

FRAMEWORK FOR ACCESS TO THE PHYSICAL RESEARCH INFRASTRUCTURES OF THE CYPRUS INSTITUTE (CyI)

1. Preamble

Key to the mission of the Cyprus Institute is the development of strategic research infrastructures to serve national, regional and often pan-European needs. CyI now operates several pioneering, state-of-the-art research infrastructures, many of which are unique in Cyprus and the region. Several of our infrastructures are included in the European Strategy Forum for Research Infrastructures (ESFRI) roadmap.

The present document defines the Framework for access to the physical Research Infrastructures of the Cyprus Institute, with the purpose of delivering access to users under clear, transparent and fair terms and conditions for conducting research, undertaking experimental development, and providing education and training. It defines the principles and modalities under which the CyI opens its facilities to external users, following an open access policy including the rights and obligations of the CyI and the user(s).

The Framework complies with the European Charter for Access to Research Infrastructures¹ and the National Policy of the Republic of Cyprus for Open Science Practices promoting the optimal utilisation of National investments in Research Organizations and open access to publicly funded research infrastructures. It draws heavily on the "Framework of Access to Joint Research Centre physical Research Infrastructures" and several access policies of transnational access projects funded by the Horizon 2020 and Horizon Europe programs.

Access to the Research Infrastructures of the CyI fosters innovative research and development, dissemination of knowledge, improves related methods and skills, training and fosters collaboration at national and European levels. Moreover, it promotes interaction with a wide range of social and economic actors, including academia, research institutions, industry, small and medium enterprises (SMEs) and public services.

Access to the CyI Research infrastructures is regulated by a Research Infrastructure Access Agreement, detailing the organisation and management of the project and covering any necessary technical and legal aspects. Physical access of users to the CyI will be regulated by the User Access Agreement, signed by the Users. This agreement covers legal aspects, including intellectual property rights, confidentiality, third-party liability, insurance, the documents to be provided by the user, and the rules of conduct on CyI sites.

2. Applicability

This document regulates Access to all CyI physical Research Infrastructures. It does not replace but comes in addition to other forms of access by external users to CyI Research Infrastructures under other existing schemes explicitly providing for such access, such as:

- on the basis of a Collaboration agreement or Memorandum of Understanding;
- on the basis of a Grant Agreement or a Consortium Agreement under national, EU or international research and innovation programmes;
- under licence, joint ownership or similar, and technology transfer agreements regulating the use of the intellectual property of the CyI containing ancillary provisions on access to the CyI facilities.

The conditions for access in those cases will be regulated under the specific agreement governing each

¹ <https://op.europa.eu/en/publication-detail/-/publication/78e87306-48bc-11e6-9c64-01aa75ed71a1/>

case.

3. Definitions

a. Research Infrastructures

The ‘Research Infrastructures’ are physical facilities, resources and services that are used to conduct research and foster innovation in their fields through the use of major scientific equipment (or sets of instruments) complemented by knowledge-based resources (e.g. collections, archives and scientific data) that are essential to achieve excellence in research and innovation.

b. User

‘Users’ of Research Infrastructures are individuals, either alone or in teams, appointed by the User Institutions to receive Access to the Research Infrastructure. They are engaged in the conception or creation of new knowledge, products, processes, methods and systems and also in the management of projects. Physical access of Users to CyI Research Infrastructures is regulated by the User Access Agreement, signed by the User.

c. User Institution

A ‘User Institution’ is a public or private legal entity (e.g. academia, business, industry, public services, etc.) participating in the User Access Project and appointing the Users. The User Institution is responsible for the Users it has appointed. The User Institution is in charge of preparing the application for access to CyI Research Infrastructures and coordinating the User Access Project in close cooperation with the CyI Research Infrastructure concerned. In particular, the User Institution should:

- be in charge of steering the process of negotiation and signature of the Research Infrastructure Access Agreement;
- where required, provide to the CyI the payment for Access to the CyI Research Infrastructure and any agreed in-kind contribution;
- report to the CyI on the progress of the work when requested by the CyI;
- supervise the performance of the Research Infrastructure Access Agreement together with CyI

d. Lead User

The ‘Lead User’ is a User from the User Institution responsible for preparing and submitting the application for access. The Lead User acts as the main point of contact between the User Institution and the CyI.

