

TEMPLATE – Version 3.1 of 21.12.2022

(Note: words in italics are instructions to the user who has to adapt the template to the situation at hand)

**USER ACCESS AGREEMENT
to JRC RESEARCH INFRASTRUCTURE
within the Framework of the
RESEARCH INFRASTRUCTURE ACCESS AGREEMENT
No [to be added]**

User details

Ms/Mr. [to be added], appointed by the User Institution [User Institution to be added] to receive Access to the JRC Research Infrastructure, born in [place to be added] on [date to be added], (hereinafter referred to as the ‘**the User**’ or "I" or "me").

Purpose

The User will be using the JRC Research Infrastructure [to be added], located at Geel, Belgium / Ispra, Italy / Karlsruhe, Germany / Petten, Netherlands / Sevilla, Spain,

to perform work in the framework of the User Access Project, described in the Research Infrastructure Access Agreement No [to be added] (RIAA).

I acknowledge that this does not create in any way an employment relationship between myself and the Commission.

Duration

The period of use will start on [same date entry into force of RIAA according to Art. 3.1 thereof to be added] and will last for a period of [same duration as RIAA according to Art 3.1 thereof to be added]. During this period, the User will use the JRC Research Infrastructure [to be added] on dates to be agreed in writing between the Lead User and the technical responsible in the JRC, as identified in Article 13.2 of the RIAA.

The period of use will automatically end with the termination of the RIAA. In accordance with Art. 3.4 of the RIAA, JRC may refuse Access to the JRC Research Infrastructure by individual Users and may thus bring to an end the period of use, in particular in case of breach by the User of his/her obligations.

Use of the facilities

I agree to comply with the following provisions, of which I have been made cognisant:

- Relevant provisions of the Research Infrastructure Access Agreement No. [to be added]
- Relevant provisions of the "Framework for Access to the Joint Research Centre Physical Research Infrastructures"¹
- Rules and regulations (including those relating to health and safety and security) in force at the JRC

I will follow the instructions, including technical instructions and those relating to health, safety and security, given by the designated representative of the JRC.

I shall not use the name of the JRC or the European Commission on any advertisement, product or service that is directly or indirectly related to the User Access Project, nor imply in any way that the JRC or the European Commission endorses its products or services.

[If Lead User: As Lead User, I will report on the work performed and will complete a user questionnaire, in accordance with Art. 4.4 of the RIAA.]

Confidentiality

I bind myself to exercise the greatest discretion with regard to all facts and information coming to my knowledge in the course of or in connection with the performance of my duties as a User. I shall not in any manner whatsoever disclose to any unauthorised person any document, knowledge or information that comes to my attention in the course of or in connection with the performance of my duties as a User, and is not already made public.

I pledge that I will not, whether alone or together with others, publish or cause to be published without explicit written consent of the European Commission any matter dealing with the work of the **European Union or the European Atomic Energy Community**, which consent may not be unreasonably withheld.

The commitments entered into in declaration shall be maintained for a period of five years following the expiry or the termination of the RIAA or as long as the information keeps a confidential character.

Intellectual Property

Intellectual Property Rights will be allocated in accordance with Annex 1 on Intellectual Property Rights to the "Framework for Access to the Joint Research Centre physical Research Infrastructures", and in accordance with the options (Option 1 or Option 2 of Section II for relevance-driven access, Section III in case of market-driven access) specified in the

¹ <https://ec.europa.eu/jrc/en/research-facility/open-access>

corresponding call for proposals, which I acknowledge I have been made cognisant of, except when otherwise provided in this Agreement.

I acknowledge the following rules governing data protection and documentation to be provided prior to the stay:

Data protection

Where the JRC processes personal data included in or related to this Agreement, it will do so in accordance with Regulation (EU) 2018/1725. Details concerning the processing of personal data will be made available to data subjects by the JRC in the corresponding data protection notices, in particular the notices included as an Attachment to the present Agreement.

Documents to be provided prior to the stay

1. Copy of passport and visa when necessary and permit to stay according to the laws of the Member State in which the JRC Research Infrastructure is located.
2. [*Ispra, Geel and Petten*: When the stay exceeds three months if you are a national from an EU country (i.e. Member States), or five User Stay Days during a calendar month if you are a national from a non-EU country, a / *Karlsruhe: A*] valid recent and original criminal record extract issued by the competent national authorities from your country or countries of nationality (unless you have never resided in that country, or resided in that country only until the age of 18); and from the country or countries of residence (if different from your country of nationality) where you have been a resident for more than 6 months during the two years preceding your stay. The criminal record should be in one of the 24 official languages of the EU. A translation into English, French, German or the language of the country in which the JRC Research Infrastructure is located is recommended in order to speed up the process. If the criminal record is issued in a language other than the 24 official languages of the EU, a legalised translation into English, French, German or the language of the country in which the JRC Research Infrastructure is located is required.

