

Statutes

I. Designation, identity, aim

Article 1 – Name

The initiative called "League of advanced European Neutron Sources", abbreviated as "LENS" (hereinafter the "Initiative") is hereby established.

Article 2 – Identity

The Initiative has a logo and a registered internet presence (lens-initiative.org) which provides the official contact information.

Article 3 – Purpose and activities

The Initiative has the not-for-profit purpose of promoting cooperation and projects between European-level neutron infrastructure providers offering transnational user programmes to external researchers (hereinafter: the "Facilities"). The Facilities remain independent but agree to cooperate and initiate joint efforts supported by the Initiative in order to create an effective eco-system of neutron Facilities.

It is the aim of the Initiative to support any form of activity that has the potential of strengthening European neutron science via enhanced collaboration among the Facilities. In this context, the Initiative places particular emphasis on the interaction with user communities and funding organisations and their representatives.

The initiative also covers other research capabilities provided by LENS members in addition to neutron techniques, for example muon- or positron-based techniques.

The Facilities in particular commit to:

- Engaging in the common promotion of neutron science, with the objective of establishing neutron science as a brand recognised by all the stakeholders, and highlighting the scientific, societal, socio-economic and environmental impact of neutron science;

- Coordinating their exchanges with national and European organisations and stakeholders (including users and funders), with the objective of contributing to the shaping of future policies;
- Coordinating technical development strategies in order to profit best from collective expertise and avoid duplication of efforts, with a view to addressing the scientific and societal challenges of the future in the most efficient manner, and to minimising the environmental impact of facility development and operation;
- Joining efforts in expanding existing and supporting new user communities both by topic and geographical origin, with the objective of strengthening Europe’s neutron expertise;
- Focusing together on access, based on the principles of the European Charter for Access to Research Infrastructures¹ with an emphasis on standardisation for improved user experience;
- Achieving greater coherence in the development of data policy, data-handling, -storage, -analysis, -access along FAIR² principles, and promoting Open Science while protecting intellectual property rights, with the objective of facilitating the exchange and use of neutron research data over a broad range of scientific areas;
- Coordinating training activities and enhancing staff qualifications by facilitating staff mobility, with the objective of facilitating international career paths, developing skills and promoting diversity in neutron science and neutron technologies;
- Facilitating industrial access and collaboration, with the objective of fostering innovation within the European Research Area.

II. Membership

Article 4 – Membership

The Initiative shall be composed of members (hereinafter the “Members”).

4.1 The criteria for admission as a Member are:

- the candidate is operating a European-level neutron infrastructure;
- the Facility offers international access, delivered on the recommendations of independent peer-review committees aiming at selecting the best research proposals;
- the Facility is engaged in a quality management process for continuously improving the instruments and services they offer to the research communities.
- a Facility under construction with the clear potential to fulfil the above criteria can be admitted.

1. <https://op.europa.eu/en/publication-detail/-/publication/78e87306-48bc-11e6-9c64-01aa75ed71a1/>
 2. “Findability, Accessibility, Interoperability, and Reusability” – see: www.nature.com/articles/sdata201618

4.2 Members can remain members even if they do not fulfil the above-mentioned criteria anymore.

Institutions from academia and industry or other relevant networks can be invited to contribute to specific tasks pursued by the Initiative. The Working Group (Article 13) decides whether the participation of non-Members in the groups' tasks is beneficial.

Article 5 – Admission of new Members

Candidates may apply for admission to the Initiative if they fulfil the criteria in Article 4.

The conditions for admission are:

- the submission of an application fulfilling the criteria, documenting their commitment to the Initiative, and describing the Facility (or Facilities) they represent;
- the acceptance of the application by the LENS Council by 2/3 of the majority as indicated in Article 10 of the Statutes.

Article 6 - Observership and rights

1. Observers are organisations that wish to contribute to the Initiative on an ongoing basis but are not able or do not wish to become Member.
2. A candidate for Observer status shall submit a written application to the LENS Council Chair. The LENS Chair informs the LENS Council of the application and the LENS Council decides in the next governance meeting, if the information is sent 30 days prior to this meeting.
3. Observers shall be admitted for a two-year period, with the right of extension.
4. Rights of Observers shall include:
 - Attending LENS Council meetings or other events upon invitation of the LENS Chair;
 - receipt of minutes and documents shared during the meeting they attend and the right to speak at LENS Council meetings without voting rights;
 - the ability to appoint up to one delegate who may represent the Observer at the LENS Council Meeting.