e. User Access Project

A ‘User Access Project’ are the activities undertaken at the concerned CyI Research Infrastructure(s) to achieve the objectives according to the scope and description of Users’ access to the CyI Research Infrastructure(s) to which access is granted. A User Access Project is regulated by the Research Infrastructure Access Agreement.

f. Access

‘Access’ refers to the legitimate and authorised physical, remote and virtual admission to, interactions with and use of Research Infrastructures. Such Access can be granted, amongst others, to machine time, computing resources, software, data, data-communication services, trust and authentication services, sample preparation, archives, collections, the set-up, execution and dismantling of experiments, education and training, expert support and analytical services.

g. Payment

'Payment' means a contribution in cash provided by the User Institution in exchange for access to CyI Research Infrastructures.

h. User Access Report

The 'User Access Report' describes the results of the test campaign carried out at the CyI Research Infrastructure in the framework of the User Access Project.

4. Principles

This section defines the principles applicable to the Access of Users to the Research Infrastructures of the CyI. These principles are further defined in the "Access Policy" (Section 5).

a. Acknowledgement and Intellectual property rights

Users should acknowledge the contribution of the Research Infrastructure in any output (i.e. publication, patent, data, etc.) deriving from research conducted within its realms.

The principles for allocating intellectual property rights are defined in the Research Infrastructure Access Agreement.

b. Health, safety, security and environment

The CyI together with the User Institution shall undertake the necessary measures to ensure the health, security and safety of any User accessing its Research Infrastructures as well as to take the **necessary actions to minimise the impact on the environment according to the legislation of the Republic of Cyprus**. Users must comply with security, health and safety, environmental rules and with procedures in force at the CyI sites, in particular concerning the notifications on the introduction of material and instrumentation that could induce risks or ethical issues to the CyI Research Infrastructures and persons.

c. Contributions to the User Access Project

The contributions to the User Access Project, in cash, are determined by the mode of access delivered to Users.

d. Confidentiality and ethical conduct

Users shall comply with confidentiality requirements and should adhere to the code of conduct and standard ethical behaviour in scientific research when conducting research, and using and disseminating research data and findings, as detailed in the European Code of Conduct for Research Integrity².

e. Implementation

Access to the CyI Research Infrastructures will be in accordance with the rules and procedures of CyI. This applies in particular to the granting of Access and selection of User Access Projects, entrance permits, length of stay, health and safety, and security of Users at the CyI sites.

f. User instructions

The CyI will provide Users with instructions for effective and efficient Access to its Research

² <https://allea.org/code-of-conduct/>

Infrastructures. Instructions relevant to the use of the Research Infrastructures will be provided by each Research Infrastructure delivering Access.

g. Protection of personal data

The EU General Data Protection Regulation (GDPR) applies to ‘personal data’, meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. The GDPR applies to all handling of personal data, such as how to collect, handle, store and delete the data. The access application, evaluation and reporting process follows the EU GDPR. Personal information submitted with the application will be used by the CyI only strictly for purposes of managing the access process and, in any case, will not be disclosed outside the CyI without the permission of those involved.

The information taken into special account in relation to the EU GDPR mainly involves the Applicants’ details, for which the CyI approach is as follows:

- Keep registered information to a minimum with a clear purpose
- Inform the Users why the data is collected (if not obvious)
- Inform the Users who will have access/receive/handle the information
- Inform the Users how long the information will be stored
- Users’ details are accessed/received/handled by only those mentioned when collecting the data

h. Insurances

All Users accessing the CyI Research Infrastructure shall have full insurance coverage for health care, accident as well as third-party civil liability, which will cover the Users’ activities during their stay at CyI. The User Institution or the User shall provide proof of this coverage.

5. Access Policy

The policy for Access to the CyI Research Infrastructures defines Access in terms of Access Units, states the specific Access mode, states the conditions for Access, and describes the processes and interactions involved in the Access. Access to the Research Infrastructure may include all infrastructural, logistical, technical and scientific support (including training courses) necessary for the User Access Project.

a. Access modes

Access to the CyI Research Infrastructures may be provided according to two different Access modes, i.e. ‘relevance-driven’ and ‘market-driven’. Acknowledging the different purposes of Access and considering possible contractual and legal obligations, Access will be regulated according to one Access mode. Each Access mode enables collaborative research and technological development efforts across geographical and disciplinary boundaries.

Relevance-driven Access

The Relevance-driven Access mode exclusively depends on the scientific and socio-economic relevance at the national and European level, excellence, originality and technical and ethical feasibility of the applications submitted by interested User Institutions.

