



**EMBRC**  
EUROPEAN  
MARINE  
BIOLOGICAL  
RESOURCE  
CENTRE

# EMBRC-ERIC Rules of Operation

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*Approved by the EMBRC-ERIC General Assembly on March 5th 2021*

*Revised (A6.2.3) by EMBRC-ERIC GA on Nov. 24<sup>th</sup> 2021*



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## PRELIMINARY

The European Marine Biological Resource Centre was established as a European Research Infrastructure Consortium (hereinafter referred to as “EMBRC-ERIC”) as recognized in the Official Journal of the European Union published on February 23 2018 (2018/C 69/01).

In the event of a conflict between any of the provisions of the Rules of Operation and the EMBRC-ERIC Statutes, the provisions of the EMBRC-ERIC Statutes shall prevail.

All documents produced or requested by EMBRC-ERIC shall be stored and archived at EMBRC-ERIC Headquarters.

## CHAPTER 1 – GENERAL PROVISIONS

1.1. The Rules of Operation (RoO) contain information on procedures and general functioning of the EMBRC-ERIC as stated in the Statutes. The terms with a capital used in the Rules of Operation have the same definitions as in the EMBRC-ERIC Statutes. Additional terms with a capital that appear in the Rules of Operation are defined in respective Chapters and appear in [Appendix 1](#).

1.2. The EMBRC-ERIC Rules of Operation come into effect on the date of their approval by the General Assembly.

1.3. The EMBRC-ERIC Rules of Operation may be amended or changed as required by decisions of the General Assembly, subject to 2/3 (two-thirds) majority (Article 15.10 of the Statutes).

## CHAPTER 2 – GENERAL ASSEMBLY

### 2.1. Establishment of the General Assembly

2.1.1. The General Assembly of EMBRC-ERIC is established in accordance with Article 15 of the EMBRC-ERIC Statutes.

2.1.2. As part of the Secretariat, the General Assembly will have a designated “**Secretary**” to assist its functioning.

### 2.2. Delegates and Substitutes of Members

2.2.1. According to article 15.3 of the Statutes, the duration of the appointment of the delegates will be determined by the respective Member. The delegates of the General Assembly must not serve simultaneously on any other Body of EMBRC-ERIC or as a Liaison Officer.

2.2.2. In the event one or both Member delegates is/are unable to attend a meeting, the EMBRC-ERIC Member representative (Statutes, Annex 1) shall provide a power of attorney to appoint a substitute. This power of attorney shall be transmitted to the General Assembly Chair with a copy to the General Assembly Secretary and the Executive Director.



## 2.3. Chair and Vice-Chairs of the General Assembly

2.3.1. Appointed delegates as Chair and Vice-Chairs shall retain their mandate as Member delegates.

2.3.2. The Chair or acting Chair shall convene the General Assembly. The Chair shall be responsible for the preparation of the agendas, meetings, recording of minutes, decisions and notifications of the General Assembly, with support of the General Assembly Secretary, EMBRC-ERIC Secretariat, and Executive Director.

## 2.4. Agenda of the General Assembly

2.4.1. The agenda consists of an open and a closed session. The Executive Director may only participate in the closed session by explicit invitation by the Chair of the General Assembly. Such invitations may be made at the discretion of the Chair of the General Assembly.

2.4.2. The Chair shall prepare the agenda for both open and closed meetings. The Chair shall invite and collect agenda items from the delegates and from the Executive Director.

2.4.3. The Chair shall establish that there is a quorum at the beginning of each General Assembly meeting in accordance with clause 2.6.3.

2.4.4. A draft agenda with documents prepared by the Chair shall be sent to delegates and/or Observers at least one month before each ordinary meeting. In case of an extra-ordinary meeting (previously non-scheduled), a detailed agenda with the documents related to the topics to be discussed will be circulated at least fourteen (14) calendar days before the meeting.

2.4.5. Any agenda item requiring a decision must be identified as such on the agenda. Any delegate may propose to add an item to the original agenda by written notification to the Secretary for distribution to all delegates within twenty-one (21) calendar days preceding the meeting.

## 2.5. Meetings of the General Assembly

2.5.1. During a General Assembly meeting, the Chair shall discuss the date of the forthcoming annual meeting(s) with the delegates.

2.5.2. The General Assembly must meet, as per Article 15.2 of the Statutes, at least once per calendar year, preferentially during the month of November. If requested and approved, a second meeting should take place, preferentially in the month of May. Additional meetings of the General Assembly, which may be in person or by teleconference, may be requested by the Chair or by the majority of the Members.

2.5.3. The Chair shall call upon speakers in the order in which they signify their desire to speak and the Chair is also entitled to limit or end any speaker's time. The Chair shall be entitled to propose that the discussions taking place at a meeting may be suspended or deferred.

## 2.6. Voting and Decisions of the General Assembly

2.6.1. When voting concerns election, nomination or dismissal of individuals and/or entities, voting shall be by secret ballot. In voting by secret ballot, two (2) persons selected from among the delegates present shall assist in the counting of votes.



2.6.2. Only votes cast by Members shall be tallied for determining the majority or unanimity. Abstention(s) shall not be taken into account in the voting results. The abstentions must be recorded in the minutes of the meeting. Members may request that their reasons for an affirmative vote, a negative vote or an abstention are recorded in the meeting.

2.6.3. The presence or representation of the Members is necessary to constitute a quorum at any meeting. A quorum of two-thirds (2/3) of the Members is required for having a valid General Assembly at every point of decision (Article 15.6 of the EMBRC-ERIC Statutes).

2.6.4. For urgent situations, the Chair may transmit written proposals to the delegates for a decision to be taken by the delegates with an advance notice of ten (10) calendar days. Delegates who do not reply will be notified again by e-mail and an attempt will be made to contact them by telephone communication. If no contact is established and therefore no reply received from such a delegate(s) within an additional seven (7) calendar days, decisions can be taken without them and the delegate(s) in question will be considered to have abstained.

