

**Statutes of the e-Science and Technology
European Infrastructure for Biodiversity and
Ecosystem Research - European Research
Infrastructure Consortium
(LifeWatch ERIC)**

CHAPTER 1 – ESSENTIAL ELEMENTS

Article 1

Name and statutory seat

1. There shall be a European distributed research infrastructure called the e-Science and Technology European Infrastructure for Biodiversity and Ecosystem Research, hereinafter referred to as 'LifeWatch'.
2. LifeWatch shall have the legal form of a European Research Infrastructure Consortium (ERIC) under Regulation (EC) No 723/2009 and be named 'LifeWatch ERIC'.
3. LifeWatch may carry out activities within the territory of LifeWatch ERIC member countries as well as in other countries where it has concluded relevant agreements.
4. LifeWatch ERIC shall have its statutory seat in Seville, Kingdom of Spain.

Article 2

Task and activities

1. The main task of LifeWatch ERIC shall be to establish, manage and operate the LifeWatch distributed research infrastructure, including the information systems necessary to mobilise and integrate data and algorithms for biodiversity and ecosystem research.
2. LifeWatch ERIC shall provide data, data observatories and reproducible analytics, to the extent possible in compliance with open access and FAIR principals.
3. To this end LifeWatch ERIC shall provide an effective governance framework to coordinate, harmonize and manage a variety of activities carried out by the Common Facilities and the Distributed Centres, including but not limited to:
 - a) Enabling capabilities for demand-driven biodiversity data mobilisation; integrated access to distributed data resources; the provision of services for data discovery, analysis, modelling and visualisation; web-based and site-based support for Users; and digital environments for scientific cooperation and experimentation.
 - b) Cooperating with national and international facilities with respect to data mobilisation and data sharing and computational capacity;
 - c) Developing of new infrastructure capabilities - including coordinating requirements and delivery plans between national and international facilities, institutions and organisations;
 - d) Building capacity in order to foster new opportunities for large-scale scientific development; to enable accelerated data capture with new technologies; to

support knowledge-based decision-making for the management of biodiversity and ecosystems; and to support training programmes.

- e) Maintaining capacity for the upgrading of LifeWatch, for innovation and valorisation of knowledge and technology, and for the development of new analytical capabilities.
 - f) Any other related activity that promotes the achievement of LifeWatch ERIC's main tasks
4. LifeWatch ERIC shall pursue its main task on a non-economic basis, however it may carry out limited economic activities, provided that they are closely related to its main task and that they do not jeopardize the achievement thereof. Any income generated by such limited economic activities shall be used by LifeWatch ERIC to further its main task and activities.

Article 3

Duration and winding up

1. LifeWatch ERIC shall be established for an indefinite period.
2. The winding up of LifeWatch ERIC shall be decided by the General Assembly in accordance with Article 22(12)(a).
3. Without undue delay and in any event within ten days of the winding up decision, LifeWatch ERIC shall notify the European Commission of its decision.
4. The following principles shall apply to the winding up of LifeWatch ERIC:
 - a) Assets remaining after payment of LifeWatch ERIC debts shall be apportioned among the Members in proportion to their annual accumulated contribution to LifeWatch ERIC over the last five consecutive years prior to the year of winding up.
 - b) The General Assembly may decide that LifeWatch ERIC transfers certain activities and know-how to institutions with similar objectives.
5. Within ten days after the closure of the winding-up procedure, LifeWatch ERIC shall notify the European Commission thereof.
6. LifeWatch ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in the Official Journal of the European Union.

Article 4

Liability and insurance

1. LifeWatch ERIC shall be liable for its debts.
2. The members shall not be jointly liable for the debts of LifeWatch ERIC.

3. The financial liability of the members for LifeWatch ERIC's debts shall be limited to their respective annual contribution obligation to LifeWatch ERIC calculated on the basis of the last full year of operations.
4. LifeWatch ERIC shall take appropriate insurance to cover the risks specific to its activities.