Article 7 – Rights and duties of Members

Without prejudice to other rights set out in these Statutes, or in applicable legislation, Members:

- shall take part in the activities of the Initiative and send up to two representatives to the meetings of the LENS Council as set forth in Article 10.3;
- have access to documents recording the activities of the Initiative and obtain information on such activities through the shared file repository;
- may resign from the Initiative, as set forth in Article 8.

Without prejudice to other duties set out in these Statutes, it shall be the Members' duty to:

- ensure continuing fulfilment of the criteria of quality and openness set out in the Statutes and take part in the activities necessary to fulfil the objectives of the Initiative;
- contribute to the needs of the Initiative under the conditions set out in the Statutes and Internal Rules;
- exercise their best efforts to implement the decisions of the bodies of the Initiative, in compliance with their own regulations, the articles of the Statutes, the Internal Rules and the applicable legislation.

All institutions participating in activities of the Initiative will sign a non-disclosure agreement if required for the activities concerned.

Article 8 - Resignation or exclusion of a Member

Members have the right to withdraw from the Initiative by providing written notice to the Chair, who shall inform the LENS Council within fifteen (15) calendar days of the notification. The withdrawal will become effective six months after the information to the LENS Council. The withdrawal shall not entitle the withdrawing Member to any reimbursement of costs already incurred within the Initiative.

The Coordination Group can propose the exclusion of a Member from the Initiative.

Members may be excluded from the Initiative by the LENS Council for one of the following reasons:

- failure to respect the Statutes of the Initiative and notably the duties (Article 7);
- repeated actions contravening seriously the objectives of the Initiative and jeopardising their fulfilment or causing serious harm to the interests or the reputation of the Initiative;
- failure to participate in any of the actions of the Working Groups of the initiative under the conditions defined in Article 7 of the Statutes.

The LENS Council shall decide on the exclusion by 2/3 majority of the votes, as indicated in Article 10 of the Statutes. At least thirty (30) calendar days in advance, the Member concerned shall be informed by the Chair of the decision being considered, and invited to produce all arguments in its defence, either in writing, or at the

meeting of the LENS Council. Its representatives shall not take part in the vote. The decision of exclusion shall take immediate effect.

The Coordination Group may suspend the Member involved until the decision of the LENS Council.

III. Statutory bodies

Article 9 - The statutory bodies

The statutory bodies are:

- the LENS Council
- the Chair and the Vice-Chair
- the Coordination Group and its Chair

The Chair and the Vice-Chair are assisted by the Secretariat.

Article 10 - The LENS Council

10.1. Composition

The LENS Council is composed of the Members of the Initiative, each represented by two delegates, the primary being a Facility Director and the secondary being in an equivalent function or sufficiently close to the primary delegate. This allows the governance to function even if the primary delegate may be unable to attend. Only the primary representative is voting, unless s/he clearly delegates the voting right to the secondary delegate.

10.2. Powers

The LENS Council shall have all powers to decide on the scope and activities of the Initiative. Standing and Ad-hoc Working Groups execute the activities of the Initiative.

The LENS Council can delegate special powers to the LENS Chair, to the Coordination Group Chair or any other persons

The following fall under the exclusive competence of the LENS Council:

- acceptance and exclusion of Members;

- acceptance and exclusion of Observers;
- approval of the Chair and Vice-Chair;
- appointment of the Coordination Group delegates, and approval of the Coordination Group's delegated responsibilities;
- confirmation of the Chair of the Coordination Group upon proposal by the LENS Chair;
- approval of projects and the inherent commitments;
- decisions on LENS resolutions/motions/position papers;
- assessment of reports on joint actions and closing down of actions when necessary;
- decisions on the establishment and dissolution of Working Groups, Ad-hoc Groups and related regulations
- approval of Working Group leaders and co-leaders
- modifications to the Initiative's Statutes and Internal Rules;
- dissolution and liquidation of the Initiative.

10.3. Meetings

The LENS Council shall meet at least twice a year, or at the written request of at least one third of the Members. Meetings may, if required, include a session restricted to LENS Council Members only.

The LENS Council meetings are chaired by the Chair of the Initiative. If the Chair is not available, the Vice-Chair will chair the LENS Council meeting.

The Coordination group chair and the Secretariat are permanent invited observers.

