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M1.3 Decision on ranking of legal model for RI

Antonio Falone, INFN-LNF / EuPRAXIA Annual Meeting
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An upcoming milestones concerning WP.1 (management) is approaching, deadline October 2024. This has a strong connection with WP.4 and it deserves to be presented and discussed within the collaboration board.

M1.3 Decision on ranking of legal model for RI

Many topics regarding the Legal Framework have been discussed on Monday during WP.4 presentation (see slides in the agenda). Here a short recap on this topic.

WP.4 deals with three crucial aspects of any nascent research infrastructure. The 3 main pillars are:

Legal Framework

- How we want to organize ourselves.
- What kind of RI we want to be.
- Governance and rules (with WP.3)
- Voting mechanisms
- Liabilities

Financial Model

- Assess the resources needed for the implementation and operation of the RI.
- Evaluate funding strategies
- Ensure long term sustainability

Socio-economic Impact

- Assess the impact of our RI.
- Identify clear KPI and relevant indicators.
- Draft a strategy to monitor the impact over the RI lifecycle

Work package number	4	Lead beneficiary				INFN
Work package title	Financial and legal model. Economic impact.					
Participant number	1	24	26			
Short name of participant	INFN	CERN	IASA			
Person months per part.:	48 (+6)	0 (+2)	0 (+8)			
Start month	1			End month	48	

Deliverables Expected

✓ D4.1 – Report on benchmark of financial and legal model of comparable RI - M12 **DONE**

D4.2 – Cost implementation and service preliminary assessment - M24 (postponed at M28)

D4.3– EuPRAXIA socio-economic impact assessment – M40

D4.4– Report on final EuPRAXIA financial and legal model, including RI governance and management – M48

