

## Protocol on Open Access to Research Infrastructure in the Western Balkans

### PREAMBLE

*Having in mind* the goals and priorities stipulated by the South East Europe 2020 Strategy, the Multi-Annual Action Plan for a Regional Economic Area and the Common Regional Market: A catalyst for deeper regional economic integration and a stepping stone towards EU Single Market aimed at enhanced cooperation in research and science and removing obstacles to mobility of researchers;

*Taking into consideration* the developments within the European Research Area and the importance of full integration of the Western Balkans into the European Research Area;

*Recognising* the importance of Research Infrastructures, including e-infrastructures, as the core of the knowledge triangle of research, education and innovation and their crucial role towards open, inter-connected, data driven and computer intensive research, experimental research, as well as education and training;

*With an objective* to promote and enable smooth access to Research Infrastructures in order to enhance innovative research and development, to improve related methods and skills in the workforce through enhanced regional cooperation between researchers;

*With a view* to supporting the development of and reinforcing collaborations between public Research Performing Organisations, and private ones where applicable;

**We have agreed as follows:**

### I. Purpose and Scope

1. The purpose of this Protocol is to enable access of researchers from research organisations/institutions to the existing Research Infrastructures by setting framework principles to be implemented by their owners, that is, Research Performing Organisations (RPO) in the Western Balkans.
2. The Protocol is applicable to all researchers from RPOs regardless of the stage of their career.

### II. Definitions

1. 'Research Infrastructures' are facilities, resources and services owned by RPOs and used by the research communities to conduct research and foster innovation in their fields. They include: research laboratories, 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. They may be 'single-sited', 'virtual' and 'distributed'.

2. 'Users' of Research Infrastructures are individuals and teams from RPOs.
3. 'External Users' of Research Infrastructures can be individuals and institutions outside RPOs from academia, business, industry, public services, and non-governmental organisations based on RPOs internal policy document. They are engaged in the conception or creation of new knowledge, products, processes, methods and systems and also in the management of projects. Teams can include researchers, doctoral candidates, technical staff and students participating in research in the framework of their studies.
4. '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 RPOs to Users/External Users. Such Access can be granted, amongst others, to time in the laboratory, 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.
5. 'Access Unit' is a measure specifying the Access offered to External Users. RPOs are responsible for the definition of Access Units, which may vary from e.g. precise values like hours or sessions of beam time, processing time, to gigabytes transmitted for the conduction of complex experiments and projects up to quotations based on an inventory of Users'/External Users' needs.

### **III. Guidelines on Open Access to Research Infrastructures**

1. RPOs shall have a policy defining how they regulate, grant and support Access to External Users.
2. In granting Access to External Users RPOs shall not discriminate on any personal, economy or nationality grounds and shall establish equal opportunities policies.
3. Access to Research Infrastructures may be provided according to three different Access modes, i.e. "research-driven", "market-driven" and "wide". The RPO, depending on its function, contractual and legal obligations, may regulate its Open Access Policy to one or any combination of available Access modes.
4. The research-driven Access mode is exclusively dependent on the merits of research value, originality, quality and technical and ethical feasibility of an application evaluated through RPOs internal procedures. It enables all Users to get access to the facilities, resources and services wherever located. This Access mode enables collaborative research and technological development efforts across geographical and disciplinary boundaries.

5. The market-driven Access mode applies when Access is defined through an agreement between the External User and the RPO that will lead to a fee for the Access and that may remain confidential.
6. The wide Access mode guarantees the broadest possible Access to scientific data and digital services provided by RPOs to External Users wherever they are based. The RPOs adopting this mode maximise availability and visibility of the data and services provided.

#### **IV. Access processes and interactions**

1. RPOs shall provide the User/External User with clear, publicly available instructions for the effective and efficient Access to a Research Infrastructure. The information will include all relevant information on the Access processes, documents required, timelines, costs and fees, rights and obligations stemming from the Access.
2. Access to any given Research Infrastructure shall be regulated by an agreement between the RPO and the User/External User which should cover various aspects such as, but not limited to, Access, intellectual property rights, data protection, confidentiality, liability and possible fees. The processes and interactions involved in the Access to Research Infrastructures will be as simple as possible. They may consist of application, negotiation, evaluation, feedback, selection, admission, approval, feasibility check, and setting-up, use, monitoring and dismantling. RPOs should clearly communicate all steps in the process to the External Users.
3. Acknowledging a variety of financing models and the costs which need to be covered, fees for Access may be introduced by the RPO. When access is provided in “research-based” mode the costs and fees set should be the same as for the Users. The fees for the “market-based” and “wide” mode, to the extent found necessary, should contribute to the financial sustainability of the Research Infrastructure.
4. So as to increase mobility of researchers and strengthen collaborations between researchers within the region, the RPOs are encouraged to introduce “free-of-charge” quota for researchers from the other Western Balkan economies requesting Access in “research-based” mode.
5. RPOs may restrict overall Access by means of quota or pre-defined User groups, as long as they clearly communicate such conditions to the Users. Such restrictions may be based on established acceptable practices such as, but not limited to, training and education, research programmes, ethics, legal and contractual obligations, financial contributions, resources and membership.

6. In order to facilitate Access, RPOs should offer support measures to Users/External Users such as guidance through User manuals, provision of User support, provision of advisory or technical assistance for accommodation, and guidance with immigration procedures.
7. Each RPO shall have a single point of contact providing clear and transparent information on the Research Infrastructure itself, its services, Access policy, data management policy and the terms and conditions. Where applicable, information should be provided on the available equipment, costs, fees, contractual obligations, health safety and environment rules and procedures, intellectual property rights and the legal settlement of disputes.