The invitations to the LENS Council Meeting are made by the Chair and contain the date, the place and the agenda of the meeting and the relevant documents. Members will be consulted regarding the dates of regular LENS Council meetings and will be notified of the chosen dates at least two months in advance. Documentation related to LENS Council meetings will be sent to Members by electronic mail and must arrive at least two (2) weeks in advance of the meeting date.

The hosting of meetings will, as far as possible, rotate between the Members, to facilitate contact between the Members.

The Chair and the Vice-Chair validate the minutes of each LENS Council Meeting. The mandates, opinions and votes communicated in writing, e-mail or other traceable support shall be annexed. Minutes should be officially approved at the following meeting.

Minutes shall be sent electronically to each Member of the Initiative and be stored in the LENS archive.

10.4. Quorum for decisions

The LENS Council can validly deliberate and decide only on the points indicated on the agenda and if two thirds of the Members are either present or mandated. The LENS Council can deliberate and decide on points not included on the agenda only if all Members are either present or mandated.

Members may be mandated in writing by other Members to cast votes on behalf of the mandating Member. The written mandate must explicitly state the decision for which the mandate is given.

10.5. Vote

The Initiative is strongly based on mutual trust between the Members and decisions by the LENS Council will be taken as much as possible by consensus.

For decisions requiring a vote all LENS members will be provided with the opportunity to express their opinion and vote either in person or remotely/electronically.

Each Member has one vote.

The deliberations can be done via visio-conference. The minutes must indicate precisely the technical means used.

The following decisions by the LENS Council require a two thirds majority of the votes of the Members present or represented:

- acceptance of new Members and exclusion of Members;
- acceptance of new Observers and exclusion of Observers;
- changes of the Statutes;
- dissolution or liquidation of the Initiative;
- setting-up, approval, dismissal, substitution of the Working Groups and Ad-hoc Groups;
- approval of the Chair and the Vice-Chair;
- approval of the Coordination Group Chair;

All other issues require a simple majority of Members present or represented.

Any proposal aiming to dissolve the Initiative must come from the Chair or at least 2/3 of the Members. The LENS Chair shall inform the Members of the Initiative at least three months before the date of the LENS Council Meeting, which will deliberate on the proposal. In case of dissolution, the LENS Council shall determine the mode of liquidation of the Initiative.

Article 11 - The Chair, Vice-Chair and the Secretariat

11.1 Representation of the Initiative

The Initiative may be represented towards any third party by its Chair or Vice-Chair, or by LENS Council or Coordination Group member delegated by them, acting on behalf of LENS.

11.2 Designation

The Chair and the Vice-Chair are appointed in accordance with Article 10 by the LENS Council from the body of Members' representatives for a term of 2 years. This term can be extended by one year by the LENS Council. The Vice-Chair will be the nominated Chair for the next period.

11.3 Powers

The Chair:

- proposes to the LENS Council the appointment of the Coordination Group Chair;
- seeks nominations for a member of the LENS Council as Vice-Chair;
- sets the agenda and the date of the meetings of the LENS Council Meeting;
- chairs the LENS Council;
- invites any relevant external experts on a particular area on which it intends to express a detailed opinion;
- creates a Secretariat to support the running of the Initiative;
- drafts and modifies annual working plans related to the Initiative;
- shall be responsible for preparing and submitting a report of achievements and future plans to inform the LENS Council with the overall quality and impact of the Initiative every two years. The report shall be prepared through gathering the input of the V/Chair, Coordination Group, the Secretariat Office and any other suitable source. With the LENS Council approval, the report shall be made available to the general public.

The Vice-Chair shall stand in for the Chair when the situation requires.

The Secretariat is responsible for all the Initiative's formal documentation and associated management, including agendas, minutes, follow-up on actions and meeting arrangements, writing reports of the LENS Council, taking care of the documentation of the Initiative, making the necessary communication with the other bodies of the Initiative, and other tasks that are transferred or requested by the Chair. The Secretariat acts on the instructions of the LENS Chair and the Coordination Group chair.

Article 12 - The Coordination Group

12.1 Composition

The Coordination Group consists of one representative of each LENS Member and the leaders of the Working Groups. The Chair of the Coordination Group chairs the meetings of the Coordination Group. In case of absence, the Coordination Group can elect a Member of the Coordination Group to chair the meeting. He/she may invite other experts for specific meetings. The Chair and the Vice-Chair of the LENS Council may join the meetings of the Coordination Group.