Two options of payment are available for relevance-driven access:

Option 1: Payment of the additional costs related to Access compared with the regular operation of the Research Infrastructure, subject to a mutual consensus between the User Institution and the CyI. This option is generally applicable when CyI contributes significantly to the performance of the User Access project and retains co-ownership of the Results.

Option 2: Payment of the full cost minus the capital cost (for land, buildings and equipment). This option generally applies when CyI does not retain the results' co-ownership.

Payment may be waived under certain conditions as detailed in the Conditions for Access.

Market-driven Access

The market-driven Access mode applies when Access is subject to an agreement between the User Institution and the CyI Research Infrastructure providing for a "full" fee for the Access.

b. Access Unit

The Access Unit specifies the nature of Access, which ranges from precise values like days of use of an infrastructure, number of samples analysed, or processing time and gigabytes of data transmitted, up to quotations based on an inventory of the User's needs. The definition of an Access Unit is specific to the type and nature of each CyI Research Infrastructure delivering access. The Access Unit will be the basis for allocating Access to Users when announcing the calls for access or when providing Access.

Unless specified otherwise in the Conditions of Access of each Research Infrastructure, 80% of the access units will be devoted to relevance-driven access, including the access units provided through transnational access projects funded by European programs, and 20% of the access units will be dedicated to market-driven access.

c. User Stay Day

A User Stay Day is a day of a User's physical presence at the concerned Research Infrastructure for Access related to the User Access Project.

d. Conditions for Access

The User Institutions will be able to contribute to a User Access Project by providing physical resources, such as testing models, instrumentation, testing rigs and components, complementary testing and any other material needed for the User Access project. The User Institutions may also contribute by providing human resources for running all or parts of the experimental work. These resources, free of charge for the CyI, are considered in-kind contributions and shall be managed in line with the administrative procedures and safety regulations of the CyI.

The CyI will issue calls for applications at its website: cvi.ac.cy

The final decision on granting access will remain with the relevant CyI Directorate and/or the President.

Relevance-driven access mode

For the Relevance-driven access mode, each CyI Research Infrastructure, or a pool of CyI Research Infrastructures, will announce periodic or open calls for applications depending on the availability of the Research Infrastructure(s).

The call for applications will include the following information:

- Description of the Research Infrastructure(s)
- Priority topics of the Research Infrastructure(s)
- Opening and closing dates of the call or cut-off dates for selection
- Expected date of communication to the Lead User of the assessment of applications

- Eligibility criteria
- Instructions for the submission of applications
- For each Research Infrastructure:
 - Definition of an Access Unit
 - Estimated costs per Access Unit
 - Estimated total number of Access Units allocated to the call
 - Estimated number of Access Units per User Access Project
 - Maximum duration of the User Access Project
 - Application evaluation mode
 - Conditions for access, including required training of Users (if relevant)
 - Conditions for waiver of the payment (if any)

Any consumables needed for the User Access Project, which is not covered by the payment, must be provided by the User Institutions as in-kind contributions as detailed in the Research Infrastructure Access Agreement (see Section 5i).

Applications shall be submitted through the CyI website using a specific template; the Lead User is encouraged to contact the Research Infrastructure(s) during the preparation of the applications to assess feasibility aspects related to the capacity of the Research Infrastructure(s).

Applications will be evaluated by a Research Infrastructure-specific User Selection Committee. The Committee can be composed of internal CyI experts only, primarily for small Infrastructures or Infrastructures receiving few applications, or internal CyI experts and experts from other academic and research institutions for large Infrastructures or Infrastructures receiving a large number of applications. Research infrastructure technical and scientific managers are members of the User Selection Committees.

The CyI will carry out eligibility criteria check concerning ethics and the type of the User Institution. The CyI will contact the Lead User from non-eligible applications within three weeks after the closing date of the call, the cut-off date for evaluation or the submission date in the framework of an open call, whichever applies to the specific Research Infrastructure and Call.

The evaluation of eligible applications will be made using selection criteria grouped into the following four categories:

Scientific implementation (50 points):

- Scientific and technical value
- Originality and innovation
- Dissemination and exploitation plan
- Quality of the proposing team

Collaboration and access to new Users (20 points):

- Uniqueness of the facility to match the needs of the User Access Project
- Training (including involvement of young scientists)
- Synergies and complementarities with existing research projects

Strategic relevance (30 points):

- Relevance to priority topics of the Research Infrastructure(s), the CyI and/ or the Smart Specialisation Strategy
- Relevance to European strategies
- Social and economic impact

Applications are graded by the User Selection Committee. The grades given by individual User

Selection Committee members are averaged for each selection criterion.