2.6.5. Additional individuals, including advisors and/or members of another EMBRC-ERIC body, may participate in a General Assembly meeting if this is requested in writing, by a Member, to the Chair, and subsequently, with the prior written approval of the Chair. The member requesting such an invitation must send a brief written justification and include the credentials of the proposed participating individual to the Chair and Secretary.

## 2.7. Minutes of the General Assembly

2.7.1. The draft minutes of each General Assembly meeting shall be distributed by the Secretary, to all delegates, within fifteen (15) calendar days from the corresponding meeting date.

(i) Where no request for changes or comments are received within a subsequent twenty-one (21) calendar days, the minutes will be proposed for approval by email within a further ten (10) calendar days.

(ii) In the event of there being a request for the inclusion of any relevant changes, the revised minutes will be redistributed to all delegates once these changes are made. Where no further request for changes or comments are received within a further ten (10) calendar days, the minutes will be proposed for adoption at the next meeting of the General Assembly.

2.7.2. Decisions of the General Assembly shall be recorded in an appropriate summary and summarized in tabular form.

2.7.3. The Secretary will maintain an up-to-date list of decisions reached, numbered with reference to the Agenda and date of the meeting held, or date of approval in case of an extraordinary meeting or decision outside of an ordinary meeting. Approved minutes shall be stored and archived at EMBRC-ERIC Headquarters and may be obtained from there as appropriate.

## CHAPTER 3 – EXECUTIVE DIRECTOR

### 3.1. Appointment of Executive Director

3.1.1. For the recruitment of the position of the Executive Director, the Chair shall organize a search committee of General Assembly delegates, comprising of at least three Members, to



assess and grade the applicants and prepare a shortlist of candidates. The Chair shall be part of the committee and the evaluation made of each of the applicants and grades allocated to each applicant will be distributed to all General Assembly Members and delegates. At least three members of the committee, including the Chair, will participate in each of the candidate interviews. The outcome of the recruitment process will then be distributed to all Members and delegates for voting by the GA.

3.1.2. The duration, conditions and modalities of the Executive Director's contract (new or renewal) shall be elaborated by the Chair and Vice-Chairs following consultation with the General Assembly recognising any specific requirements of the relevant authorities (Human Resources / Personnel Department) of the Host Member for legal compliance and proposed for a vote to the General Assembly.

3.1.3. The resignation (in writing) of the Executive Director must be provided by registered post to the Chair and Secretary of EMBRC-ERIC.

## 3.2. Role of the Executive Director

3.2.1. The role of the Executive Director is specified in Article 16 of the Statutes. Additional roles may be added as required by the General Assembly, subject always to the agreement of the Executive Director.

## 3.3. Mandate of the Executive Director

3.3.1. The mandate of the Executive Director is provided in Article 16.2 of the Statutes. The Executive Director shall be designated as chair of the Committee of Nodes.

3.3.2. The General Assembly of EMBRC-ERIC shall grant to the Executive Director all the necessary legal powers to carry out the tasks and responsibilities described in Article 16.3 of the Statutes.

3.3.3. A letter of mandate shall be provided, following Article 16 of the Statutes, by the General Assembly, then duly signed and dated by the Chair. By way of his/her signature, the Executive Director shall declare that he/she accepts the designation defined in Article 16.2 of the Statutes. For each appointment, a letter of mandate shall be issued, including in the case of re-appointment.

## 3.4. Reporting of the Executive Director

3.4.1. The Executive Director shall report to the General Assembly on significant matters and material changes having a bearing on the financial position, status and/or situation of the EMBRC-ERIC. The Executive Director shall report to the General Assembly about irregularities and decisions that have or may have a mid-term and long-term impact on the EMBRC-ERIC.

3.4.2. The Executive Director shall provide to the General Assembly a Headquarters Update every three (3) months covering the calendar year months. The Update for months 10 – 12 shall be included as part of the overall annual activity report as per 3.4.4 below, which outlines Headquarter activities and/ or arising business.

3.4.3. In implementation of Article 16.5 of the Statutes, the Executive Director shall, one month before the last statutory General Assembly of each financial year, prepare and distribute a draft work programme and proposed budget for the upcoming financial year to the General Assembly



and the Science and Innovation Advisory Board for validation and approval by the General Assembly.

3.4.4 The annual activity report will be distributed by the Executive Director to the General Assembly at the latest by March 31 of the following year and shall comprise the following material:

- i. a detailed progress report on the activities, covering any changed objectives and/ or strategy of the EMBRC-ERIC in the preceding calendar year and also including an EMBRC-ERIC performance report based on Node and Committee of Nodes activities;
- ii. a detailed financial report covering January 1 to December 31 and an audit report.

3.4.5. The General Assembly may request the Executive Director to prepare and deliver other reports on specific subject matters and will agree with the Executive Director as to a date(s) for provision of such reports.

## CHAPTER 4 – EMBRC-ERIC SECRETARIAT

### 4.1. Establishment and Role of the EMBRC-ERIC Secretariat

4.1.1. The EMBRC-ERIC Secretariat staff shall be appointed by the Executive Director in accordance with Statutes 16.3.e and [Appendix 7](#), below, EMBRC-ERIC Human Resources Policy.

### 4.2. Activities of the EMBRC-ERIC Secretariat

4.2.1. The EMBRC-ERIC Secretariat shall act as a general supporting office and secretariat office to the Executive Director and EMBRC-ERIC bodies, according to Article 18 of the Statutes.

## CHAPTER 5 – COMMITTEE OF NODES

### 5.1. Organisation of the Committee of Nodes

5.1.1. The Committee of Nodes (CoN) is a non-decision-making Body representing the Nodes, with a supporting role to the Executive Director. The representatives of the Nodes comprise the Committee of Nodes. Each Node will have one representative according to article 17.1 of the Statutes. The Node representative will be appointed by the relevant Operator(s).

5.1.2. The CoN is chaired by the Executive Director, supported by a Vice-Chair. The Vice-Chair is elected by the CoN representatives for a two year mandate. Should no Nodes representatives offer to serve as the Vice-Chair, then the Vice-Chair will be chosen from the CoN members according to alphabetical order by country.