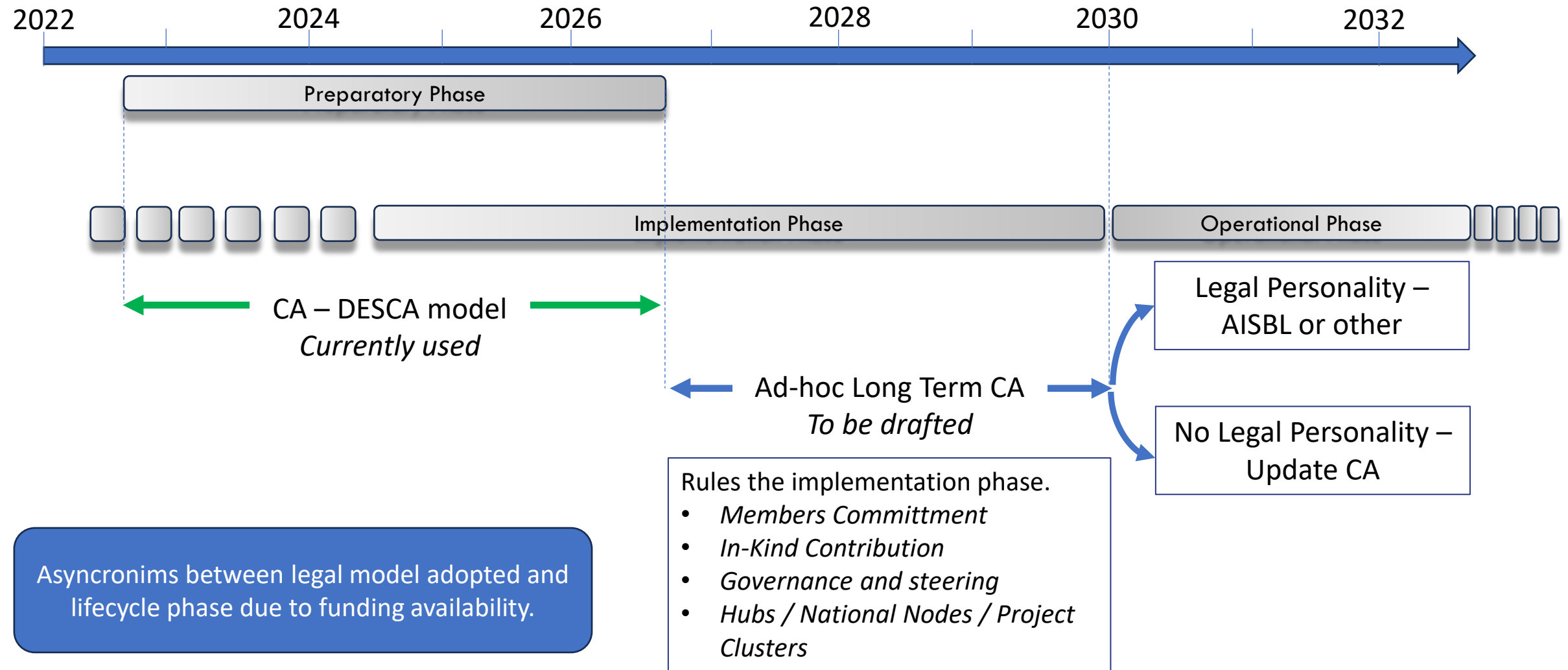
Milestones to be accomplished

✓ M4.1 – Report on legal requirements from partner – M18 **DONE**

M4.2 – Approval by the collaboration board of drafts of legal and financial packages – M36

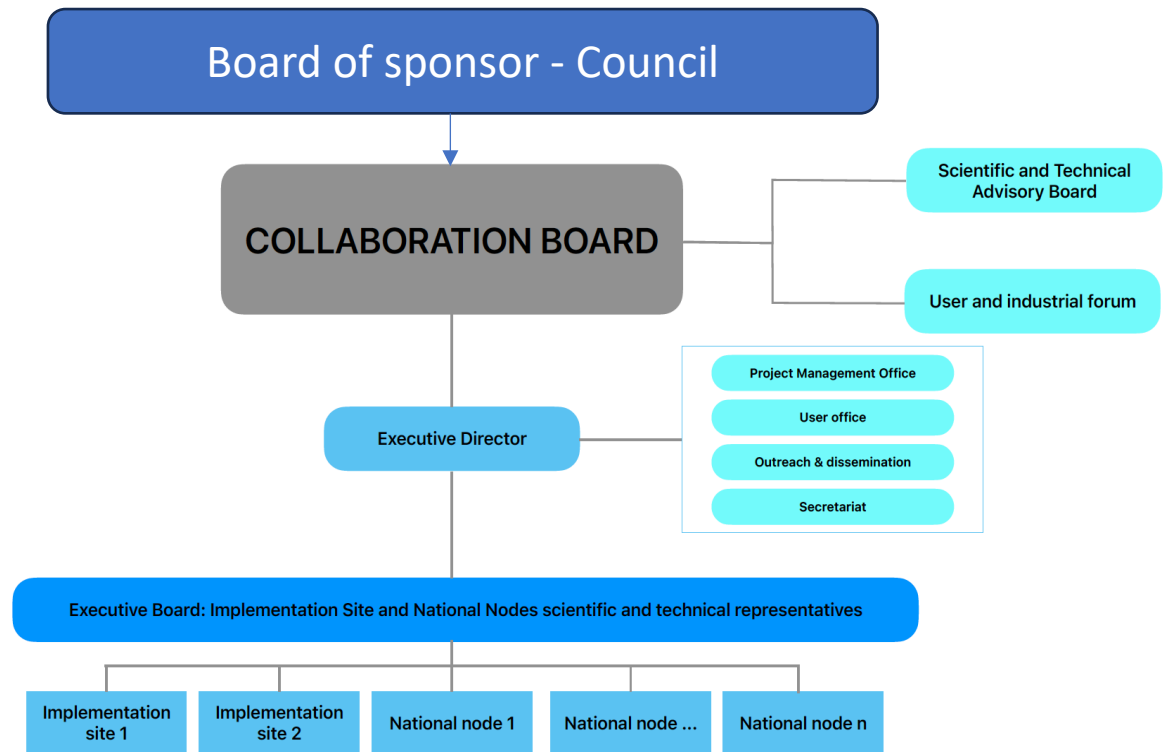
M4.3 – Approval by the Board of Financial Sponsors of the legal and financial packages – M40

- At the moment the most reasonable scenario is to adopt a phasing approach that follows the maturity level of the implementation and the funding scheme associated.
- The choice of a new legal entity provided with legal personality seems to be a bit immature at this stage, especially considering a funding model of the implementation phase largely based on National Funding.
- Also assets ownership (and related operational costs) will remain under host institutions responsibility.
- A new legal entity will rule a set of topics that are mostly related to the operational phase:
 - User access
 - Upgrading
 - Training
 - Industrial collaboration
- On the other hand this CA will end with the preparatory phase (2026) it is therefore mandatory to have a new CA properly designed for the implementation phase that would pave the way for further development.