Applications that do not meet a minimum of 30 points for the criterion “Scientific Implementation” and a minimum total (considering all criteria) of 60 points are rejected. The applications graded above these thresholds are considered eligible. For Calls with defined deadlines of submission or cut-off dates for evaluation, the User Selection Committee establishes a list of the evaluated applications ranked according to their final grade.

In addition, the CyI member(s) of the User Selection Committee will evaluate the cost and feasibility according to the Research Infrastructure(s). The evaluation of the CyI for cost and feasibility will be discussed and agreed upon at the User Selection Committee meeting. Applications that cannot be carried out in terms of cost and feasibility will be rejected. Alternatively, the CyI may propose re-dimensioning the experimental campaign to fit the capacity of the Research Infrastructure(s) while not substantially changing the scope of the application.

Finalisation of the selection process for Calls with application submission deadline or cut-off dates for evaluation

When the number of the total requested access units of the eligible applications exceeds the available access units, the CyI Research Infrastructure(s) ranks the eligible applications according to the number of Access Units allocated to the call and the schedule and capacity of the Research Infrastructure(s). The remaining eligible, non-rejected applications are put on a waiting list.

Notification of the Lead Users of eligible applications

Lead Users from eligible applications are contacted by the CyI, notifying them of the outcome of the selection process and the total grading for each category of the selection criteria.

The Research Infrastructure(s) contacts the Lead Users of the selected application to delineate the details of the test program and the specimen(s), the experimental equipment to be used, as well as the Payment and the provision of contributions from the User Institution. The discussions will take into account the schedule of the Research Infrastructure, the available resources and the technical feasibility of the test campaign.

Where the discussions allow CyI and the User Institution to reach an agreement on the points mentioned above, a Research Infrastructure Access Agreement will be signed. Both parties commit to negotiating in good faith but should an agreement not prove possible, the CyI reserves the right to terminate the discussions and not conclude a Research Infrastructure Access Agreement.

Subsequent changes to essential elements in the application, such as changes in the User Institution or their eligibility, will prevent the signature of the Research Infrastructure Access Agreement or the termination of the agreement if already signed. Nevertheless, the CyI may decide to accept the User Access Project resulting from the changes, where such changes would not call into question the decision to conclude the Research Infrastructure Access Agreement or breach the principle of equal treatment of applicants.

If an agreement is not reached, the CyI Research Infrastructure(s) concerned will start negotiations with the User Institution having submitted the first-ranked application on the waiting list (this is relevant for Calls with application submission deadlines or cut-off dates for evaluation).

A list of the successful applications having signed a Research Infrastructure Access Agreement will be published on the CyI website. The list will contain the names of the User Institutions and a summary of the application.

The User Institution whose application was rejected or was not selected following the discussions may

resubmit the application in the next call for applications.

Market-driven access mode

For the Market-driven access mode, the Research Infrastructures may receive and evaluate applications from interested User Institutions at any time. Moreover, depending on the nature of the Research Infrastructure and its relevance to the needs of the business and industrial communities, each CyI Research Infrastructure or pool of CyI Research Infrastructures may announce publicly the possibility of submitting, on a continuous basis through an open call, market-driven applications. The call for applications will include the following information:

- Description of the Research Infrastructure(s)
- Opening and closing dates of the call
- Eligibility criteria
- Allocation of intellectual property rights and option for operating the Research Infrastructure
- Instructions for the submission of applications
- For each Research Infrastructure:
 - Definition of an Access Unit
 - Estimated 'full' costs per Access Unit
 - Estimated number of Access Units per User Access Project
 - Maximum duration of the User Access Project
 - Conditions for access, including required training of Users (if relevant)

The CyI will review applications on a first-come basis. Applications will be first checked by the CyI for eligibility concerning ethics. The Lead User from non-eligible applications will be contacted by the CyI within three weeks after submission of the application.