5.1.3. The CoN Vice-Chair will submit a report to the Executive Director at least 6 (six) weeks in advance of a GA meeting. The report will summarize the CoN activities, progress, and any problems that arose during the reporting period. The Executive Director will revert back to the CoN with any tasks, actions and changes that the General Assembly wishes the CoN to undertake.





5.1.4. The CoN Vice-Chair will attend all GA meeting as the representative of the CoN and report back to the CoN on all topics discussed. The CoN representative shall not attend the closed sessions of the GA meetings.

5.1.5. The term, role and mandate assigned to a representative of a Node shall be transmitted, in writing, by the Vice-Chair to the Executive Director.

5.1.6. A Committee of Nodes representative cannot be a member of an EMBRC-ERIC General Assembly.

5.1.7. If a CoN representative is unable to attend, in person or by teleconference, they may appoint a substitute by a simple communication in writing to be transmitted to the Executive Director within seven (7) calendar days before of the meeting. This substitute cannot be a member of the EMBRC-ERIC General Assembly.

5.1.8. A CoN representative may request an advisor or observer to be present by communication in writing to the Executive Director for approval within seven (7) calendar days before of the meeting.

## 5.2. Role and Activities of the Committee of Nodes

5.2.1. The Committee of Nodes shall ensure that the decisions made at the General Assembly level are implemented at the Nodes. The Committee of Nodes shall provide the Executive Director in their annual report to the GA, or at other times as required, advice on upgrades, needs and technical issues.

5.2.2. The CoN contributes to and implements the EMBRC-ERIC scientific strategy, including the pursuit of European Union project activity, technical, scientific and innovation challenges.

## 5.3. Meetings of the Committee of Nodes

5.3.1. The Executive Director and CoN shall agree on dates of CoN meetings to be scheduled for the upcoming year.

5.3.2. The CoN shall meet at least twice per year, taking into account dates of the annual GA meeting(s) in November and May (or June or July). Additional meetings of the Committee of Nodes may be requested by the Executive Director or by the majority of the Node representatives. In addition and if required, teleconferences may be organised between CoN meetings.

## 5.4. Agenda of the Committee of Nodes

5.4.1. A draft agenda will be prepared by the Executive Director with the input of the Vice-Chair of the CoN. The draft agenda shall be sent to representatives of the CoN no less than twenty (20) calendar days before each ordinary meeting. In case of an extra-ordinary meeting (previously unscheduled), a detailed agenda with associated documents will be circulated seven (7) calendar days before the meeting.

## 5.5. Minutes of the Committee of Nodes

5.5.1. Draft minutes of each Committee of Nodes meeting shall be prepared by the Executive Director and circulated to all Node representatives within 15 (fifteen) calendar days of the meeting



for approval or correction. Where no request for changes or comments are received within a subsequent twenty-one (21) calendar days, the minutes will be considered accepted. If comments are received, the minutes will be redistributed to all delegates. Where no further request for changes or comments are received within a subsequent 21 (twenty-one) calendar days, the minutes will be proposed for approval at the next meeting of the CoN.

5.5.2. The approved minutes of any such meeting shall be circulated to all Nodes and GA representatives and stored in a shared electronic repository maintained by EMBRC-ERIC. Upon request to the Executive Director, copies of the CoN minutes can be provided to any member of the other EMBRC-ERIC boards or bodies.

## CHAPTER 6 – SERVICE LEVEL AGREEMENTS AND NODES

### 6.1. Purpose of the Service Level Agreements

6.1.1. EMBRC-ERIC will prepare and sign Service Level Agreements (SLAs) with the national Operators. The national Operators will be required to obtain signatures from the institutions comprising the respective Node, agreeing to the SLAs.

6.1.2. The Service Level Agreement shall cover the services and resources to be dedicated to the EMBRC-ERIC Research Infrastructure as provided by the Operators and contained on the EMBRC-ERIC website.

### 6.2. Organisation of the Nodes

6.2.1. Each Node will have a Node Coordinator and a Liaison Officer to be appointed by their respective national Operators.- The Liaison Officers shall act under the responsibility and supervision of their respective Node Coordinator. Preferably, the Node coordinator and Liaison officer should not be the same person.

6.2.2. The names of both the Node Coordinator, representatives of the CoN and the Liaison Officer of each Node shall be communicated in writing to the Executive Director by its GA Member Delegate. This notification should be updated whenever a replacement is made.

6.2.3. The Node Coordinator is in charge of organising and running the national Node. They are responsible for ensuring that the national Node responds to national strategies and priorities, mobilises all participating Operators, and meeting its obligations to EMBRC-ERIC as outlined in the Service Level Agreements.

6.2.4. The Liaison Officer is the primary contact point of the Node and responsible for relaying messages from EMBRC HQ to the Operators. It is the responsibility of the Liaison Officer to keep the node's Service Offer up to date on the EMBRC website and with EMBRC HQ. The Liaison Officer is also responsible for organising the Access to the Node's service offer.

6.2.5. Each Node Coordinator shall provide an annual report to the Executive Director summarizing their activities, no later than January 31<sup>st</sup>.

6.2.6. The Liaison Officers shall meet at least twice per year in person or by teleconference, preferably one meeting should take place six (6) weeks before a GA meeting, on a date jointly agreed upon by the Executive Director and Liaison Officers. The Liaison Officers meetings will be



chaired by the EMBRC-ERIC Access Officer. An agenda will be prepared and circulated no later than 2 (two) weeks before the meeting. Additional meetings may be organized if requested by the Executive Director or at least 3 (three) Liaison Officers.

## CHAPTER 7 – SCIENCE AND INNOVATION ADVISORY BOARD

### 7.1. Establishment of the Science and Innovation Advisory Board

7.1.1 In accordance with Article 19 of the EMBRC-ERIC Statutes, the Science and Innovation Advisory Board of EMBRC-ERIC shall be established by the General Assembly according to the Statutes of EMBRC-ERIC.

7.1.2. The Science and Innovation Advisory Board shall be comprised of an independent and heterogeneous group of international experts from academia and industrial sectors. The conditions of their eligibility and mandate shall be established by the General Assembly. The board should comprise a minimum of two academic representatives and two from industry.

