3 to provide the French translations of the documents for the next steps, working language remains English
- INFN will hire Belgian legal assistance for WP2 with the aim of “translating” the [French] draft into a version that meets the Belgian requirements for an AISBL
- WP2 will produce, with legal Belgian assistance, draft statutes that meets AISBL requirements both in English and French to be approved by RRB
- The RRB will take care of the selection of a Belgian notary – with AISBL expertise and research infrastructure experience – for the finalization of the process including the production of the documents to be signed in the presence of this notary by the representatives of mother organizations i.e. the Founding Members