The chair of the Coordination Group is proposed by the LENS Chair and confirmed by the LENS Council.

A LENS member may be asked to replace their Coordination Group member, in accordance with the applicable laws and proceedings, by decision of the LENS Council:

- in case of serious misconduct in his/her duties;
- in case of a breach of the Statutes and/or Internal Rules;
- for any reason that may be prejudicial to the moral and/or material interests of the Initiative.

12.2. Scope

The Coordination Group prepares decisions for the LENS Council.

The Coordination Group:

- coordinates the activities of the initiative;
- supports the meetings of the LENS Council as required;
- suggest actions to be performed by the Members either jointly or by a part of a Working Group;
- implements annual working plans related to the Initiative;
- provides information to the LENS Chair on the implementation of the Initiative future plans and strategy;
- monitors the activity of the Working Groups and Ad-hoc Groups;
- provides information to the LENS Council on the performance of each Working Group and other organisms of the Initiative set by the LENS Council;
- brings funding opportunities to the attention of the LENS Council and the Working Group leaders and coordinates the Initiatives' participation in proposal preparations;
- follows the implementation of projects where the Initiative or parts of it are involved.

12.3. Meetings and Invitations

The Coordination Group shall meet as often as needed, at least twice a year. The Coordination Group can meet by any means of communication (such as visio-conferences), upon invitation of the Coordination Group Chair, or at the written request of the majority of the Coordination Group members, addressed to the Coordination Group Chair. The minutes must indicate precisely the technical means used.

The invitations to the meetings are issued by the Coordination Group Chair and contain the date, the place and the agenda of the meeting and the relevant documentation. They shall be addressed to the Coordination group members in writing or by any other means of traceable communication and must arrive at least two (2) weeks in advance of the meeting date.

12.4. Decision making process

All Members of the Coordination Group can express their opinion and decisions shall be attempted to be reached by consensus. If the Coordination Group members are unable to agree on a course of action for a particular topic then the matter is referred to the LENS Council.

12.5. Minutes

The minutes shall be validated by the Coordination Group Chair after reviewing by the members within a maximum of 30 days. The opinions and votes communicated in writing or by any other means of traceable communication shall be annexed. Minutes should be officially approved at the following meeting. The minutes will be circulated among the Coordination Group members and also to the LENS Chair. They will be stored in the LENS archive.

Article 13 - Working Groups

The LENS Council may establish Working or Ad-hoc Groups and define their mandate and tasks. Ad-hoc Groups when established are subject to the same rights and duties as the Working Groups.

Working Groups have a leader and a co-leader. The leader and co-leader have a mandate for two years with the right of renewal once.

The Working Group leader or co-leader can be invited to report on the group activities at LENS Council or Coordination Group meetings.

The LENS Council approves the Working Group leaders and co-leaders. The Working Group members shall make a proposition for their leader and co-leader and hence the representation of the Working Group in the Coordination Group.

The Working Groups should have an inclusive representation from all LENS members where possible.

Working Group leaders may invite to their meetings and collaborate with facilities, research and industry that are not LENS members, whenever necessary for the fulfilment of their mandate.

IV. General dispositions

Article 14 - Limited Liability

Member's liability is limited to the extent of their commitments to the Initiative.

Article 15 - The logo

The official logo of the Initiative may be used by all Members solely for purposes related to the Initiative's activities. Any other purpose requires the permission of the Chair, Vice-Chair or Coordination Group Chair, as detailed in the Internal Rules.

Article 16 - Working language

The working language is English; nevertheless, a group of Members working together may use a different language provided that they make a final report on their work in English to the Members.

Article 17 - Internal Rules

The LENS Council may adopt and amend the Internal Rules of the Initiative, upon recommendation of the Coordination Group. The Internal Rules specify in more detail the functioning of the Initiative and its bodies and shall not conflict with the Statutes of the Initiative.

Article 18 - Financial Contribution

Members will cover the costs of their participation in the Initiative, including contributions to agreed common costs and funding of joint projects within the Working Groups.

The Initiative does not provide any stipend to any of its Members, Bodies, or representatives for its action in the Initiative.

European Spallation Source

Institut Laue-Langevin

Heinz Maier-Leibnitz Zentrum

ISIS Neutron & Muon Source

Paul-Scherrer Institut

Budapest Neutron Centre

Institute for Energy Technology

Laboratoire Léon Brillouin

Forschungszentrum Jülich