



COMMISSION DES COMMUNAUTÉS EUROPÉENNES

Bruxelles, le 8.7.2008
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AVIS DU COMITÉ DES ÉVALUATIONS D'IMPACT

**PROPOSITION DE REGLEMENT DU CONSEIL RELATIF AU CADRE JURIDIQUE
COMMUNAUTAIRE POUR UNE INFRASTRUCTURE EUROPEENNE DE
RECHERCHE**

{COM(2008) 467}
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EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels, 15 MAI 2008
D(2008) 3990

Opinion

Title

Impact Assessment on: Proposal for a Council Regulation:
Legal Framework for the construction and operation of
European research infrastructures

(draft version of 15 April 2008)

Lead DG

DG RTD

1) Impact Assessment Board Opinion

(A) Context

On the basis of the 2007 Green Paper *The European Research Area: New Perspectives*, a number of key areas have been identified where effective action in partnerships between Member States would have the potential to deliver significant gains for Europe's research system. "Developing world class research infrastructures" is put forward as one of the pillars of an ERA vision. The "Regulation on a Dedicated Legal Framework for new European Research Infrastructures" is one of five policy initiatives planned by the Commission in 2008 as a follow-up to the Green Paper. This EC Regulation aims to facilitate the formation of European consortia for the construction and operation of research facilities of pan-European interest.

(B) Positive aspects

The report is drafted in clear language which makes it accessible even for a non-specialist reader. It presents clearly the results of the stakeholders' consultation and gives a good explanation of how the initiative respects the subsidiarity principle. The author DG has provided a detailed written response to the Board's quality checklist, and will make many of the changes requested.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

General recommendation: The IA report should justify why different legal alternatives within the preferred option have not been considered and, in

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particular, why this preferred option excludes the possibility of public-private partnerships. The report should analyse in greater detail what the potential of the preferred option is for speeding up the establishment of European Research Infrastructures (ERIs). The report should discuss the expected take-up of the initiative and, in particular, assess to what extent the new legal framework would be used for the 35 initiatives identified in the ESFRI roadmap.

(1) Justify why within the preferred option the report does not examine alternative legal provisions and why this option is limited to the public sector. The report should mention possible legal alternatives within option 4, for example as regards staff rules or different degrees of flexibility to adapt the legal structure to the requirements of specific types of infrastructure, and explain why they are not feasible. The report should also explain why the preferred option is limited to participation by public sector bodies while there is a growing tendency towards public-private partnership such as Joint Technology Initiatives or the European Institute for Innovation or Technology.

(2) Explain how the new legal framework would bring about time savings. The report should explain more precisely how the new legal framework itself would allow for quicker establishment of ERIs and which elements of the preferred option would help avoid long negotiations between prospective partners about governance, the share taken by each partner or the "return" on investment, issues which are identified as current obstacles to the development of European infrastructures. The report seems to indicate that although the new legal framework is a necessary condition for speeding up the setup process it is not the only condition which must be fulfilled. If this is the case it should be clearly stated in the report.

(3) Analyse the take-up of the initiative. The report should discuss the expected take-up of this initiative and, in particular, assess to what extent the new legal framework would be used for the 35 initiatives identified in the ESFRI roadmap.

(D) Procedure and presentation

It appears that all procedural requirements have been complied with. Section 6.4 should be integrated with the sections discussing options and impacts and the existing duplications removed. The report should provide the list of abbreviations.

2) IAB scrutiny process

Reference number	2008/RTD/034 (priority initiative)
Author DG	RTD
External expertise used	No
Date of Board Meeting	Written procedure
Date of adoption of Opinion	15 MAI 2008