

**Rules
of Usage for the BESSY II Electron Storage Ring
and the BER II Neutron Source
at the Helmholtz-Zentrum Berlin für Materialien and Energie GmbH
("Rules of Usage")***

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(Note: this translation of the original HZB Nutzungsordnung is for informational purposes only; in case of discrepancy or ambiguity, the original German text shall take precedence)

Annexes

A General Guidelines (as per the German Federal Ministry of Education and Research - BMBF) regarding the usage of research facilities of Helmholtz Centres (HZ) by third parties – version dated 1 March 2000

B Safety regulations

1. Site safety
2. Radiation protection
3. Safety at work

C Access to infrastructure

1. Laboratories
2. Workshops, stockrooms, warehousing
3. IT infrastructure

D Travel expenses

1. User Committee
2. External researchers

E Statutes and Regulations

1. Procedural rules of the Scientific Selection Panel
2. Statutes of the User Committee
3. Guidelines for users at HZB
4. Guidelines for measurement data at HZB
5. Quality Management Manual for Beamtime Projects

F Pricing structure for commercial usage and internal procedural rules

1. Charges for usage of BESSY II instruments
2. Charges for usage of BER II instruments
3. Updating of charges
4. Procedural rules of the User Coordination and Financial and Accounting Department and the Department of Third Party Funding

G Lists of laboratories and facilities at BER II and BESSY II

1. List of laboratories and workshops in User Service
2. List of instruments in the Experimental Hall at BESSY II
3. List of instruments in the Experimental Hall at BER II
4. List of instruments in Neutron Guide Hall I at BER II
5. List of instruments in the Neutron Guide Hall II at BER II
6. List of miscellaneous facilities and expertise

After receiving suitable advice and in consideration of the recommendations of the Scientific Advisory Council, the Supervisory Board of HZB has approved the “Rules of Usage for the BESSY II Electron Storage Ring and the BER II Neutron Source on 12 April 2013. On the basis of the above, the Management Board has approved by resolution the following Rules of Usage (Sections I to III).

Preamble

The Helmholtz-Zentrum Berlin für Materialien und Energie (HZB) offers two major facilities for research: the BER II neutron source and the BESSY II synchrotron radiation source. HZB makes these special research facilities and attendant infrastructure available to leading scientists (through the user group) to facilitate outstanding research. A joint user portal offers uniform procedures for awarding instrument time at the experimental facilities. The scientific evaluation of applications for instrument time takes place through a Scientific Selection Panel external to HZB. HZB supports the user group in the form of User Service provided by the expertise of HZB staff, as well as through the proper maintenance, operation, and advanced development of the experimental facilities.

Section I Principles

§ 1 Intended purpose

The BESSY II electron storage ring and BER II neutron source together with their instrumentation serve basic and applied research. Fee-based usage, for instance through or for a commercial enterprise, is also available.

The research and usage must be in accordance with the goals and fundamental regulations of the Helmholtz-Zentrum Berlin für Materialien und Energie GmbH (HZB) as set out in the underlying Articles of Association of 29 July 2010. In particular, the pursuit of exclusively peaceful purposes is part of these principles.

§ 2 Usage charges

As a rule, no usage charges are assessed for research carried on by either domestic or foreign institutions and universities financed by public means (cf. Annex A: General Guidelines of the Federal Ministry of Education and Research – Rahmenrichtlinien/BMBF). In principle, charges shall be levied for usage by miscellaneous institutions and organisations based upon prevailing commercial prices or comprehensive costing.

§ 3 Responsibility for instrumentation facilities

In principle, the scientific and technical organisational units of HZB identified here are responsible for the set-up, operation, and usage of the accelerator and the instrumentation facilities at BESSY II, as well as the instrumentation facilities at BER II.

This is not the case if the instrumentation facilities are set up and/or operated by collaborating external research groups at BESSY II or BER II. This type of collaboration requires a contractual arrangement.

