

# D5.6: Governance and Statutes for the EMPHASIS Operational Phase

EMPHASIS-PREP WP5 | 05-June-2021



## Document information

<b>EU Project N°</b>	739514	<b>Acronym</b>	EMPHASIS-PREP
<b>Full title</b>	Preparation for EMPHASIS: European Infrastructure for multi-scale Plant Phenomics and Simulation for food security in a changing climate		
<b>Project website</b>	emphasis.plant-phenotyping.eu		

<b>Deliverable</b>	<b>N°</b>	5.6	<b>Title</b>	Governance and statutes
<b>Work Package</b>	<b>N°</b>	WP5	<b>Title</b>	Legal and Governance

<b>Date of delivery</b>	<b>Contractual</b>	30.04.2021	<b>Actual</b>	Month 54
<b>Dissemination level</b>	X	PU Public, fully open, e.g. web		
		CO Confidential, restricted under conditions set out in Model Grant Agreement		
		CI Classified, information as referred to in Commission Decision 2001/844/EC.		

<b>Authors (Partner)</b>				
<b>Responsible author</b>	<b>Name</b>	Richard Traini	<b>Email</b>	Richard.Traini@bbsrc.ukri.org

<b>Version log</b>			
<b>Issue Date</b>	<b>Revision N°</b>	<b>Author</b>	<b>Change</b>

This project has received funding from the European Union's Horizon 2020 Coordination and support action programme under grant agreement No 739514. This publication reflects only the view of the author, and the European Commission cannot be held responsible for any use which may be made of the information contained therein.

## Contents

Executive Summary .....	4
1. Progress to date .....	5
1.1. Background.....	5
1.2. Considerations.....	5
2. Next steps.....	6
Annex 1: Check list.....	8

### **Documents used in the preparation of this deliverable:**

- EMPHASIS-PREP Deliverable 5.1: Scenarios for governance structures
- EMPHASIS-PREP Deliverable 5.3: Options to form a legal entity
- EMPHASIS-PREP Deliverable 5.4: Governance framework including roles and responsibilities for the implementation phase

## Executive Summary

A critical component of the work within EMPHASIS-PREP work package 5 is the drafting of governance options and statutes for the EMPHASIS Operational Phase. It is vital that the development of these aspects of EMPHASIS are done with ample opportunities for ministry stakeholders (via the EMPHASIS Interim General Assembly (IGA)) to feedback on key features and legal requirements.

A prerequisite of progress within these tasks revolve around important decision which require IGA ratification, specifically the decision on an Operational Phase legal entity. COVID-19 represented a challenge to the original decision-making timeline for these considerations and as such A decision on this was reached during the 4<sup>th</sup> EMPHASIS IGA meeting (March-2021). As such there was a knock-on delay to decision on EMPHASIS Operational Phase strategy, which in turn has delayed the finalisation of aspects of this deliverable.

Given the sensitive status of discussion with the EMPHASIS IGA it has been agree with the EMPHASIS Project Officer that once the statutes (and thus governance structure) have been approved by the IGA, the final version will publish on the EMPHASIS homepage.

[\(https://emphasis.plant-phenotyping.eu/\)](https://emphasis.plant-phenotyping.eu/)

## 1. Progress to date

### 1.1. Background

EMPHASIS Governance options and statutes have been presented to the ministry stakeholders to gain inputs and feedback throughout the EMPAHSIS Preparatory Phase and Implementation Phase (initial drafts were presented before a decision on the Operational Phase legal entity was ratified).

Additionally, over the past 24 months EMPHASIS-PREP work package 5 has worked closely with external legal consultants who have specific expertise in European Research Infrastructures (RIs) on both the governance and statutes (taking lessons learnt from other RIs) to ensure further ministry level negotiations can run in a smooth and time effective manner.

### 1.2. Considerations

#### **Governance Structure**

The governance structure for EMPHASIS will also need to reflect the recommendations of ESFRI for distributed RIs. For instance, the governance should achieve maximum operation through effective set-up of the governance bodies which will allow for decision-making and advice at the appropriate levels, evaluation and monitoring, integration between the legal entity and national nodes as well as delivery of the various EMPHASIS services. This means that the general structure for the EMPHASIS RI will consist of a central function which will host the legal entity of EMPHASIS e.g. Central Hub, and distributed components such as national nodes, access to facilities within the national nodes as well as services which will be jointly provided either centrally or through distributed physical/virtual locations.