7.1.3. The General Assembly and the Executive Director shall propose names of the experts of the Science and Innovation Advisory Board and present their profiles for review and discussion at the General Assembly. A member of the Science and Innovation Advisory Board should not be represented in any other EMBRC-ERIC body.

### 7.2. Role of the Science and Innovation Advisory Board

7.2.1. The Scientific and Innovation Advisory Board shall advise the General Assembly on strategic planning, scientific and technical matters and for reviewing.

7.2.2. The General Assembly may request the Scientific and Innovation Advisory Board to evaluate a specific strategy or project.

### 7.3. Activities of the Science and Innovation Board

7.3.1. The Scientific and Innovation Advisory Board shall submit an annual written report to the Executive Director and the General Assembly (GA) on its recommendations based on the Executive Director's annual report, at least two weeks prior to the spring GA meeting. An evaluation of the Executive Director's proposed work programme and proposed budget for the year ahead will be submitted at least two weeks prior to the fall GA meeting.

## CHAPTER 8 – ETHICAL BOARD

### 8.1. Establishment of the Ethical Board

8.1.1. In accordance with Article 19 of the EMBRC-ERIC Statutes, the Ethical Board of EMBRC-ERIC shall be established by the General Assembly.



8.1.2. The Ethical Board shall operate as a subset of and comprise 2 (two) experienced individuals of the Science and Innovation Advisory Board and participate in their meetings.

8.1.3. The Ethical Board shall comprise an independent and heterogeneous group of advisors selected by the General Assembly who are experienced in their professional field and proficient to review the ethical aspects of the activities and/or procedures carried out through, on behalf, or by EMBRC-ERIC and/or the Nodes.

8.1.4. The General Assembly and the Executive Director shall propose names of the experts of the Ethical Board and present their profiles for discussion at the General Assembly. A member of the Ethical Board should not be represented in any other EMBRC-ERIC body.

## 8.2. Role of the Ethical Board

8.2.1. In accordance with [Appendix 4](#), below, on EMBRC-ERIC Ethical Policy and Code of conduct, the Ethical Board shall advise the General Assembly on ethical and compliance issues within EMBRC-ERIC.

8.2.2. The Ethical Board may be requested by the General Assembly to monitor projects and/or services involving marine organisms, in view of the risks involved with their use and exploitation.

## 8.3. Activities of the Ethical Board

8.3.1. The Ethical Board shall submit any ethical observations, concerns, and recommendations as a dedicated section of the Science and Innovation Board report.

# CHAPTER 9 – SUBSIDIARY BODIES

9.1. In accordance with Article 19 of the EMBRC-ERIC Statutes, Subsidiary Bodies may be established by the General Assembly subject to a vote of the Members in accordance with Statutes 15.10.

9.2. The conditions of the eligibility and mandate of the members of the Subsidiary Bodies shall be determined by the General Assembly.

9.3. The role, activities, meetings and reporting of the Subsidiary Bodies shall be determined by the General Assembly.



## APPENDIX 1 – DEFINITIONS

(Article 1 of the EMBRC-ERIC Statutes, and additional definitions)

“**Access**” refers to the legitimate and authorised physical, remote and virtual admission to, interactions with and use of Research Infrastructures and to services offered by Research Infrastructures to Users, education and training, advisory support and analytical services.

“**Access Unit**” refers to the period of time and/or cost of using the Access offered to the Users by the Operators through EMBRC-ERIC.

“**Budgetary Cycle**” means a five-year budgetary plan, which is approved by the General Assembly under Article 15.9. of the Statutes.

“**Call for Tender**” means the formal EMBRC-ERIC procedure to invite Tenderers to provide competing offers to (a) Product(s), Service(s), work(s) and/or related contract(s) in order to evaluate for EMBRC-ERIC awarding the most competing offer for supplying (a) Product(s), Service(s), work(s) and/or related contract(s).

“**Committee of Nodes**” means a non-executive body representing the Nodes as provided by Article 17 of the Statutes.

“**Contribution(s)**” means monetary and in-kind contributions to the EMBRC-ERIC as decided by the General Assembly in conformity with Article 15.9 of the Statutes.

“**Data**” refers to both raw and processed information, factual records (numerical scores, textual records, images and sounds) and information, in particular facts or numbers, collected to be examined and considered as a basis for reasoning, discussion, or calculation, databases and computer software. In a research context, examples of data include values of calculation, statistics, results of experiments, measurements, observations resulting from fieldwork, survey results, interview recordings and images.

“**Data Management Plan**” describes what data shall be generated, how data shall be curated and preserved and whether and how data shall be shared or made available.

“**Executive Director**” means the director of EMBRC-ERIC as provided for under Article 16 of the Statutes.

“**Ethical Board**” means the Advisory Body focusing on ethical issues associated with EMBRC-ERIC's activities, including the monitoring of research involving marine organisms or parts thereof.

“**General Assembly**” means the assembly of Members of EMBRC-ERIC, as provided for under Article 15 of the Statutes.

“**Headquarters (HQ)**” means the Executive Director and Secretariat located in the Host Member.

“**Host Member**” means the Member in which the EMBRC-ERIC statutory seat is located, as provided for under Article 2(2) of the Statutes.

“**Host Premium**” means the yearly support, provided by the Host Member, partly cash and partly In-Kind, for the functioning of the EMBRC Headquarters.

“**Liaison Officer(s)**” The Liaison Officers are part of the operative structure of EMBRC-ERIC and will ensure the effective operability and provision of the Nodes’ services, constituting a functional link between Headquarters and the Nodes and/or Operators, as provided for under Article 17 of the Statutes.



**“Member(s)”** means the member(s) of EMBRC-ERIC, as provided for under Article 5 of the Statutes.

**“Node(s)”** means the research facilities, resources and services organised nationally, not necessarily as an entity with legal capacity, in a Member and operated by legal entities referred to as “Operators”, at which EMBRC-ERIC related activities are carried out.

**“Observer(s)”** means a non-Member of EMBRC-ERIC that participate and contribute to EMBRC-ERIC activities as provided for under Article 10 of the Statutes.