All instrument facilities are subject to periodical assessment by external experts who provide recommendations regarding continued operation and further development.

§ 4 Available instrument time

A proportion of at least two-thirds of the basic total available instrument time, averaged over all instrument facilities at BESSY II and at BER II, shall be available to external¹ users. In conjunction with this requirement, each individual instrumentation facility shall as a rule be accessible to the external user group at least half the time. The remaining instrument time, at a maximum of one-third, shall be allocated to the research work of HZB organisational units, in particular those which set up, operate, and carry out advanced development at BESSY II and BER II.

Instrumentation facilities for which full User Service is offered (“scheduled instruments”) will be differentiated from those for which restricted or no User Service is offered (“non-scheduled instruments”).

For instrumentation facilities that are not fully available for User Service, due to refurbishing for example, individualised rules in relation to allocation of instrument time shall apply. For instrumentation facilities that are independently set up and operated by a continuously present research group from an external institution, rules that vary contractually from this can be agreed upon.

§ 5 User group support

The user group is entitled to technical consulting and support through a local contact person responsible for the given instrumentation facility. This consulting and support as a rule includes the preparation and conduct of experiments as well as partial evaluation of the experimental results. This scientist is determined by the organisational unit responsible for the instrumentation facility used by the visiting researchers.

In addition, HZB is subject to quality assurance, and in particular must take those precautions necessary to conform to the applicable requirements pertaining particularly to work safety and radiation protection. Complaints shall also be treated appropriately (cf. Annex E 5).

¹ persons not employed by HZB

In individual cases, travel and accommodation allowances can be paid (cf. Annex D) for external users subject to the available budgetary funds.

§ 6 Principle of duty to publish

Scientific results obtaining from utilisation of BESSY II or BER II shall in principle be published (cf. § 2 HZB Articles of Association dated 29 July 2010, and HZB Publication Order ver. 23 Aug 2012). Exceptions to this principle can be agreed under fee-based usage (cf. Section III).

Users shall have the primary rights to intellectual property associated with the scientific results of their work at BESSY II and BER II.

HZB as well as the sources and scientific instruments utilised shall be explicitly identified in publications of scientific results from experiments at BESSY II or BER II.

The local consultants shall be included as authors in such publications in so far as they have contributed thereto, in the meaning of the “Rules of Good Scientific Practice” (“Regeln guter wissenschaftlicher Praxis”) as adopted by the DFG (German Research Association) 17 June 1998 (and the derivative HZB “Rules Safeguarding Good Scientific Practice” ver. from 26 July 2011).

§ 7 Radiation protection and safety regulations

HZB shall decide on regulations pertaining to radiation protection and safety in consideration of legal and approval requirements for all issues related to the operation of BER II and BESSY II.

Users are obligated to follow these regulations and requirements as well as the instructions of the associated HZB personnel without exception (cf. Annex B).

Section II General Usage Regulations

§ 8 User group categories

Long-term usage will be differentiated from usage for single projects (short-term usage) in the external user group.

Long-term usage includes in particular:

- Usage by research teams or institutions that set up and operate their own instrument as well as consult to other visiting groups and internal HZB groups regarding this instrument.
- Usage by research teams or individual persons that are resident at or seconded to HZB for longer periods of time and, in addition to their own research, also undertake general user consulting assignments on behalf of HZB.

Short-term usage includes:

- Usage by research teams or individual persons who carry out their own experiments based on single measurement proposals authorised in each instance.

§ 9 User Committee

The User Committee advises the HZB on questions of organisation, quality assurance, and optimisation of user operations. The User Committee meets semi-annually in the spring and autumn as a rule.

The User Committee comprises a total of at least six external scientists. The members of the User Committee are elected by the HZB user group for two years with the option of being elected for one additional term (structure and procedures cf. Annex E 2).

Persons with a significant role in operations and user consulting can participate as guests at meetings of the User Committee in an advisory capacity. These guests are appointed by HZB.