Article 5

Access and dissemination policy

1. LifeWatch ERIC shall maintain fair and transparent procedures to provide Users access to LifeWatch's facilities, data and services.
2. LifeWatch ERIC shall, as a general rule, encourage Users to make their research results publicly available or publish in peer-reviewed scientific literature, to present at scientific conferences, as well as in other media, social or otherwise, targeted at larger audiences (including without limitation the general public, the press, citizen groups and for education purposes).
3. LifeWatch ERIC shall use several channels to reach the target audiences, including web portal, newsletter, workshops, presence in conferences, articles in magazines and newspapers and other channels, as may be appropriate.
4. LifeWatch ERIC shall adopt an access and dissemination policy, for approval by the General Assembly.

Article 6

Scientific evaluation

1. The activities of LifeWatch ERIC shall be evaluated every five years by an independent panel, composed of international experts of the highest quality, appointed on a personal basis, not representing any country or institution.
2. Appointments to the panel shall be made by the General Assembly following recommendations of the Scientific, Technical and Ethics Advisory Committee.
3. The expert panel shall evaluate LifeWatch ERIC 's scientific and technical performance and shall report to the General Assembly with strategic recommendation for the next five-year period.

Article 7

Intellectual property rights policy

1. Subject to any contract between LifeWatch ERIC and a third party (such as Users, service providers or Distributed Centres), intellectual property rights created, obtained or developed by a third party shall be owned by that third party.
2. Intellectual property rights created, obtained or developed by LifeWatch ERIC, including the Common Facilities, shall be owned by LifeWatch ERIC.
3. LifeWatch ERIC shall adopt a Policy on Intellectual Property Rights, to be approved by the General Assembly.

Article 8

Employment policy

1. LifeWatch ERIC employment policy shall be governed by the laws of the country in which staff is employed or usually carry out their activities.
2. Vacant positions at LifeWatch ERIC shall follow a transparent, non-discriminatory procedure and respect the principles of equal opportunity, subject to applicable labour laws.
3. LifeWatch ERIC shall adopt a Gender Equality Plan and an Employment Policy, to be approved by the General Assembly.

Article 9

Procurement policy

1. LifeWatch ERIC shall adopt its own Procurement Rules, to be approved by the General Assembly.
2. The procurement rules shall respect the principles of transparency, non-discrimination and competition.

CHAPTER 2 – GENERAL PROVISIONS

Article 10

Definitions

For purposes of these Statutes, the following defined terms and expressions shall have the following meaning:

Common Facility means a LifeWatch ERIC facility that provides expertise, tools and relevant services pursuant to LifeWatch ERIC tasks and activities. The Common Facilities include the ICT-Core, the Service Centre and the Virtual Laboratories and Innovations Centre.

Distributed Centre means a distributed legal entity or a network of entities, resourced at the national level at a Member or Observer country, responsible for developing and maintaining operational components of LifeWatch and/or services offered through LifeWatch ERIC.

Host Member State means the Kingdom of Spain.

ICT e-Infrastructure Technical Office (ICT-Core) means the Common Facility located in the Kingdom of Spain, responsible for managing the distributed information and communications technology (ICT) e-Infrastructure operations and implementation.

Implementing Rules means the internal rules, procedures and terms of reference adopted by the General Assembly which govern the operation of the LifeWatch ERIC bodies set out in Article 21.

Intellectual Property shall have the same meaning as Article 2 of the Convention Establishing the World Intellectual Property Organisation signed on 14 July 1967.

Service Centre means the Common Facility located in Lecce, Italy. The Service Centre is responsible for identifying needs and for organising and coordinating LifeWatch services for the biodiversity and ecosystem research community.

Service Level Agreement (SLA) means an agreement that defines the relationship between LifeWatch ERIC and a Distributed Centre, which sets out the terms and conditions on which the Distributed Centre shall provide resources and services to LifeWatch ERIC and to Users.

Statutory Seat Office (SSO) means the headquarter office of LifeWatch ERIC located in Seville, Kingdom of Spain, responsible for the overall coordination and management of LifeWatch ERIC.

Users means individuals and institutions from academia, business, industry and public services that are granted access to LifeWatch's resources and services.