Asynchronisms between legal model adopted and lifecycle phase due to funding availability.

- Reinforce the commitment from collaboration members
- Possible In Kind Contribution (regulated by ad-hoc MoU)
- Open to joint Eu-Grant application
- Common Project Management Practice and coordination for the two sites.
- Common funds (modest amount) for general purposes (e.g. centralized Project Office for EU grants, training, outreach).
- Support Office
- Open access approach
- Based on the agreed architecture (Hubs, National Nodes, Project Clusters).
- Open – end (or very long term) to have sufficient time for a possible development into a new legal entity.



Why a new legal entity and its requirements

- It is the most appropriate way (if done correctly) to guarantee a long term sustainability.
- Some advantages in terms of procurement and hiring (depending on the model).
- Provide a common strategy and vision

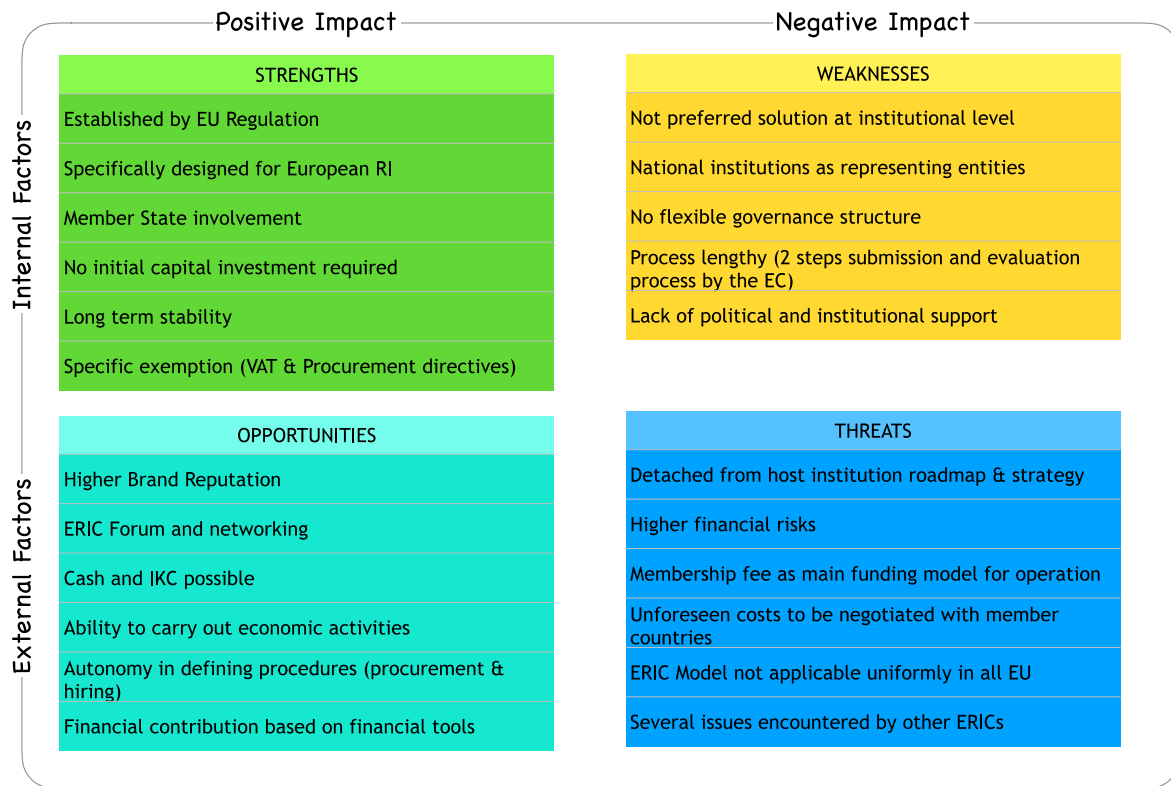
- Needs to be agreed by all the institutions and backed up at political level → Increase commitment
- Since the operations will be covered by host institutions and asset will remain in their property, the legal entity should act as an umbrella on the overall organization, coordinating user access, scientific strategy, upgrade and training.
- Pre-invested assets will remain in the host institution property but at disposal of the collaboration.

