



FORESTERRA

Enhancing Forest RESearch in the MediTERRanean
through improved coordination and integration



Synthesis of Session 4 about Transnational Joint Research Units

Joint Research Unit : partnership between **legal entities** and **without legal entity** of its own, based on an **agreement** and has **no legal status**

Three characteristics : **Scientific and economic unity**, **permanent** character, **recognized** by a public authority

Research infrastructure

EU definition: refers to **facilities**, **resources** and related **services** used by the scientific community to conduct **top level** research in their respective fields

European Strategic Forum on Research Infrastructure

European Research Infrastructure Consortium

From **JRU** to **TJRU**: **transnational** structure

Contrary to **RI** or **JRU**, no **common process** or **legal framework**

There is no **one-size-fits-all** solution for the establishment; a TJRU may require **different legal forms**

The structure **must follow** the function: the purpose of the facility has to be defined **before choosing** the legal form.

Mixing of **public/private** partnership or of **European and non European** partnership may influence the legal form

Two options: Create **new legal entity** / **contractually link** existing institutions

Legal entity option: best adapted to **long term** / permanent, **large or expensive** infrastructure, need to **hire staff**, **national governments** participation

Contractual option: best adapted to **mid-term duration**, sharing / reinforcing existing infrastructures, **no need** to hire staff Not **necessarily lighter** or **more flexible** than legal entity

In any case: always **several legal documents**
A constitutive one; for a legal entity, the **administrative constitutive act**; if needed **rules of procedure**; **specific detailed agreements per activity**

Structure

Executive direction, **Consultative scientific body**, **Secretariat**
+ Stakeholder consultative group, other groups....

Define who is a **member** / a **partner**, and how they are **represented** in the structure

Staff management: Consult your lawyer!

Finances management: Consult your lawyer!

Intellectual Properties Rights: Consult your lawyer!

Conclusion

No one-fits-all solution

Define **what you want to do**

Identify **what you might need to put in and get out**
of the TJRU

High legal

Specificities for each member: national law, legal
status, contractual practice and portfolio....

Specialized competences: staff, finance,
intellectual property rights....

Please don't forget **to associate**
your lawyers since the beginning !

Session 4: Transnational Joint Research Units. What for and how?

Synthesis of the discussion
after Andree SONTOT's contribution
by Jean-Charles VALETTE
INRA – France

INRA-URFM presents what is not yet a project but an idea based on a **large multi-disciplinary approach** of INRA (Avignon), CNR (Florence) and INIA (Madrid):

- to **create a framework** in order to **maintain and reinforce the links** between the three research units
- to **elaborate common (or standard) methods, approaches, concepts** in order to **improve the understandings** among themselves but also **to communicate** outside the group using **common language**
- to **facilitate and enhance the exchange** mainly of **young scientists and doctorates**.

At present stage, the group will **not go beyond** these items

At the question of the meaning of the concepts of **Long term** and **Middle term** used in her contribution concerning the **duration** of a TJRU, **Andrée SONTOT** explained

- Long term means that the agreement has **no duration**, no **final date is foreseen**
- Middle term means a range of **at least three years** and of a **maximum of eight years**, so longer than the duration of a research project

At a question from concerning the **added value of the content of TJRU agreement** versus a **Memorandum of Understanding**, **Andrée SONTOT** indicated that in many cases and as soon a specific legal entity is not required, the **MoU might be adequate**.

Because a TJRU is the **most achieved ad the highest integration level** of several entities, it is **much higher than a consortium**, TJRU is clearly dedicated

- for mutualising for a (very) **long period, very expensive equipments** that are **not affordable** by a single unit, even by a group of units, even by a country,
- for mutualising data provided by **very long term measurements** collected on **scattered sites**, and
- for efficiently protecting the **intellectual properties rights**.



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In the 1990th, INRA-URFM organises the **Scientific Interest Group “Incendies de Forêt”** <http://www.incendies-de-foret.org/> (only in French).

This GIS was **not a legal entity**, gathered together **research and development teams** from other **research institutions** (CNRS-CEFE, CEMAGREF), **universities** (Marseille and Nice), **local authorities structures** (CEREN), **national services** (MeteoFrance and French Forest Service ONF) and **private company** (MTDA).

This GIS was able to **organise** the research efforts, to **coordinate** proposals towards the **three French ministries** involved in wildland fire prevention, management and fighting (interior).

This GIS was active as long as **the ministries accepted to fund** research projects. Despite the efforts of its members, it

collapsed as soon as they stopped their financial supports.



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From 2003-2007, **EUFIRELAB** project Euro-Mediterranean Wildland Fire Laboratory, a “**wall-less**” Laboratory for Wildland Fire Sciences and Technologies in the **Euro-Mediterranean Region**, gathered together **39 research and development teams from 12 countries**, mainly from the Northern part of the Mediterranean Basin.

It developed research and development activities in:

six scientific sections: **Fuel, Behaviour, Ecology, Socio-economy, Decision Supports and Metrology,**

three technological sections: **Risks and hazards, Fire Suppression and Wildland urban interfaces management, and**

two transverse sections: **Observatory for sciences and technologies and Dissemination and valorisation.**

Despite the efforts of some founding partners, these activities decline **after the end of the project**; its website remained active until it collapsed in 2012.

Jean-Charles VALETTE’s conclusion was:

individual wills are necessary but institutional ones are indispensable

Andrée SONTOT wanted to come back to the differences between two possible families of options:

the **legal entity option** is best adapted to **long term or permanent activities**, to **large and/or expensive infrastructure**, to **hire staff if needed**, to **get the participation of national governments**

the **contractual option** is best adapted to **middle term duration**, to **share and/or reinforce existing infrastructures**, to a **functioning mainly with existing staff**

but the **contractual option** is not **necessarily lighter or more flexible** that the **legal entity option**

She concluded that there is **no one-fits-all solution**, that we have to define **what we want to do** before selecting one of the possible options, and to identify **what we might need to put in and get out of the TJRU**.

Associate our lawyers since the beginning !