Before the governance structure for the EMPHASIS Operational Phase can be finalised, consensus needs to be reached by the IGA on related aspects of the EMPAHSIS Operational Phase strategy. These include but are not limited to:

- The size of the EMPHASIS legal entity - what should be included as part of the EMPHASIS ERIC
- The organisational structure of EMPHASIS, specifically if EMPHASIS ERIC is or is not distributed across more than one country

## Statutes

Ahead of any further progress with the EMPHASIS Operational Phase statutes, a number of decisions need to be reached by the IGA relating to the EMPHASIS Operational Phase strategy. These include but are not limited to:

- The EMPHASIS Statutory Seat
- The organisational structure of EMPHASIS, including the level to which EMPHASIS services (and administration) is distributed
- The relationship between EMPHASIS organisational structure and service delivery
- EMPHASIS Operational Phase funding model / member contributions
- EMPHASIS Operational Phase internal policies

## 2. Next steps

As part of the continuation of this work within the EMPHASIS Implementation Phase, and as agreed by the EMPHASIS IGA as per the EMPHASIS Implementation Phase work plan WP1: Support and coordination - administration of EMPHASIS Implementation Phase task and deliverables (listed below):

### **Task 1.2: Development and implementation of a legal entity for the Operational Phase.**

Coordinating selection processes for Functional Units as the organizational units bundling a set of services within a specific area such as e.g. services related to access, to quality management, innovation, training etc. (criteria lists, open call, review);

- Providing documentation of rules for Operational Phase legal entity:
  - Legal entity statutes
  - Service level agreement which depend on the final governance.
  - Company policies an an important item in the construction of the infrastructure. (access, data, human resources, innovation)
- Coordinating decision making by IGA according to the IGA Rules of Procedure on strategic business plan options;
- Coordinating selection process for statutory seat country (country where EMPHASIS legal entity is registered);
- Financial and risk management for implementation phase;

**EMPHASIS Implementation Phase work plan WP1 deliverables:**

- Deliverable 1.3: Selection process for Functional Units, the EMPHASIS service units
- Deliverable 1.4: Selection of Statutory Seat country
- Deliverable 1.5: Draft Statutes and contribution mode
- Deliverable 1.8: Company policies
- Deliverable 1.9: Service level agreement

## Annex 1: Check list

Deliverable Check list (to be checked by the “Deliverable leader”)

	Check list	Comments
<b>Before</b>	I have checked the due date and have planned completion in due time	<i>Please inform Management Team of any foreseen delays</i>
	The title corresponds to the title in the DOW	<i>If not please inform the Management Team with justification</i>
	The dissemination level corresponds to that indicated in the DOW	
	The contributors (authors) correspond to those indicated in the DOW	
	The Table of Contents has been validated with the Activity Leader	<i>Please validate the Table of Content with your Activity Leader before drafting the deliverable</i>
	I am using the EMPHASIS deliverable template (title page, styles etc.)	<i>Available in “New EMPHASIS Logo, Templates, CI” on the collaborative workspace</i>
<b>The draft is ready</b>		
<b>After</b>	I have written a good summary at the beginning of the Deliverable	<i>A 1-2 pages max. summary is mandatory (not formal but really informative on the content of the Deliverable)</i>
	The deliverable has been reviewed by all contributors (authors)	<i>Make sure all contributors have reviewed and approved the final version of the deliverable. You should leave sufficient time for this validation.</i>
	I have done a spell check and verified the English	
	I have sent the final version to the WP Leader and to the Project coordinator (cc to the project manager) for approval	<i>Send the final draft to your WPLLeader and the coordinator with cc to the project manager on the 1<sup>st</sup> day of the due month and leave 2 weeks for feedback. Inform the reviewer of the changes (if any) you have made to address their comments. Once validated by the 2 reviewers and the coordinator, send the final version to the Project Manager who will then submit it to the EC.</i>