**“Open Access”** means providing online access to information that is free of charge to the end-users, including i.) scientific research or literature or ii.) research data (data underlying publications, curated data and/or raw data).

**“Operators”** means legal entities, i.e.: Universities and research performing organisations, comprising the Node(s).

**“Quotation”** means the estimate of cost in reaction to a Call of tender by a Tenderer.

**“Research”** means creative work undertaken on a systematic basis in order to increase the stock of knowledge to devise new applications. The term R&D covers basic research, applied research and experimental development. As standard reference for R&D, EMBRC-ERIC shall use the internationally recognised definition taken from the OECD’s Frascati Manual (<http://www.oecd.org/sti/inno/Frascati-Manual.htm>), including definitions of basic concepts, data collection guidelines, and classifications for compiling R&D statistics.

**“Research Infrastructures”** means facilities, resources and services provided through EMBRC-ERIC by Operators that are used by the research communities to conduct research and foster innovation in their fields, including, but not limited to, major scientific equipment (or sets of instruments), knowledge based resources such as collections, archives and scientific data, e-infrastructures, such as data and computing systems and communication networks and any other tools that are essential to achieve excellence in research and innovation. EMBRC-ERIC Research Infrastructures could be single-sited or multi-sited, Virtual Access and/or distributed. EMBRC-ERIC Research Infrastructures offer could be proposed to Users under a catalogue format.

**“Rules of Operation”** means the rules voted by the General Assembly to implement the provisions of the Statutes.

**“Science & Innovation Advisory Board”** means the Advisory Body for scientific matters and strategic planning, including Intellectual Property management and technology transfer matters, as provided for in Article 19.

**“Secretariat”** means the operational secretariat of EMBRC-ERIC as provided for under Article 18 of the Statutes.

**“Service Level Agreement(s) (SLA)”** means agreements between EMBRC-ERIC and legal entities operating the Nodes regulating the provision of services and resources to support the high-level ambitions of the Research Infrastructure.

**“Subsidiary Bodies”** means the advisory bodies established by the General Assembly to advise EMBRC-ERIC, as set out in Article 19 of these Statutes.

**“Tender”** means the specific invitation to tender for (a) Product(s), Service(s), work(s) and/or related contract(s) describing all requirements of EMBRC-ERIC, including Product(s), Service(s), work(s) and/or related contract(s) and timelines, as well as the evaluation process.



“**Tenderer**” means the entity that puts forward a Quotation to a Tender with the purpose of gaining the Product(s), Service(s), work(s) and/or related contract(s) as defined in the Call for Tender.

“**User**” means any individuals, Teams, entities and institutions from academia, business, industry and public services who access EMBRC-ERIC Research Infrastructures following the User Access Process. Users could be engaged in the conception or creation of new knowledge, products, processes, methods and systems and/or management of projects. “**Teams**” includes researchers, graduate students, technical staff and/or other students participating in research in the framework of their studies.

“**User Access Contract**” refers to the legal document signed by the User and the Operator(s) prior to commencing work.

“**User Access Process**” means processes and interactions involved in the Access to EMBRC-ERIC consisting of application, negotiation, evaluation, feedback, selection, admission, approval, feasibility check, and research.

“**3Rs**” or “three Rs” refers to three fundamental principles of “Replacement, Reduction and Refinement” for ethical use of animals in testing and research, incorporated in the EU legislative framework (EU Directive 2010/63/EU) to ensure the protection of animals used in experiments or for other scientific purposes.

In the EMBRC-ERIC Statutes, the terms “**Associated Country**”, “**Research Infrastructure**” and “**Third Country**” shall have the meanings set out in the European Commission regulation.





## APPENDIX 2 – EMBRC-ERIC ACCESS POLICY

### A2.1. EMBRC-ERIC Access Principles

A2.1.1. EMBRC-ERIC promotes open science and open innovation through EMBRC-ERIC Research Infrastructures and offers resources, platforms and services for fundamental and applied research to facilitate international cooperation in science.

A2.1.2. EMBRC-ERIC Research Infrastructures comprise elements of digital services, making the infrastructures and their services more accessible and enabling collaboration among Users across scientific domains and geographical boundaries. EMBRC-ERIC promotes e-infrastructure interoperability and standardization in order to deal with large volumes of different types of generated data, and to develop or adopt community-endorsed data handling protocols, tools and skills.

A2.1.3. Access to EMBRC-ERIC Research Infrastructures is open to applications submitted from all types of bona fide Users, public and private, from both European and non-European countries.

A2.1.4. Access to EMBRC-ERIC is granted to Users based on scientific credibility, feasibility, ethics, and availability of resources and services.

### A2.2. Access Terms and Conditions

A2.2.1. Users will be required to comply with security, safety and environmental rules and with procedures in force at the hosting Operator(s), in particular concerning the notification of the introduction of material and instrumentation that could induce risks or ethical issues to the facility.

A2.2.2. Any Access to EMBRC-ERIC by a User will be regulated by a contractual framework (“**User Access Contract**”).

A2.2.3. The EMBRC-ERIC shall monitor the quantity and quality of Access granted, type of User, geographic distribution, and User satisfaction, as well as other User statistics, through a set of Key Performance Indicators (KPIs). Certain KPI data will be requested by the Operators. The KPIs will be defined by EMBRC-ERIC.





## APPENDIX 3 – EMBRC-ERIC DATA POLICY

### A3.1. EMBRC-ERIC Data Principles

A3.1.1. The EMBRC-ERIC Data Policy covers Data acquired, managed, assembled or created through research, survey and monitoring activities by or involving EMBRC-ERIC following Article 22 of the EMBRC-ERIC Statutes.

A3.1.2. The EMBRC-ERIC undertakes to commit to the principles of the European Open Science Cloud (EOSC) Declaration. The document can be consulted on the EMBRC-ERIC website.

A3.1.3. EMBRC-ERIC has defined a Data Management Plan (DMP) accessible on the EMBRC-ERIC website. The DMP governs all research projects generating or collecting publicly funded research data conforming to common methodologies.