[*Karlsruhe*: The requirement for criminal records is waived if the stay does not involved any laboratory work.]

3. A relevant document ascertaining the appointment of the User by the User Institution to obtain Access to the Research Infrastructure in the framework of the RIAA.
4. Proof of coverage by a health care insurance scheme (including any special coverage that may be required for special laboratories/facilities) for the entire duration of the stay.
5. Proof of coverage by accident insurance scheme (including any special coverage that may be required for special laboratories/facilities) for the entire duration of the stay.
6. Proof of coverage of third party liability through an insurance scheme or an equivalent mechanism for the entire duration of the stay.

The documents under Points 4), 5) and 6) are waived for stays that do not involve laboratory work up to five User Stay Days during a calendar month.

The JRC reserves the right to request additional documents in order to ensure the compliance with all requirements and specific rules applicable to JRC sites.

The documents under Points 1) and 2) above should be sent to the functional mailbox of the security services of the concerned site, accompanied by a copy of the RIAA.

For the present User Access Agreement, the functional mailbox is the following, unless otherwise stated: **[Choose the appropriate address:**

For Ispra: JRC-SECURITY-ISPRA@ec.europa.eu

For Geel Bart.VANOPPRE@ec.europa.eu

For Karlsruhe: JRC-ACTUSLAB-KARLSRUHE@ec.europa.eu

For Petten: JRC-PTT-SES@ec.europa.eu

The documents under Points 3) to 6) above should be sent to **[functional mailbox of the research infrastructure as indicated in the call].**

Rules on entry pass

[OPTION if stay is envisaged for more than 5 daily visits per month: Following the signature of this Agreement, an entry pass valid for the period authorised will be issued to the User. The pass will indicate the facilities, which are covered by the invitation. It must be visibly worn at all times by the User. The security services concerned must draw up the list of information required for such passes to be issued. Before issuing an entry pass, Security Services will verify if a request to obtain a permit to stay has been submitted to national authorities, where legally requested.]

On-site access is normally allowed only during working hours of the JRC site in question but can be granted outside such hours, at the discretion of the Director of the Directorate involved, if accompanied by qualified JRC staff.]

[OPTION if stay is limited to a maximum of 5 daily visits per month: Following the signature of this Agreement, daily entrance permits are to be requested by the Directorate in which the User will be working. The daily entrance permit must be visibly worn at all times by the User. The security services of the JRC site concerned will ensure that these daily permits are provided according to the normal local requirements. The security services concerned must draw up the list of information required for such passes to be issued. Before issuing an entry permit, Security Services will verify if a request to obtain a permit to stay has been submitted to national authorities, where legally requested.]

On-site access is normally allowed only during working hours of the JRC site in question but can be granted outside such hours, at the discretion of the Director of the Directorate involved, if accompanied by qualified JRC staff.]

Done in..... on

Name and Surname of the User in block letters:

.....

Signature:.....

ATTACHMENT

DATA PROTECTION NOTICE(S) RELATING TO THE USER ACCESS PROJECT

See documents attached containing the data protection notices concerning data processing in relation to the User Access Project:

[To be added as separate documents by the unit of JRC organising the User Access Project within the framework of the Research Infrastructure Access Agreement]:

1. *"DATA BASE OF OPEN ACCESS TO JRC PHYSICAL RESEARCH INFRASTRUCTURES" Privacy Statement prepared by Unit A.5 available in the EU Science Hub (the document is already attached in the pages below)*

2. *Depending on the site where the Research Infrastructure is located:*

- Ispra: JRC-SECPAC-SUPPORT@ec.europa.eu - DPO-2734.4 - JRC : Access Control System at JRC Ispra Site

- Petten: IES-CONTACT@jrc.ec.europa.eu - DPO-1532.6 - JRC : ACCESS TO PERSONAL STAFF DATA BY OTHER ORGANISATIONS WORKING ON THE PETTEN SITE

- Geel: JRC-IRMM-DATA-PROTECTION@ec.europa.eu - DPO-1177.7 - JRC; ACCESS CONTROL AT JRC-GEEL

- Karlsruhe: JRC-SECPAC-SUPPORT@ec.europa.eu - DPO-1460; DPR-EC-01980 (Actinide User Laboratory. Controller: Unit G.I.5)

DATA PROTECTION NOTICE ON “DATABASE OF OPEN ACCESS TO JRC PHYSICAL RESEARCH INFRASTRUCTURES”

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: Open access to JRC physical research infrastructures