Virtual Laboratories and Innovations Centre (VLIC) means the Common Facility located in Amsterdam, the Netherlands, coordinating and managing the requirements and needs analysis, the design and implementation of the scientific case studies and the products of the LifeWatch ERIC Virtual Laboratories

Article 11

LifeWatch components

1. LifeWatch shall comprise:
 - a) Statutory Seat Office (SSO)
 - b) ICT e-Infrastructure Technical Office (ICT-Core) Common Facility.
 - c) Service Centre (SC) Common Facility.
 - d) Virtual Laboratories and Innovations Centre (VLIC) Common Facility.
 - e) Distributed Centres.

2. The Common Facilities shall form an integral part of LifeWatch ERIC and shall be hosted in member countries of LifeWatch ERIC.
3. Each Common Facility shall be managed by a head of the Common Facility, who shall report to the Director General.
4. LifeWatch ERIC shall conclude Service Level Agreements with the Distributed Centres for regulating the provision of resources and services to the LifeWatch research infrastructure and to Users.

Article 12

Working language

The working language of LifeWatch ERIC shall be English.

Article 13

Data policy

1. LifeWatch ERIC shall seek to collect data with accurate metadata so as to fulfil the FAIR principles. It shall apply all reasonable efforts to ensure an accurate storing and curation of data as well as an uninterrupted access to data with the proper provenance.
2. Whenever possible (taking into account third party licences and any pre-existing arrangements), open source and open access principles shall be favoured.
3. Use and collection of data shall be subject to the applicable laws and regulations on data privacy.
4. LifeWatch ERIC shall provide guidance (including via website) to Users to ensure that research undertaken using data made accessible through LifeWatch ERIC shall be undertaken within a framework that recognizes the rights of data owners and privacy of individuals.
5. LifeWatch ERIC shall ensure that Users agree to the terms and conditions governing access and that suitable security arrangements are in place regarding internal storage and handling.
6. LifeWatch ERIC shall adopt a Data Policy, to be approved by the General Assembly.

Article 14

Statutes updates and availability

The Statutes shall be kept up to date and made publicly available on LifeWatch ERIC's website and at the statutory seat.

CHAPTER 3 – MEMBERSHIP

Article 15

Membership and representing entities

1. The following entities may become members or observers of LifeWatch ERIC:
 - a) Member States of the European Union;
 - b) Associated countries (within the meaning of Article 2(c) of Regulation (EC) No 723/2009);
 - c) Third countries other than Member States and associated countries;
 - d) Intergovernmental organisations.
2. The list of LifeWatch ERIC members and observers and of the entities representing them is set out in Annex 1. Annex 1 shall be kept updated by the Director General.
3. Membership of LifeWatch ERIC shall include at least one Member State and two other countries that are either Member States or associated countries.
4. Member States or associated countries shall hold jointly the majority of the voting rights in the General Assembly. The General Assembly shall determine any modification of voting rights that are necessary to ensure that LifeWatch ERIC complies at all times with this requirement.
5. Any member or an observer referred to in paragraph (1)(a)-(c) may be represented by one or more, but no more than three, public entities, including regions, or by private entities with a public service mission. Representing entities shall be appointed in accordance with the relevant members or observers' rules and procedures. The members and observers shall determine the length of term of appointment of their representing entities, as well as their capability concerning the exercise of specified rights and obligations.
6. Each member or observer shall inform the General Assembly of any change of its representing entity, of the specific rights and obligations which have been delegated to it or of any other relevant change.

Article 16

Admission of members and observers

1. Entities referred to in Article 15(1), wishing to become members of LifeWatch ERIC shall submit a written application to the Chairperson of the General Assembly. Such application shall describe how the entity will contribute to LifeWatch ERIC tasks and activities described in Article 2 and how it will fulfil the obligations referred to in Article 19(2).

2. Entities referred to in Article 15(1) who wish to contribute to LifeWatch but are not yet in a position to join as members may apply for an observer status. Applicants shall submit a written application to the Chairperson of the General Assembly, which shall describe how the applicant will contribute to LifeWatch ERIC task and activities described in Article 2, how it will fulfil the obligations referred to in Article 20(2) and how it will benefit from participation in LifeWatch.
3. Applicants shall be admitted as observers for a two-year period. Observers may apply once for a two-year extension of their observer status. In exceptional cases the General Assembly may approve an additional two-year extension of an observer status.
4. Applications shall be subject to a vote by the General Assembly.