A3.1.4. Exceptions to the general rule regarding Data Access shall be listed in an online annex to the EMBRC-ERIC Data Management Plan and shall specifically mention the reason for exceptions. It is agreed that EMBRC-ERIC Data Policy rules shall not apply in case of sensitive data management, including personal data, intellectual property data, or data considered to be secret or national security data.

A3.1.5. EMBRC-ERIC recognizes that European science must be grounded in a common culture of data stewardship such that research data is recognized as a significant output of research and is appropriately curated throughout and after the period conducting the research.

A3.1.6. EMBRC-ERIC undertakes to implement FAIR principles (Findable, Accessible, Interoperable, and Reproducible) for data management, and encourage Open Science through the publication of data produced by EMBRC-ERIC and its Users in open databases.

A3.1.7. EMBRC-ERIC will track usage and publications using its Data.

A3.1.8. EMBRC-ERIC acts according to the OECD Principles and Guidelines for Access to Research Data from Public Funding, as applicable to generated research Data, and INSPIRE principles, as recommended by the European Commission to encourage stakeholder organizations and Member States. The document can be consulted on the EMBRC-ERIC website.

### A3.2. Data Management

A3.2.1. As a general rule regarding Data Access, Data generated as part of EMBRC-ERIC Data shall be made available through Open Access to any person or any organisation requesting such Data.

A3.2.2. Researchers are required to keep clear and accurate records of the Research procedures followed and of the results obtained, including interim results. This is necessary for demonstrating proper Research practices. Data generated in the course of Research must be kept securely in both paper and electronic form, as appropriate. It remains the responsibility of the researcher to ensure that arrangements are in place to maintain the integrity and security of Research Data.

A3.2.3. EMBRC-ERIC shall allow the User(s) an embargo period to work exclusively on, the Data they have collected. This period shall be defined in the User Access Contract. After expiration of this embargo period, Data should be licensed under the most recent version of Creative Commons CC-BY.



## APPENDIX 4 – EMBRC-ERIC ETHICAL POLICY AND CODE OF CONDUCT

### A4.1. EMBRC-ERIC Ethical Principles

A4.1.1. EMBRC-ERIC is committed to maintain and promote the highest standards in Research.

A4.1.2. The EMBRC-ERIC follows and promotes the conditions for science and research recommended by the European Federation of Academies of Sciences and Humanities (ALLEA). All EMBRC-ERIC community must observe and promote the principles of integrity in scientific research. These principles include:

- Honesty in communication
- Reliability in performing Research
- Objectivity
- Impartiality and independence
- Openness and accessibility
- Duty of care
- Fairness in providing references and giving credit where due
- Responsibility for the scientists and Researchers of the future

A4.1.3. The EMBRC-ERIC follows and promotes all methods that can lead to the “3Rs” principles of Reduction, Refinement and Replacement of the use of animals for Research.

A4.1.4. EMBRC-ERIC reserves the right to refuse such requests that are considered by EMBRC-ERIC to be unethical or that may have an adverse impact considering the balance of a sustainable development and ethical management of ocean resources, the welfare cost to the research subjects and the benefit of knowledge gained. These consider factors such as:

- Adherence to the principles of the ALLEA and the 3Rs
- The anticipated scientific outcomes from the experiments that may benefit humans, animals or environment and their advancement of knowledge thereof
- The planned objectives of the research procedures and their relevance

A4.1.5. EMBRC-ERIC may provide assistance to its Users and raise awareness to them of aspects leading to the choice and/or design of a Research project.

### A4.2. Research Involving Animal Subjects

A4.2.1. EMBRC-ERIC and the Operators shall comply with applicable regulations about protection of animals used for scientific purposes, in particular the European Directive 2010/63/EU and the recommended regulations of the American Veterinary Medical Association. No less stringent specific rules and conditions for the conduct of animal Research (authorization procedures, inspection, etc.) shall be implemented by an Operator.

A4.2.2. All Research involving marine animals, such as cephalopods and vertebrates, shall be underpinned by a commitment to the principles of the 3Rs. To realize compliance with the 3Rs, animal Research shall be systematically and thoroughly evaluated, requiring the assessment of pain, distress and lasting harm. The Researchers shall provide all the details of the species (and strains) used, justify why they are used, explain why the anticipated benefits of the research justify the use of animals and why methods avoiding the use of animals cannot be used instead. All the planned measures to comply with the 3Rs should be indicated, in particular the procedures i) to



avoid or replace the use of animals, ii) to minimize the number of animals used per experiment, and iii) to minimize any suffering and thus improve animal welfare.

A4.2.3. The Operators shall have official licenses agreed with their national institution in order for them to take care of marine animals, breed them and perform protocols. The Operators shall ensure that high standards of animal care, welfare and animal housing conditions are standardized and adhere to the regulations governing animal welfare. The Operators shall ensure that all animals that are supplied to researchers are bred in the Operator's facilities, come from certified breeders, or have been collected from the wild by Operator Staff. All Operator staff taking care of animals shall be specially and/ or appropriately trained.

A4.2.4. The User's institution must supply Operators with any required ethical review board permits.

### A4.3. EMBRC-ERIC Code of Conduct

A4.3.1. In all research undertaken in the frame of EMBRC-ERIC, Researchers shall comply with codes and regulations relevant to their discipline and special cases to handle research subjects, in accordance with legal and ethical rules. The Operators shall strive to make researchers aware of the health, safety and welfare of the community, collaborators and others connected with their Research and research protocols. The Operators shall ensure that researchers recognise and manage provisions for any potential harms and risks relating to their Research taking into account all relevant considerations.

### A4.4. Multi-centre Research

A4.4.1. Where Research involves more than one Operator, each Operator retains formal responsibility for overseeing the ethical review of Research conducted under its auspices. The decisions made by the Research ethics committee of the entity where the principal scientific manager is based shall be accepted.

A4.4.2. Where Research is to be conducted outside the country of the User's home institution, the Researcher shall ensure that the local ethical regulations and review required by the host country are no less stringent than those applicable in his/her home country and that they also comply with the EMBRC-ERIC Ethical Principles and Code of Conduct as outlined in clause A4.3, above.