Data Controller: Scientific Development Unit of the Directorate for Innovation in Science for Policy Making of the Joint Research Centre

Record reference: DPR-EC-00745

Table of Contents

- 1. Introduction**
- 2. Why and how do we process your personal data?**
- 3. On what legal ground(s) do we process your personal data?**
- 4. Which personal data do we collect and further process?**
- 5. How long do we keep your personal data?**
- 6. How do we protect and safeguard your personal data?**
- 7. Who has access to your personal data and to whom is it disclosed?**
- 8. What are your rights and how can you exercise them?**
- 9. Contact information**
- 10. Where to find more detailed information?**

1. Introduction

The European Commission (hereafter 'the Commission') is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation "Open access to JRC physical research infrastructures" that offers access to JRC's nuclear and non-nuclear facilities to researchers and scientists from EU Member States and countries associated to the EU Research Programme Horizon Europe, undertaken by the Scientific Development Unit of the Directorate for Innovation in Science and Policymaking of the Joint Research Centre (JRC) (in short, "Scientific Development Unit"), is presented below.

2. Why and how do we process your personal data?

Purpose of the processing operation: The Scientific Development Unit collects and uses your personal information to manage the proposals submitted (proposal phase), to ensure their follow-up (evaluation and implementation phase) as well as the reporting of the programme to the JRC.

The JRC opens up access to its physical research infrastructures as part of the JRC Strategy 2030. To this end, the JRC drafted a Framework with the purpose of delivering access to users for conducting research, undertaking experimental development, and providing education and training. The Framework defines the principles and modalities under which the JRC opens its facilities to external users, following an open access policy.

Concerning the application phase, the lead user (i.e. the user responsible for preparing the proposal and belonging to the lead user institution and acting as contact point for communicating with the JRC) prepares and submits a proposal following a "call for proposals" announced at the EU Science Hub. For selected proposals the user institutions sign a Research Infrastructure Agreement (RIAA) with the JRC.

Once the RIAA is signed, single users (individuals) sign a User Access Agreement (UAA) the first time they visit the JRC in relation to the RIAA. Data provided by the users will be used by the Commission to monitor the programme and its impact on the various European scientific communities.

The Scientific Development Unit of the JRC will coordinate all the process and different Units of the JRC will take part of it in order to evaluate the proposals, and to invite and receive the successful candidates.

The purpose of the processing of personal data is to manage the proposals submitted (application phase), to ensure their follow-up (evaluation and implementation phase) as well as the reporting of the programme to the Senior Management of the JRC, and will be used by the Commission to monitor the programme and its impact on the various European scientific communities. In particular, personal data are processed:

- For the proposal phase - The Scientific Development Unit will launch the call for proposals and will receive the proposals in order to check that the eligibility criteria are fulfilled (eligibility check)
- For the evaluation phase - Staff from JRC Directorates with Research Infrastructures, as well as experts external to the JRC will take part in this phase. They will only have access to the proposals related to the calls offering access to their Research Infrastructure. A User Selections Committee (USC) will be organised to evaluate the proposals that are eligible. The proposals could be accepted, rejected or placed in a waiting list. In any case, the Scientific Development Unit will communicate to the lead user of each proposal the decision taken.
- For the implementation phase - The Legal Affairs Unit of the JRC will have access to some personal data in order to support drafting of the relevant agreement (Research Infrastructure Agreement - RIAA) with successful proposals. JRC Security Services of the sites involved will be informed in order to grant access to each specific site to users from the proposals having signed a RIAA. In some cases also the Medical services and the Radiation Protection Service at JRC Karlsruhe, Geel and Petten will have access to some of the personal data upon arrival of the users at these sites under the activity of "Open access to JRC physical research infrastructures".

Please note that users can only access the JRC if a RIAA is signed either by the lead user institution, or by all the user institutions related to the user access project.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data, because, according to Art.5 of Regulation (EU) 2018/1725:

(a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

(b) processing is necessary for compliance with a legal obligation to which the controller is subject

The basis for the processing referred to in points (a) and (b) is laid down in the following Union law as follows:

Joint Research Centre

Article 8 of the Euratom Treaty.

Commission Decision of 10 April 1996 (96/282/Euratom) on the reorganization of the JRC.

Council Decision 89/340/EEC concerning work for third parties performed by the JRC relevant to the European Economic Community - Article 1: "For the purpose of fulfilling the overall objectives of the

Community relating to research and technological development, the Commission may place the installations, equipment or expert assistance of the JRC at the disposal of third parties whether public or private, as appropriate, against payment."

Horizon 2020 Programme

Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC.

Council Decision of 3 December 2013 establishing the specific programme implementing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC.

Horizon Europe Programme

Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013.

Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU.

