

Position Regarding the Inclusion of ELI-NP in ELI ERIC in agreement of the Founding Members of ELI ERIC

The ELI-DC has been charged by its membership of research organisations to organise the establishment of an international consortium charged with the future operations of the ELI Facilities, in a European Research Infrastructure Consortium (ERIC). **The ELI-DC members inform their national governments on membership in ELI ERIC.**

The founding of ELI ERIC is agreed upon by national governments, not by research organisations. This is according to the Community Framework for a European Research Infrastructure Consortium ([Council Regulation \(EC\) n. 723/2009 of 25 June 2009](#)). **The agreement on the conditions to establish and sustainably support ELI ERIC was taken between national governments, not the members of ELI-DC.**

The funding for the ELI Facilities construction projects is strictly monitored by national managing authorities together with the European Commission (DG-REGIO). The projects must adhere to timelines and specifications. **Any deviation from the construction timeline and technical specifications can significantly alter the overall scientific impact of ELI ERIC.**

In October 2018, a dispute on the installation of technical components at ELI-NP arose between ELI-DC members and escalated to an international level. That prompted an intervention by two European Commissioners expressly for the purpose of finding a solution to prevent a legal process. **There was direct communication from the competent Ministers in the Czech Republic, as well as France and Italy, to their counterpart in Romania in order to understand how to prevent delay and preserve the establishment of ELI ERIC.**

Following the advice of the EC, representatives of the French, Italian and Romanian governments set a mediation process with the aim to settle the dispute between IFIN-HH and the Eurogammas Consortium in order to maintain a foundation of trust and cooperation, **but this process was ignored by Romania. Unless the ongoing legal dispute is resolved in a constructive and collaborative way, it will continue to seriously impede practical collaboration with IFIN-HH and ELI-NP.**

In March 2019 the **ELI-DC General Assembly (GA)**, concerned that the dispute would impact an agreement on the establishment of the ELI ERIC, decided to proceed with direct discussions between ministerial representatives on the establishment of ELI ERIC with two initial facilities (ELI-ALPS and ELI Beamlines). At the same time, **that decision clearly left open the possibility for the later inclusion of Romania and ELI-NP in ELI ERIC.** In particular, that ELI-DC GA decision states:

- The three ELI Facilities have been constructed independently and issues related to one of them should not impede the establishment and integration of the other ELI Facilities;
- Romania is invited to propose how the ELI-NP facility may be integrated or affiliated with ELI ERIC;

- The vision of the Extreme Light Infrastructure Project as Pan-European, world-leading facilities, is best ensured by the rapid establishment of a unique organisation with a culture of scientific excellence, collaboration and transparent openness;
- [The GA] requests that a full and realistic plan to realise the ELI-NP be presented.

The decision furthermore requests that the **ELI-DC International Scientific and Technical Advisory Committee (ISTAC)** examine the potential scientific impact of a delay or non-implementation of the ELI-NP. This was done in November 2019. **The ELI-DC ISTAC concluded that:**

- The **delay in the implementation of the ELI-NP facility will certainly have an impact on the overall scientific mission.** The current scenario makes it difficult to proceed with a timely development of all three facilities;
- The plan to start the ELI ERIC based on ELI Beamlines and ELI-ALPS appears as **the only viable way to move forward** in the interim;
- **Starting as soon as possible** with the organisation of the ELI ERIC around the ELI Beamlines and ELI-ALPS facilities will boost both the process of integration with each other and the joint user operation mission;
- In the meantime, while ELI-NP is not part of the ELI ERIC at the start, attempts to **keep ELI-NP scientifically affiliated or linked to the ELI ERIC** are strongly encouraged by the ELI-DC ISTAC;
- The **EU Horizon 2020 project IMPULSE**, aiming at supporting and facilitating the successful transition of ELI Facilities towards steady-state operations in an integrated organisation, should be considered a valuable vehicle to establish interlinks amongst the different facilities.

The management of ELI-DC along with ELI-HU Nonprofit Ltd. (ELI-ALPS), and the Institute of Physics of the Czech Academy of Sciences (ELI Beamlines), were tasked with coordinating the establishment.

Against that background, the application for establishing ELI ERIC was made to the European Commission on May 14, 2020 including the Czech Republic, Hungary, Italy and Lithuania with the United Kingdom as a Founding Observer. Germany has also expressed interest in becoming a Founding Observer, but is expected to confirm its position. **It is the strong desire of the founders to have all the countries represented by members of ELI-DC to eventually join ELI ERIC.**

In particular, ELI-NP is an important scientific pillar conceived and built with the aim to study the particular overlapping fields of high-energy photonics and nuclear science. **It is critical that the scientific integrity of that vision be fully preserved.** A framework for Romania, as a member, and ELI-NP, as a strategic facility, to fully participate in ELI ERIC must consider the following:

1. The **governance and membership in the ELI ERIC must come from the Romanian Government** – The ELI-NP/IFIN-HH management can not be the Member of ELI ERIC. This is consistent with the other ELI Facilities;

2. Timing is not an issue: To be a member of ELI ERIC, the Romanian Government must ensure that **politically, technically, financially and in management, there is a readiness to participate in the ELI ERIC**. This has to be demonstrated to and agreed by all the ELI ERIC Members;
3. A path forward could **foresee Romania in the near future as an Observer to allow for discussions with the ELI ERIC to join as a Member**;
4. The **ELI-NP facility could affiliate closely as Strategic Partner**, agreeing to follow the ELI ERIC Statutory Policies, including the Scientific Evaluation Policy and User Access Policy;
5. The **financial sustainability of the ELI-NP facility has to be clearly demonstrated** by the Romanian Government; the OPEX has to be fully transparent – as for the other ELI Hosts and ELI Facilities;
6. To reach the conditions above, the **management of ELI-NP need to demonstrate good faith cooperation and capability to run an international facility in a transparent and verifiable** way compatible with the ELI ERIC Statutes and other international facilities.