Article 17

Withdrawal and termination of a membership or observer status

1. A member may withdraw its membership at any time upon written notice to the Chairperson of the General Assembly. Withdrawal will come into effect at the end of a financial year and not earlier than 18 months after notice of withdrawal has been given. A member may not withdraw before completing a minimum membership period of 5 years, calculated from the date of its accession to LifeWatch ERIC.
2. An observer may withdraw at any time upon 6 months prior written notice to the Chairperson of the General Assembly. If notice is served by 30 June in any year, withdrawal will come into effect at the end of the same financial year in which notice has been given, namely 31 December. If notice is served after 30 June in any year, withdrawal will come into effect at the end of the next financial year in which notice has been given, namely 31 December of the following year.
3. The General Assembly may terminate membership or an observer status if the following conditions are met:
 - a) the member or the observer is in serious breach of one or more of its obligations or the conditions of membership or observer status under these Statutes, and
 - b) the member or the observer has failed to rectify such breach within a period of six months after it has received notice of the breach; and,
 - c) the member or the observer has been given an opportunity to present its position to the General Assembly before a decision is made.
4. Members shall continue paying their membership fees and fulfil all other obligations to LifeWatch ERIC activities until withdrawal or termination comes into effect. Assets and data that are crucial for LifeWatch's continuous operation and which are owned or situated in the territory of the withdrawing member may be reclaimed by LifeWatch ERIC, where applicable, against a fair compensation as agreed by the General Assembly.

5. A member's voting rights shall be suspended if the member is at least 12 months in arrears in fulfilling its obligations under Article 19(2)(a), unless the General Assembly decides otherwise. The suspension shall continue until the contributions have been paid in full.

Article 18

Strategic agreements

1. LifeWatch ERIC may enter into Strategic Agreements with any third party which is not an entity listed in Art. 15.1(a), wishing to contribute to the LifeWatch ERIC task described in Article 2 on a long-term basis.
2. Strategic Agreements may include, depending on the circumstances and assessed on a case-by-case basis, the grant of specific rights and obligations to that third party, such as the right to attend the meetings of the General Assembly and the obligation to provide contributions in cash and/or in-kind.
3. Strategic Agreements shall be subject to approval by the General Assembly.
4. Additional procedures and conditions for Strategic Agreements may be adopted by the General Assembly in a separate policy.

CHAPTER 4 - RIGHTS AND OBLIGATIONS OF MEMBERS AND OBSERVERS

Article 19

Members

1. A member shall have a right:
 - a) to participate and vote in the General Assembly, with the exception of voting on decisions regarding that member's termination of membership or suspension of its voting rights in accordance with Article 17(5);
 - b) for its research community to access the information, facilities, activities and services offered by LifeWatch, subject to LifeWatch ERIC Access Policy;
 - c) to elect and be elected to the governance bodies of LifeWatch ERIC through its representatives;
 - d) as further provided for in these Statutes or in the Implementing Rules.
2. Each member shall:
 - a) provide the annual membership contribution in accordance with Annex 2;
 - b) support and facilitate the objectives, tasks and governance of LifeWatch ERIC;
 - c) promote uptake of services among scientific communities and researchers of different biodiversity-related areas of knowledge, including ecosystem science and bioinformatics, and gather providers and Users' inputs and feedbacks;

- d) support any other activity agreed within the framework of LifeWatch ERIC resulting from the Statutes or Implementing Rules.

Article 20

Observers

1. An observer shall have a right:
 - a) to attend the meetings of the General Assembly without a vote;
 - b) for its research community to access the information, facilities, activities and services offered by LifeWatch, subject to LifeWatch ERIC Access Policy;
 - c) to let its research community have access to support from LifeWatch ERIC in developing relevant systems, processes and services.
2. Each observer shall:
 - a) promote uptake of services among scientific communities and researchers of different biodiversity-related areas of knowledge, including ecosystem science and bioinformatics, and gather providers and Users' inputs and feedbacks;
 - b) support any other activity agreed within the framework of LifeWatch ERIC resulting from the Statutes or Implementing Rules.