#### **V. Legal conformity and limitations**

1. Research Infrastructures must comply with national and international law and agreements, particularly, but not only, in areas such as intellectual property rights and the protection of privacy, ethical considerations as well as safety, security and public order regulations when designing rules and conditions for Access to and use of Research Infrastructures.
2. Access to Research Infrastructures may be limited, amongst others, by the following:
  - national security and defence;
  - privacy and confidentiality;
  - commercial sensitivity and intellectual property rights;
  - ethical considerations in accordance with applicable laws and regulations.

#### **VI. Research Data Management and Transparency**

1. RPOs and all users should agree on a data management plan, outlining how research data of the project will be handled.
2. RPOs should have a research data management policy ensuring that research data are appropriately maintained, archived for a reasonable period, and available for review and (re-)use. RPOs and External Users should have an agreement on how to (re-)use the data.

#### **VII. Acknowledgement and co-authorship**

1. External Users should acknowledge the contribution of the RPO in any output (i.e. publication, patent, data, etc.) deriving from research conducted within its realms. In accordance with good scientific practice, External Users are encouraged to offer co-authorship to those working at the RPO having made genuine scientific contributions to their work.

#### **VIII. Ethical conduct and research integrity**

1. RPOs and External Users should undertake the necessary actions to adhere to the standard codes of conduct and ethical behaviour in scientific research and to research integrity, including, where applicable, national legislation in the field of science and research.<sup>1</sup>

#### **IX. Health, safety, security and environment**

1. RPOs should undertake the necessary actions, including instruction, to ensure the health, security and safety of any External User accessing the Research Infrastructure as well as to minimise the impact on the environment. Where applicable, External Users must comply with security, safety and environmental rules and with procedures in force at the RPOs, in particular concerning the notifications on introduction of material and instrumentation that could induce risks or ethical issues to the facility.

#### **X. Network of Open Research Infrastructures in the Western Balkans**

1. RPOs with Open Access conforming to the principles set out above will be eligible to be members of the Network of Open Research Infrastructures in the Western Balkans (Network) and signatories of a legally non-binding Declaration of Commitment.
2. The aim of the Network, amongst others, is to:
  - strengthen regional cooperation between the Public Research Infrastructures in the region;
  - foster access, cooperation and mobility of researchers in the region;
  - support the capacities of the RPOs to manage, administer and enhance Open Access Policies based on continuous evaluation of the quality of access and user satisfaction methods.
3. The Network has the Steering Committee and the Advisory Council.
4. The membership of the Steering Committee consists of an appointed representative of the ministry responsible for Science and Research from each economy. The Chair serves a one-year term in an alphabetical rotation order of all Western Balkans economies after the election of the first Chair. There must be a majority quorum for the Steering Committee's meetings and decisions are to be made by consensus. The role of the Steering Committee is to plan the annual activities of the Network, convene meetings, ensure that entering and updating data on administrators, institutions and Research Infrastructure within their respective economy is done in a timely manner, and prepare inputs for annual reports.

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<sup>1</sup> The European code of conduct for research integrity drafted by the European Science Foundation (ESF) and the European Federation of National Academies of Sciences and Humanities (ALLEA) sets out eight principles that Researchers need to abide to: honesty in communication, reliability in performing research, objectivity, impartiality and independence, openness and accessibility, duty of care, fairness in providing references and giving credit, and responsibility for the scientists and researchers of the future.  
[http://www.allea.org/Content/ALLEA/Themes/Scientific%20Integrity/Code\\_Conduct\\_Research\\_Integrity.pdf](http://www.allea.org/Content/ALLEA/Themes/Scientific%20Integrity/Code_Conduct_Research_Integrity.pdf)

5. The Advisory Council consists of up to two representatives of RPOs from each Western Balkans economy. Members serve a one-year term with a possibility for an additional term. Membership is reviewed by the Steering Committee, which will ensure that diverse scientific fields and areas of expertise are represented. The role of the Advisory Council is to advise the Steering Committee on the Network's strategic directions and ways of improving research collaborations within and beyond the Western Balkans. The Advisory Council can establish regional working groups tasked to provide optimal solutions for regional challenges.
6. The Network will meet at least once per year including online meetings.
7. The Regional Cooperation Council (RCC) will facilitate the coordination and the work of the Network.

#### **XI. Monitoring**

1. RPOs shall set in place mechanisms to evaluate the quality of the Access through User satisfaction survey and the monitoring of results of the Access to Research Infrastructure.
2. The appointed point of contact for Access will gather data on the number of applications, positive and negative decisions on granting access, user satisfaction survey results and research results of the Access to Research Infrastructure. The point of contact for Access will prepare brief annual reports summarising the analysed data.
3. The Steering Committee members from each economy will send their annual reports to the RCC Secretariat by the end of January for the previous year. The RCC, in consultations with the Steering Committee members, will prepare a regional report summarising the results in time for the first meeting of the Network in a given year.
4. The annual report will be reviewed and endorsed by the Steering Committee.

#### **XI. Final provisions**

1. The text of the Protocol is in English language.
2. The Protocol shall be operational as of the day of its formal acceptance at the Sofia Summit as part of the Berlin Process.

**Sofia, 10 November 2020**