## APPENDIX 5 – EMBRC-ERIC INTELLECTUAL PROPERTY RIGHTS POLICY

### A5.1. EMBRC-ERIC Intellectual Property Rights Principles

A5.1.1. Following Article 21 of the EMBRC-ERIC Statutes, the EMBRC-ERIC IPR Policy is provided in Appendix 5.

A5.1.2. IPR generated from access to EMBRC resources, facilities and platforms belong to those that generated them. Any deviation from this principle will be outlined in the User Access Contract.

A5.1.3. In the frame of EMBRC-ERIC, Intellectual Property Rights (IPR) may arise from Research and/or activities carried out for non-commercial purposes and/ or for commercial purposes. Further to Article 21 of the Statutes on IPR, EMBRC-ERIC recognizes five (5) kinds of IPR in its activities:

- a) IPR owned by EMBRC-ERIC Headquarters (HQ) that was created, obtained, or developed by EMBRC-ERIC HQ and its staff. This shall be owned by EMBRC-ERIC.
- b) IPR that was created, obtained, or developed jointly by HQ and an Operator(s).
- c) IPR that was created, obtained, or developed jointly by HQ and a User(s).
- d) IPR that was created, obtained, or developed jointly by HQ, a User(s) and an Operator(s).
- e) IPR that was created, obtained, or developed jointly by a User(s) and an Operator(s).

A5.1.4. For cases A5.1.2.b to A5.1.2.e, the parties shall negotiate appropriate agreements to define, and, where appropriate, share and appropriately manage IPR. The IPR agreement, ownership and management shall be included in the User Access Contract.

A5.1.5. In the frame of EMBRC-ERIC, confidential undertakings shall be undertaken by the parties as appropriate.

A5.1.6. In the case of multi-site Research, EMBRC-ERIC should have the role of coordinator of the agreement negotiation linking with the legal departments of the involved Operators.

A5.1.7. EMBRC-ERIC may adopt the role of coordinator or facilitator of an agreement negotiation by the written request of an Operator involved.

A5.1.8. For each agreement concluded in the frame of EMBRC-ERIC, the logo of EMBRC-ERIC shall appear and the context of the EMBRC-ERIC shall be described in the preamble.



## APPENDIX 6 – EMBRC-ERIC TENDERING AND PROCUREMENT POLICY

### A6.1. EMBRC-ERIC Tendering and Procurement Principles

A6.1.1. Following Article 25 of the EMBRC-ERIC Statutes, the EMBRC-ERIC Tendering and Procurement Policy regulates the general procurement principles and processes which shall be observed by EMBRC-ERIC in carrying out procurement of services, works and goods for its activities. The EMBRC-ERIC Tendering and Procurement Policy is adopted in accordance with Article 15.10.h) in the EMBRC-ERIC Statutes.

A6.1.2. EMBRC-ERIC shall make its procedures for tendering for products and services, procurement and publication of call for tenders available at the EMBRC-ERIC website.

A6.1.3. The EMBRC-ERIC is an international organization and EMBRC-ERIC shall treat procurement candidates and Tenderers equally and without discrimination, regardless of whether they are based within or outside the European Union.

A6.1.4. The EMBRC-ERIC Headquarters is responsible for the Call for tender and actions, and in particular, the definition of requirements, identification of the vendors if appropriate, evaluation, selection of vendors, negotiation and contract execution.

### A6.2. Criteria and Thresholds

A6.2.1. The EMBRC-ERIC Tendering and Procurement Policy shall respect the principles of transparency, environmental sustainability, non-discrimination and competition.

A6.2.2. The award criteria are a combination of:

- a) Quality of services, works and goods;
- b) Interoperability;
- c) Best value for money;
- d) Environmental sustainability;

A6.2.3. EMBRC-ERIC HQ shall have the following thresholds and requirements for products, services, works, goods, and contracts:

- a) Under €5000: no specific requirements;
- b) €5001-€80 000: at least three quotations obtained by HQ.
- c) €80 001: subject to validation by the General Assembly and be awarded by means of a Call for Tender following publication of a procurement notice. The competitive bidding may be open at national or international level depending on the requirements of the Products/Services/works/goods being put out to tender. The procurement notice will be published in appropriate media (including [simap.europa.eu](http://simap.europa.eu)) and in the EMBRC-ERIC website.
- d) Any purchase over €30 000 not included in the budget shall be subject to approval by the General Assembly Chair and Vice-Chairs.



## APPENDIX 7 – EMBRC-ERIC HUMAN RESOURCES POLICY

### A7.1. EMBRC-ERIC Human Resources General Principles

A7.1.1. The EMBRC-ERIC Human Resources Policy follows the Article 24 of the EMBRC-ERIC Statutes.

#### A7.1.2. Equality and Non-Discrimination:

A7.1.2.1. EMBRC-ERIC shall promote gender and non-gender equality, and prevent direct or indirect gender discrimination between men, women, non-gender and transgender. EMBRC-ERIC shall endeavour to use its best efforts to improve the status of women in the workplace.

A7.1.2.2. EMBRC-ERIC shall not tolerate unjustified discrimination against employees in consideration for their gender, disability, cast, creed, national or ethnic origin, race, colour, sexual orientation, religion, political opinion, belief, family ties or any other similar characteristics protected by applicable law.

#### A7.1.3. No Acceptance of Harassment and Inappropriate Behaviour:

A7.1.3.1. Each member of EMBRC-ERIC community is responsible for community policies. Psychological abuse directed at a member in EMBRC-ERIC work community has a detrimental effect on the wellbeing of the entire community.

A7.1.3.2. For the avoidance of doubt, EMBRC-ERIC does not tolerate any mental, physical or sexual harassment or any other infringement or inappropriate behaviour that violates a researcher's or employee's right to dignity and respect in the workplace.