CHAPTER 5 - GOVERNANCE

Article 21

Bodies

1. LifeWatch ERIC shall comprise the following bodies:
 - a) The General Assembly
 - b) the Director General;
 - c) the Executive Board;
 - d) the Scientific, Technical and Ethics Advisory Committee ("STAB");
 - e) the Financial Committee ("FINCOM");
 - f) the In-Kind Contribution Committee ("IKCC");
 - g) the Research Infrastructure Committee ("RIC").

Article 22

The General Assembly

1. The highest governing body of LifeWatch ERIC shall be the General Assembly.
2. The General Assembly shall be composed of representatives of the members and observers and be responsible for the overall direction, supervision and monitoring of LifeWatch ERIC operation and development.

3. The General Assembly shall be convened by the Chairperson at least once per calendar year. The Chairperson may call for extraordinary meetings in circumstances set out in the Implementing Rules.
4. Meetings of the General Assembly shall be quorate if at least two thirds of the members are represented.
5. If the required quorum is not met, the Chairperson shall convene another meeting, following a new invitation with the same agenda, not sooner than 14 days later and not later than 30 days. The second meeting shall be quorate if at least 50% of the members are represented at the meeting. If in the second meeting the required quorum is not reached, the Chair may convene an extraordinary meeting not sooner than 3 working days later, which shall be quorate even if fewer than 50% of the members are represented.
6. Each member shall have one vote with all votes being of equal value.
7. Each member shall appoint a head of delegation with the right to vote for all the representatives designated by that member.
8. A member may be represented by another member if notified in writing to the Chairperson prior to any meeting of the General Assembly. A member may not represent more than one member in each meeting.
9. The General Assembly shall elect a Chairperson and a Vice-Chairperson amongst the representatives of the members for a two-year term, renewable for the same period, once. The Vice-Chairperson shall substitute the Chairperson in his/her absence, resignation, inability to act or in cases of conflict of interest which cannot be otherwise resolved. With their elections the Chairperson and, when acting as a substitute, the Vice-Chairperson, become *supra-partes* and leave their delegations. The member from which the Chairperson or Vice Chairperson originates shall have the right to nominate another representative instead.
10. The General Assembly shall strive to reach decisions by consensus. If consensus cannot be reached, decisions shall be taken by vote of the members.
11. The following matters shall require approval of the General Assembly by unanimous vote of the members present:
 - a) amendment of the Statutes;
 - b) changes to the amount or calculation of contributions by a member or observer;
12. The following matters shall require approval of the General Assembly by a two-thirds majority of the members present:
 - a) winding up of LifeWatch ERIC.
 - b) admission, suspension or termination of a membership or observer status;

- c) approval or amendment of the Implementing Rules;
- d) approval of strategic agreements referred to in Article 18;
- e) approval of the annual budget or the annual report;
- f) approval of service level agreements and in-kind contributions;
- g) approval, every five years, of a multiannual Work Programme and the indicative budget cycle and of their revision;
- h) appointment, renewal, suspension or termination of the Director General;
- i) approval of the Director General's proposal for appointing an individual to the Executive Board in accordance with Article 24(1), or removing an individual from the Executive Board.
- j) establishment of additional subsidiary bodies for the proper functioning of LifeWatch ERIC.
- k) election of a Chairperson and a Vice-Chairperson from among the members, following nominations;
- l) appointment and dismissal of representatives to the advisory committees listed in Article 21(1)(d)-(g);
- m) establishment of a new Common Facility or changes to the location of existing ones;
- n) acceptance of a new Distributed Centre.

13. All other decisions of the General Assembly shall require a simple majority of the votes of the members present.

14. The following understanding shall apply to the determination of voting majorities required by these Statutes:

- a) a 'unanimous vote of the members present' shall mean no votes casted "against" a decision. Abstentions or suspension of voting rights shall not be considered as votes cast and shall have no effect on the quorum required for the meeting.
- b) a 'two-thirds majority of the votes of the members present' shall mean the number of votes cast "for" a decision is at least 66.7% of the total number of votes cast "for" and "against" that decision. Abstentions or suspension of voting rights shall not be considered as votes cast and shall have no effect on the quorum required for the meeting.
- c) a 'simple majority of the votes of the members present' shall mean the number of votes cast "for" a decision exceeds 50% of the total number of votes cast "for" and "against" that decision. Abstentions or suspension of voting rights shall not be considered as votes cast and shall have no effect on the quorum required for the meeting.