We do not process special categories of personal data, therefore Article 10 of Regulation (EU)2018/1725 does not apply.

4. Which personal data do we collect and further process?

The data subjects are the participants (users) to the "Open access to JRC physical research infrastructures" programme, including the lead user (i.e. the user responsible for preparing the proposal and belonging to the lead user institution and acting as contact point for communicating with the JRC).

In order to carry out this processing operation the Scientific Development Unit collects and further processes the following personal data for the participants, including the lead user (i.e. the user responsible for preparing the proposal and acting as contact point for communicating with the JRC):

- For the proposal phase: Access project number, Last name, First name, Gender, Date of birth, Nationality, Scientific background/CV, Position, Affiliation, Email, Home Institution name, Address, Fax, Telephone, Eligibility check for each call of proposals.
- For the evaluation phase: Access project number, grading and assessment of the proposals (accepted, rejected and waiting list).
- For the implementation phase: Number of visits, duration of stays and travel and subsistence reimbursed (yes/no) and data contained in the documents that users need to submit (passport, criminal records, insurances, etc.) related to gain access to each site where the research infrastructure is located.

Note: during the implementation phase additional persons, not included in the proposal phase, but belonging to one of the institutions that signed an agreement the RIAA with the JRC, may visit the JRC to access its research infrastructure related to the RIAA. For this purpose, the data indicated above in the proposal and implementation phase will also need to be collected.

The provision of personal data is mandatory to meet the requirements set out in the Framework for the proposals, evaluation and implementation phases. If you do not provide your personal data, the JRC will not be able to process, evaluate and implement proposals responding to the calls for open access to JRC physical research infrastructures.

5. How long do we keep your personal data?

The Scientific Development Unit only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

- Non eligible proposals (personal data collected at the proposal phase): kept for 1 year after submission of the proposals
- Eligible proposals that signed the RIAA / users signing the User Access Agreement (UAA) (personal data collected at the proposal phase: Files relating to collaboration instrument procedures and execution including personal data are to be retained in the service in charge of the procedure until the expiry date of the instrument, and in the archives for a period of 10 years following the expiry of the instrument. These files could be retained until the end of a possible audit if one started before the end of the above periods. After the periods mentioned above have elapsed, the files containing personal data are subject to an assessment procedure in line with the Common Retention List (SEC(2012)713), according to which they are either sent to the historical archives of the Commission for further conservation or destroyed.
- Eligible proposals not signing a RIAA (personal data collected at the proposal phase): kept for 3 years after submission of the proposal.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

The Commission's contractors (members of the User Selection Committee (USC)) are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of the General Data Protection Regulation in the EU Member States ('GDPR' [Regulation \(EU\) 2016/679](#)).

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements. In particular, access to all personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle.

Eligible proposals (that contain personal data of the users) are shared with the User Selection Committee (USC), to evaluate the eligible proposal (evaluation phase).

The Lead user of each proposal receives all communication related to their own proposal (acknowledgment of receipt of the proposal, non eligibility, grading and assessment of the proposals (accepted, rejected and reserve list)).

The lead user, together with the contact administrative person of the lead user institution, negotiate with the JRC the RIAA. The RIAA contains the list of all the users that will be accessing the JRC. This list is provided by the lead user to the JRC, and the exchange of information contained in the RIAA takes place only between the JRC and the lead user. The RIAA is signed by the lead user institution (i.e. the Director of the lead user institution). If the RIAA is signed by more than one user institution (the Directors of the other user institutions), the signature process among all the user institutions is managed by the lead user. The lead user sends to the JRC the RIAA signed by all user institutions.

Once the RIAA is signed, single users need to sign the User Access Agreement (UAA) the first time they access the JRC. The UAA contains only personal information of the user accessing the JRC.

The User Access Reports at the EU Science Hub upon completion of an User Access Project will be publicly accessible (containing name, surname and affiliation of users)

The controller will transfer your personal data to the lead users of each proposals that could be located in a third country (Countries associated to Horizon Europe and Euratom) in accordance with Regulation (EU) 2018/1725.

The international transfer would be based on adequacy decision (Article 47 of Regulation (EU) 2018/1725), if applicable. If not applicable, to other countries the data transfer will be based on exceptions (Article 50(1)(d) and (e) of Regulation (EU) 2018/1725).

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

8. What are your rights and how can you exercise them?

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) of Regulation (EU) 2018/1725 on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, at the JRC-RI-OPEN-ACCESS@ec.europa.eu

- The Data Protection Officer (DPO) of the Commission

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-00745, "Open access to JRC physical research infrastructures".

**DPO DEPENDING ON THE SITE WHERE THE RESEARCH INFRASTRUCTURE
IS LOCATED**