Several models are available:

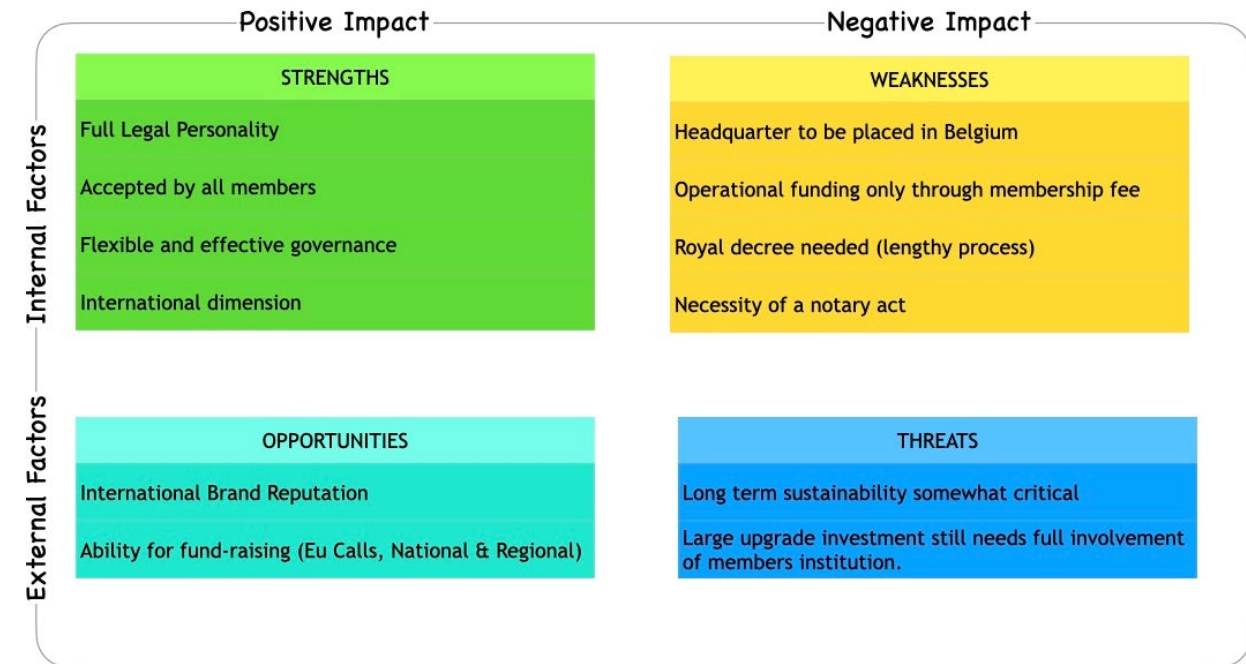
- **ERIC**
- **AISBL**
- LLC / GmbH / Societe Civil
- And many more.

New Legal Entity Options – SWOT analysis

European Research Infrastructure Consortium - ERIC



Association International sans but lucratif - AISBL



New Legal Entity Options – SWOT analysis outcome

ERIC seems to be out of question. It does not seem adequate for the size and cost of EuPRAXIA plus some skepticism on the long term at political and institution level and additional membership problem (can an ERIC be member of another ERIC? Maybe not).

AISBL seems to be more attractive: less constraints in terms of governance and membership, apparently relatively easier to implement. The real implementation tricks have to be further investigated. Other similar facilities have adopted this framework (e.g. KM3NET).

Back up: if there's no agreement on the legal personality model a stronger Consortium agreement will be set up to govern the operational phase.

The proposed ranking is the following:

1. A new CA for the implementation phase.
2. A strategy for its further evolution into a legal personality model (preferred AISBL).

A lot of discussions are ongoing at political level to update the legal tools for RI (e.g. ERIC Forum et al.). Maybe newer and more appropriate legal frameworks might appear in the future.

Meetings with KM3NET (AISBL to be very soon) to understand the process, pro&cons and tricks, are ongoing.

Coordinator




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- EuPRAXIA Preparatory Phase



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