15. Subject to these Statutes, the General Assembly shall adopt its own rules of procedure in the Implementing Rules, setting out detailed rules and procedures for the work of the General Assembly, including the possibility to conduct meeting virtually (by video, telephone, or other electronic means), extraordinary meetings and the possibility to adopt decisions by a written procedure.

Article 23

Director General

1. The General Assembly shall appoint the Director General who shall be the legal representative of LifeWatch ERIC and responsible for the implementation of the decisions of the General Assembly.
2. The term of the Director General shall be 5 years, renewable once for up to 5 additional years. In exceptional cases, where there is a need to ensure proper functioning of LifeWatch ERIC, the General Assembly may decide to extend the Director General's term beyond the second term, with each extension being for a period of one year at a time.
3. The Director General shall carry out the day-to-day management of LifeWatch ERIC. The Director General shall have authority to act on behalf of LifeWatch ERIC and be empowered to conclude contracts and conduct other legal and administrative proceedings as appropriate in accordance with these Statutes, the decisions of the General Assembly and applicable legal regulations.
4. The Director General shall supervise the work of the Common Facilities and appoint and dismiss the head of each Common Facility, following consultation with the member hosting the Common Facility.
5. The Director General shall be employed by LifeWatch ERIC and be based at the Statutory Seat Office.
6. The terms of reference for the Director General shall be approved by the General Assembly.

Article 24

Executive Board

1. The Executive Board shall be composed of the Director General, the heads of the Common Facilities as well as up to three Chief Officers nominated by the Director General, subject to the approval of the General Assembly.
2. Upon the termination or suspension of employment of a member of the Executive Board who is also an employee of LifeWatch ERIC, their membership in the Executive Board shall cease automatically without the need for approval by the General Assembly in accordance with Article 22(12)(i).
3. The Executive Board shall assist the Director General in executing his/her responsibilities towards the General Assembly, such as preparing the meetings of the General Assembly, implement its decisions, and coordinate and manage the overall activities of LifeWatch ERIC.

4. The Director General shall convene and chair all meetings of the Executive Board.
5. The Executive Board shall meet regularly. Meetings may be conducted electronically or by telephone.
6. The Executive Board shall ensure consistency, coherence and stability of infrastructure services through decisions on implementation as well as coordination between the Common Facilities and Distributed Centres.
7. The General Assembly shall adopt additional terms of reference for the Executive Board.

Article 25

Scientific, Technical and Ethics Advisory Committee

1. The General Assembly shall establish an independent Scientific, Technical and Ethics Advisory Committee (“STAB”), who shall report to the General Assembly.
2. STAB representatives shall be appointed by the General Assembly for a period of four years, renewable.
3. The STAB shall provide recommendations to the General Assembly in relation to the scientific, technical, and ethical matters related to LifeWatch ERIC activities.
4. The Rules of Procedure for the STAB shall be approved by the General Assembly.

Article 26

Financial Committee

1. The General Assembly shall establish a Financial Committee (“FINCOM”), who shall report to the General Assembly.
2. FINCOM representatives shall be nominated by members and appointed by the General Assembly.
3. The FINCOM shall provide recommendations to the General Assembly in relation to LifeWatch ERIC financial management and adherence to the Financial Rules.
4. The General Assembly shall adopt Financial Rules and Rules of Procedure for the FINCOM, that shall include principles and procedures for the governing of LifeWatch ERIC’s financial management.

Article 27

In-Kind Contribution Committee

1. The General Assembly shall establish an In-Kind Contribution Committee (“IKCC”), who shall report to the General Assembly.
2. IKCC representatives shall be nominated by members and appointed by the General Assembly.
3. The IKCC shall provide recommendations to the General Assembly in relation to in-kind contributions by members as further detailed in the Implementing Rules for In-kind Contributions.
4. The General Assembly shall adopt the Implementing Rules for In-kind Contributions that shall include additional principles and procedures for in-kind contributions and the work of the IKCC.