### A7.2. EMBRC-ERIC Values

A7.2.1. EMBRC-ERIC shall have a policy for capacity building, career track potential, staff training, competitive salaries and benefits packages. Staff shall adopt a Performance Management and Development System (PMDS) with indication of key activity areas, and associated objectives and tasks. The Executive Director shall be in charge of reviewing the plan every twelve (12) months, through direct interviews with the employees, and ensuring the progressive implementation of the work plan and of the development path identified. The Core Budget shall include an allocation for the purposes of internal training to ensure the development of its staff. The Executive Director shall also benefit from training and coaching sessions.

A7.2.2. EMBRC-ERIC considers information-sharing and open communication essential to achieving its goals. EMBRC-ERIC actively promotes the culture of staff-exchanges at both core and national Nodes level as a means to cultivate excellence and best practices. EMBRC-ERIC shall encourage these activities and participate in their design and implementation. The employees are encouraged by EMBRC-ERIC to actively communicate with managers and colleagues through an open dialogue culture. An action model for early support, based on a constructive discussion, should be followed.

A7.2.3 EMBRC-ERIC is against all forms of forced and compulsory labour. EMBRC-ERIC does not accept the employment of children.



A7.2.4. EMBRC-ERIC is committed to protecting the health and safety of its employees and others potentially affected by EMBRC's activities. Equally, EMBRC-ERIC employees must comply with applicable health, safety and environmental protection regulations in force.

### A7.3. EMBRC-ERIC Recruitment Principles

A7.3.1. EMBRC-ERIC shall be an equal opportunity employer. EMBRC-ERIC shall recruit and promote people based on their suitability for the position and potential to make future contributions. The selection procedures of applicants for EMBRC-ERIC work positions shall be strictly on merit, transparent, non-discriminatory and respecting equal opportunities.

### A7.4. EMBRC-ERIC Application Principles

A7.4.1. All EMBRC-ERIC Headquarters vacancies shall be advertised by EMBRC-ERIC. At least a one-month deadline is required from the date of advertising but at least three months in the case of the position of Executive Director. All applications should be received by the EMBRC-ERIC Secretary with the exception of the vacancy for Executive Director. For the vacancy of Executive Director, the applications will be sent only to the Chair of the EMBRC-ERIC and the Secretary. The General Assembly may request that one or more of its delegates participate in an interview panel.

A7.4.2. For the position of Executive Director, the General Assembly Chair shall organize a committee of General Assembly delegates to assess and grade the applicants. The Chair and Vice-Chairs may be part of this committee and the evaluation and grade of the working group will be distributed to all General Assembly Members and delegates. At least two delegates of the committee will participate in the interviews. This information will then be distributed to all Members and delegates.

A7.4.3. The Executive Director shall select the appropriate person with the support of an interview panel organized with by the Executive Director with one or more EMBRC-ERIC representative, e.g. the General Assembly, the Committee of Nodes or Liaison Officers.

A7.4.4. Recruitment advertisements for posts shall include job descriptions and shall be published on the EMBRC-ERIC website and at least one other publicly viewable platform.

A7.4.5. The Executive Director shall prepare standards and procedures for EMBRC-ERIC HQ job descriptions and the recruitment process, except for the position of Executive Director. This should be approved by the General Assembly and then stored in the EMBRC-ERIC repository.

A7.4.6. In-kind Human Resources contributions may be proposed by any Member of the General Assembly, subject to the approval of the General Assembly and in accordance with Statute Article 12.

### A7.5. Employment Contracts and Applicable Law

A7.5.1. The EMBRC-ERIC Human Resources Policy and employment are governed by the laws of the Host Member, subject to clause A7.5.2.

A7.5.2(a) . Employment contracts for EMBRC-ERIC employees at the EMBRC Headquarters shall comply with applicable national laws of the country where the employee is carrying out his/her activity.





A7.5.2(b). Any person made available to EMBRC-ERIC other than the Host Country, shall work under a consultancy-type contract *OR* shall be seconded to EMBRC-ERIC with an appropriate contract.

A7.5.3. Each employment contract shall explain the terms under which the employee is recruited and the obligations of both the employee and the employer. For sake of ease of understanding, the employment contract should be in French and translated into English.





## APPENDIX 8 – EMBRC-ERIC DISSEMINATION POLICY

In accordance with Statutes Article 22;

A8.1. The EMBRC-ERIC will seek to disseminate its knowledge, output, and activities to the academic research communities, private companies, and the public.

A8.2. The primary restriction to this will include material related to or incorporating IPRs which are to be prepared for and be the subject of patent applications, proprietary information or material or products and similar information.

A8.3. The EMBRC-ERIC website will contain information for its principal stake holders, including:

- a) Information and regulations for Tendering Procedures and Tenders;
- b) EMBRC-ERIC staff, policies, structure, governance, and committee members;
- c) services offered by EMBRC-ERIC;
- d) contact and consultation details to access to EMBRC-ERIC ecosystems, biological resources, and facilities, ecological, technical, instrumentation, hosting, etc;
- e) a news section containing recent events, activities, publications, videos, funding opportunities and jobs;
- f) a list of EMBRC-ERIC completed projects and the resources produced, on-going projects and submitted projects;
- g) documents produced by EMBRC-ERIC may be stored on-line, either for general access to the public or restricted access requiring a log-in;

A8.4. use of Data produced by EMBRC-ERIC or through its associated projects will be governed by [Appendix 3](#), Data Policy.



## APPENDIX 9 – SCIENTIFIC EVALUATION POLICY

A9.1. EMBRC-ERIC will carry out a full external review of its activities at the end of the 4th year of every budgetary cycle.

A9.2. The evaluation panel will be composed of 3 (three) external reviewers, appointed by the General Assembly and invited by the Chair.

A9.3. The panel members will each be provided with a 4-year detailed report, to be prepared by the Executive Director together with HQ personnel, CoN members, and the GA delegates. The chapter headings of this report will be decided upon by the GA.

A9.4. The panel will have 3 (three) months to carry out their review, including detailed recommendations for improvement, and submit the report to the General Assembly and the Executive Director.

A9.5. The Executive Director shall prepare a written response to the panel members no later than 3 (three) months after submission of the panel's report. This response will be prepared by the Executive Director after consultation and approval by the General Assembly, demonstrating the changes made, or planned, and corrective measures put in place, or planned, to address the panel comments and criticisms.