Setting up the legal framework of a complex and multi-organization infrastructure: the EPOS solution

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Many distributed Research Infrastructures have in common that they are multilevel structures, with only part of the activities taking place within the infrastructure legal body. This is also the case for EPOS, where only the high-level management and the cross-disciplinary services (Integrated Core Services, ICS) are completely centralized. The responsibilities for the scientific disciplinary services (Thematic Core Services, TCS) such as data repositories, community portals etc., are carried out by national organizations and by international research organizations and legal bodies with participation from many countries (for example ORFEUS, EMSC, EUREF, INTERMAGNET, EGS ...). This is also the case for the future cross-disciplinary Distributed Core Services, that are still in the planning phase. EPOS is also of exceptional broad European participation, with 12 countries as founding members or observers (updated at November 2018), and a target of twenty to thirty countries participating in a near future.

Looking back on the work done so far, we can safely say that the support of a reliable and effective legal and governance framework has been instrumental to help carry out the scientific excellence of the EPOS research infrastructure.

Even though there are still some formal steps to be taken, the governance framework of all the EPOS activities has found a solid form during an iterative process that started at the beginning of the EPOS Preparatory Phase project.

The EPOS high-level management will be carried out through a European Research Infrastructure Consortium (ERIC), a dedicated EU legal body that has been created the 30th of October 2018. The inauguration of the EPOS-ERIC will take place in Rome on November 7, 2018. The EPOS-ERIC will receive financial support from the member states. The decision-making power will belong to the EPOS-ERIC General Assembly, in which the member states have up to two seats per country. The Executive Director, along with the Executive Coordination Office, will be in charge of implementing the work...
programme as decided by the General Assembly. To this end, they will be assisted by the Service Coordination Committee, consisting of one representative from each EPOS Core Services (both TCS and ICS). Several External Advisory Boards will also be set up to ensure the continuous improvement of EPOS scientific excellence.

The Integrated Core services (ICS) will be operated by a consortium of the geological surveys in the UK, France and Denmark (BGS, BRGM and GEUS). For efficient interaction with the EPOS-ERIC, these three organizations have an internal legal agreement on their collaboration regarding the hosting of the ICS. However, only the BGS will be Party to the service contract with EPOS-ERIC for the ICS operation. The content of the contract has been pre-approved by the EPOS Board of Governmental Representatives and the final version will be later approved by EPOS-ERIC General Assembly.

The Thematic Core Services have each set up a Consortium Agreement to clarify and formalize the cooperation between all the involved organizations. Most of the TCS have already agreed on the content of these Consortium agreements. These are now at diverse stages of progress within the legal departments of the organizations. The official signature process is expected to start within a few months. Some TCS have already informally set up their consortium, both to check whether anything needs to be changed for the consortium to practically function, and to start the transition from the implementation to the operation of the services. Each service offered by the TCS will be set up with the EPOS-ERIC through a Service Contract between EPOS-ERIC and the organization responsible for the service. The establishment of these contracts is expected to start at the end of 2019 and this process will go on during the whole lifecycle of EPOS-ERIC, opening the possibility to add new services to the EPOS service catalog.

The producers of the DDSS (data, data products, software and services), most often National Research Infrastructures (seismic and geodetic networks, national databases,...), have a major role in EPOS. To legally tie the DDSS provision to EPOS, they will sign Supplier Letters, thereby granting EPOS the right to redistribute their data and products, and to use the services. The Supplier Letter has the advantage of being significantly less formal than a service contract and its purpose is closely related to the implementation of the EPOS data policy, which will be presented in a later issue of the EPOS Newsletter.

Setting up the EPOS legal framework has been an adventure, which is now reaching its last stages. The legal framework combines a high level of flexibility to meet the needs and organization of each large disciplinary community within EPOS, all whilst setting up very formal ties for service provision. The formalization of the links between every layer of the EPOS framework will however be an ongoing process through the lifetime of the infrastructure.