Retained applications will be evaluated either by internal CyI experts only or by the Research Infrastructure-specific User Selection Committee (the Committee composition is presented in the previous section) using selection criteria grouped into the following four categories:

Technical implementation (25 points):

- Scientific and technical value
- Originality and innovation
- Quality of the proposing team

Collaboration and access to SMEs and new Users (25 points):

- Participation of SMEs
- Uniqueness of the facility to match the needs of the User Access Project
- Training (including involvement of young scientists)
- Synergies and complementarities with existing research projects

Strategic relevance (50 points):

- Relevance to priority topics of the Research Infrastructure(s), the CyI and/ or the Smart Specialisation Strategy
- Relevance to European strategies
- Social and economic impact

Applications that do not meet a minimum of 30 points for the “Strategic Relevance” criterion, and a minimum total (considering all criteria) of 60 points, are rejected.

In addition, the CyI will evaluate the feasibility according to the Research Infrastructure(s) capacity and

technical requirements. Applications that cannot be carried out in terms of feasibility will be rejected. Alternatively, the CyI may propose re-dimensioning the experimental campaign to fit the capacity of the Research Infrastructure(s) while not substantially changing the scope of the application.

Lead Users from eligible applications are contacted by the CyI, notifying them of the outcome of the selection process.

The concerned Research Infrastructure(s) initiates discussions with the User Institution to delineate the details of the test program and the specimen(s), the experimental equipment to be used, as well as Payment and the provision of contributions from the User Institution. The discussions will take into account the schedule of the Research Infrastructure, the available resources and the technical feasibility of the test campaign.

Where the discussions allow CyI and the User Institution to reach an agreement on the points mentioned above, a Research Infrastructure Access Agreement will be signed. Both parties commit to negotiating in good faith but should an agreement not prove possible, the CyI reserves the right to terminate the discussions and not conclude a Research Infrastructure Access Agreement.

Subsequent changes to essential elements in the application, such as changes of the User Institution or the scope of the test campaign, will prevent the signature of the Research Infrastructure Access Agreement or the termination of such agreement if already signed. Nevertheless, the CyI may decide to accept the User Access Project resulting from the changes, where such changes would not call into question the decision to conclude the Research Infrastructure Access Agreement or breach the principle of equal treatment of applicants.

e. Physical Access of Users

Two types of access are distinguished: Users operating the Research Infrastructure and Users not operating the Research Infrastructure. Users operating the Research Infrastructure have to successfully pass a short training period, assisted by the technical staff of the Research Infrastructure.

Where Users can operate the research facility as part of a User Access Project, such a possibility will be explicitly stated in the call for applications of the relevant Research Infrastructure.

f. Education and training

The Research Infrastructures of the CyI will offer technical training to Users as necessary for carrying out the User Access Project and will collaborate with other institutions and organisations that would benefit from using the Research Infrastructure for their education and training purposes.

g. Research Infrastructure Access Agreement

Access to the CyI Research Infrastructure shall be regulated by a Research Infrastructure Access Agreement. The Research Infrastructure Access Agreement will detail the organisation and management of the User Access project and will cover any necessary technical and legal aspects (including the modalities for Access, the rights and obligations of the CyI and the User Institution and Users, intellectual property rights, data protection, confidentiality, liability, insurances, eventual fees to be paid, in-kind contributions, reports).

The technical description (Description of Work) of the User Access Project in the Research Infrastructure Access Agreement may differ from the description of the project in the application phase, as it will reflect the results from the cost and feasibility assessment of the CyI Research Infrastructure undertaken in agreement with the User Institution.

The Research Infrastructure Agreement will be signed by the User Institution and the CyI and will

contain as an annex a list of the Users.

h. User Access Agreement

Physical access of Users to the CyI will be regulated by the User Access Agreement, signed by the User.

The User Access Agreement will cover legal aspects, including intellectual property rights, confidentiality, third-party liability, insurance, the documents to be provided by the User, and the rules on the CyI sites.

i. Transparency

The CyI website will provide clear and transparent information on the Access policy, data management policy and the terms and conditions of access of Users. Each CyI Research Infrastructure delivering access will have a dedicated contact point providing technical information related to the use of the facility, particularly concerning cost and feasibility.

j. Limitations

Access to CyI Research Infrastructures may be limited or refused, amongst others, by the following:

- Ethical considerations in accordance with EU and national laws and regulations;
- Limited capacity;
- Security and safety considerations.

6. Assessment

The CyI will regularly assess the relevance and applicability of this Framework for Access to the physical Research Infrastructures of the CyI based on its experience in delivering Access. To this end, the Lead User will be requested to complete a user questionnaire upon submission of the User Access Report.