Article 28

Research Infrastructure Committee

1. The General Assembly shall establish a Research Infrastructure Committee (RIC), who shall report to the General Assembly.
2. The RIC shall be composed of one representative for each Common Facility and one representative for each Distributed Centre.
3. The RIC shall provide recommendations to the General Assembly in relation to the role, work plans and activities of the Common Facilities and Distributed Centres, contributing to LifeWatch.
4. The Rules of Procedure for the RIC shall be approved by the General Assembly.

CHAPTER 6 – FINANCIAL MATTERS

Article 29

Contributions and resources

1. Annual cash and in-kind contributions shall be provided by members in accordance with the principles set out in Annex 2.
2. The resources of LifeWatch ERIC may also consist of the following:
 - a) Host Member State contributions;
 - b) Research and other grants;
 - c) subject to Article 2(3), contracts and income derived from limited economic activities, including income generated by spinouts and by technology transfer;
 - d) Additional voluntary contributions by members, above those stated under cash contributions in Annex 2;

- e) other resources, including donations and gifts, within limits and under terms and conditions approved by the General Assembly, in compliance with applicable law and regulations.
- 3. LifeWatch ERIC contributions and resources shall be used for achieving the task and activities set out in Article 2 of these Statutes.

Article 30

Budgetary principles, accounts and audit

1. The financial year of LifeWatch ERIC shall begin on 1 January and end on 31 December of each year.
2. LifeWatch ERIC shall record the costs and revenues of any economic activities separately.
3. LifeWatch ERIC accounts shall be audited by an external and independent auditor in accordance with applicable laws and regulations. The audit reports shall be presented to the General Assembly together with the report on the budgetary and financial management of the financial year.
4. LifeWatch ERIC shall operate within the principles of transparency and sound financial management and be subject to the requirements of the applicable law of the country where it has its statutory seat as regards preparation, filing, auditing and publication of accounts. More detailed rules shall be provided in the LifeWatch ERIC Financial Rules.

Article 31

Tax and excise duty exemption

1. Value Added Tax (VAT) exemptions based on Article 143(1) (g) and Article 151(1) (b) of Council Directive 2006/112/EC and in accordance with Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011 shall be applied to purchases by LifeWatch ERIC and by members of LifeWatch ERIC which are for the official and exclusive use by LifeWatch ERIC, provided that such purchases are made solely for the non-economic activities of LifeWatch ERIC in line with its activities. VAT exemptions shall be limited to purchases exceeding the value of EUR 300.
2. Excise duty exemptions based on Article 11 of Council Directive 2020/1262 shall be limited to purchases by LifeWatch ERIC which are for the official and exclusive use by LifeWatch ERIC, provided that such purchases are made solely for the non-economic activities of LifeWatch ERIC in line with its activities and that each purchase exceed the value of EUR 300.

CHAPTER 7 – FINAL PROVISIONS

Article 32

Reporting to the Commission

1. LifeWatch ERIC shall produce an annual activity report, containing in particular the scientific, operational and financial aspects of its activities. The report shall be approved by the General Assembly and transmitted to the European Commission and relevant public authorities within six months from the end of the corresponding financial year. The report shall be made publicly available.
2. LifeWatch ERIC shall inform the Commission of any circumstances which threaten to seriously jeopardise the achievement of its tasks or hinder LifeWatch ERIC from fulfilling requirements laid down in Regulation (EC) No 723/2009.

Article 33

Applicable law

3. The internal functioning of LifeWatch ERIC shall be governed:
 - a) by European Union law, in particular Regulation (EC) No 723/2009 and the decisions referred to in Articles 6(1)(a) and 11(1) of the Regulation.
 - b) by the law of the Host Member State in case of a matter not covered (or only partly covered) by European Union law.
 - c) by these Statutes and the Implementing Rules.

Article 34

Disputes

1. The Court of Justice of the European Union shall have jurisdiction over litigation among the members in relation to LifeWatch ERIC, between members and LifeWatch ERIC and over any litigation to which the European Union is a party.
2. European Union law on jurisdiction shall apply to disputes between LifeWatch ERIC and third parties. In cases not covered by European Union law, the law of the Host Member State shall determine the competent jurisdiction for the resolution of such disputes.

Annex 1. List of members, observers and representing entities

Members

Countries	Representing entities
Belgium	Belgium Science Policy Office (BELSPO) Department of Economy, Science and Innovation (EWI) Directorate General of Non-compulsory Education and Scientific Research (DGENORS)
Bulgaria	Ministry of Education and Science
Greece	Hellenic Centre for Marine Research (HCMR)
Spain	Ministry of Science, Innovation and Universities (MICIU) Ministry for Ecological Transition and the Demographic Challenge (MITECO) Regional Government of Andalusia (Junta de Andalucía)
Italy	National Research Council (CNR) Italian Ministry for Universities and Research (MUR)
The Netherlands	Netherlands Organisation for Scientific Research (NWO)
Portugal	Fundação para a Ciência e a Tecnologia (FCT)
Slovenia	Ministry of Higher Education, Science and Innovation (MVZI)

Observers

Countries	Representing entities

Annex 2. Financial and In-kind Contributions

Principles

The principles below shall be used to calculate cash and in-kind contributions by the members.

- 1) The contribution of each member shall be made up of a cash contribution and in-kind contributions.
- 2) Cash contributions shall be used for the LifeWatch ERIC common operations only (SSO and Common Facilities).
- 3) The annual cash contribution of members shall be determined according to their reference GDP and a multiplier.
- 4) The reference GDP shall be the most recent 3-year average GDP available from EUROSTAT (or where a GDP figure from EUROSTAT is not available for a specific Member, then the World Bank), at the time of joining LifeWatch ERIC. The reference GDP shall remain fixed at that level.
- 5) The General Assembly may decide to update the calculation model periodically.
- 6) For each member the relevant multiplier is determined according to the Member's inclusion in one of 3 tiered categories.
- 7) The category in which a member is included is determined by the level of its reference GDP. The tiered categories are:
 - a) Lower category (reference GDP $\leq$ 143,568.14)
 - b) Medium category (143,568.14 > reference GDP $\leq$ 927,698.00)
 - c) Upper category (reference GDP > 927,698.00)
- 8) The minimum cash contribution for a member in the lower category shall be EUR 75,000.00.
- 9) The maximum cash contribution for a medium category member shall not exceed EUR 426,648.31.

10) Each member is expected to provide in-kind contribution (either directly or through a Common Facility or a Distributed Centre hosted by that Member) with a target value equivalent to at least twice the amount of its cash contribution.

11) Contributions from Intergovernmental Organisations shall be determined on a case-by-case basis, as agreed by the General Assembly.

Category	Reference GDP in million euros*	Multiplier	Calculation of annual cash contribution	Target value of annual In-kind contribution (averaged over a 5-year budgetary period)***
Lower	≤ 143 568	-	Flat rate of € 75 000	cash contribution x 2
Medium	> 143 568 and ≤ 927 698	0.5223597	Ref. GDP x 10 ⁻⁶ x multiplier**	
Upper	>927 698	0.4598541	Ref. GDP x 10 ⁻⁶ x multiplier	

*Most recent 3-year average GDP at the time of joining LifeWatch ERIC

** Upper category contributions capped at € 426 648.

Members annual contributions

The calculated cash and in-kind contributions (in EUR) for each member are shown below.

Country	Reference GDP* (in million euro)	Annual cash contributions (euro)	Target value of annual In-kind contributions (euro, averaged over a 5-year budgetary period)***
Slovenia	35 748	75 000	150 000
Bulgaria**	59 331	75 000	150 000
Portugal	169 720	88 655	177 310
Greece	208 144	108 726	217 452
Belgium	367 426	191 929	383 857
Netherlands	595 058	310 834	621 669
Spain	1 053 921	484 650	969 300
Italy	1 565 433	719 871	1 439 742

In exceptional and duly motivated cases, a member may choose to contribute cash instead of an in-kind contribution of equal amount, by using voluntary contributions referred to in Article 29 (2)(d). The member shall communicate its decision before the annual budget is approved. The change in the contribution must be approved by the General Assembly and included in the annual budget.

* Average for the years 2010-2012. Source: For EU Member States, the Eurostat Gross Domestic Product at Market Prices index (online data code: TEC00001). For non-EU countries the Word Bank GDP (Current US\$).

** For Bulgaria the average is calculated for years 2018-2020.

*** The 5-year budgetary period corresponds to the 5-year indicative budget cycle period referred to in Article 22(12)(g).