§ 10 User group meetings

All scientists who are carrying out experiments at BER II or BESSY II or who have presented a proposal for a new experiment are invited to the user group meetings. The user group meeting serves primarily as a mutual exchange of information and in particular for presentation of the newest research results from the external and internal user groups at BESSY II and BER II.

The user group meeting is organised by the User Committee jointly with the division User Coordination at HZB and shall take place annually.

§ 11 Awarding instrument time and space for experiments

Instrument time for single projects on instruments must be applied for by external and internal user groups electronically through the *HZB Digital User Office GATE*. Proposals for experiments shall be requested through the division User Coordination at HZB. These will be passed on to the organisational unit responsible for the corresponding instrumentation facility to evaluate the feasibility, as well as to the HZB organisational units for examination of safety and for issues of radiation protection.

A recommendation concerning acceptance of single projects and the allocation of instrument time proportions will be prepared in a scientific assessment procedure taking into account the evaluations and examination by the offices named in Section 1. The scientific assessment takes place via a Scientific Selection Panel external to HZB that reflects the diversity of scientific disciplines conducting research at BESSY II and BER II. The assessment shall take place in semi-annual selection rounds.

The instrument time available for single projects in each 6-month period will be planned by the division User Coordination for BESSY II and BER II using the calendar of instrument time based on the recommendations of the Scientific Selection Panel (cf. Annex E 1).

The HZB Management Board shall decide the semi-annual proportion of instrument time for long-term usage following consultations with the relevant scientific areas and the division

User Coordination. In deciding this, agreed undertakings or global long-term proportions established in collaborative agreements shall be taken into appropriate account.

Urgent proposals for measurements can also be given consideration in the calendar of instrument time outside the standard procedure. The head of the division User Coordination decides on such projects in consultation with the Management Board or its duly appointed panel.

The final decision concerning the calendar of instrument time lies with the HZB Management Board.

§ 12 Instrument time reports

Users shall report the results of measurements from single projects within four months of the final instrument time the division User Coordination. These instrument time reports shall be prepared in the form established by the division User Coordination. They can be published on the webpage of the division User Coordination following authorisation by the user.

Provision of an instrument time report on the results from previous instrument time is a prerequisite for applications to continue single projects.

§ 13 Shipment of samples / instruments

The applicable guidelines (hazardous goods and export control regulations) must be considered prior to shipment of samples, instruments, etc.

Prior to the shipment of activated samples, HZB must be in receipt of a copy of any required handling permit. HZB will organise the transportation, costs of which will be billed to the organisation that dispatched the user.

Section III Special rules for commercial usage

§ 14 Usage and collaboration with commerce

The instrumentation facilities at BESSY II and BER II are also available to interested commercial parties to an extent appropriate to the mission of HZB (Articles of Association § 2 of 2 August 2010). Collaborations with commercial companies on research and development projects, for example to develop methods and instrumentation at major facilities, are expressly desired.

The usage of the results exclusively in service of peaceful purposes in accordance with § 2 No. 4 of the HZB Articles of Association applies to commercial usage as well.

§ 15 Costs

If there is an overriding interest in commercial usage of the results by the user group, HZB in principle shall apply comprehensive costing. For collaborative projects with mutual interest, a proportional assumption of costs can be agreed. However, the additional costs to HZB that arise from the usage should at least be covered.

For projects by publicly financed research institutes, which receive revenue due to the work carried out at BESSY II and BER II, the procedure shall correspond to that of commercial usage.

The costing calculations are based as a rule on the usage time of the instrumentation facility and the staff time provided.

§ 16 Approval of commercial usage and awarding instrument time

The following shall apply for allocation of instrument time proportions and approval of projects having a commercial purpose: HZB shall decide whether to accept projects on a cost basis as well as on the awarding of instrument time contingencies with the participation of the necessary organisational units in accordance with § 11 par. 1 section 3.

The essential content of the usage shall be contractually agreed.² The agreement shall be in writing.

§ 17 Exception to the duty to publish

In principle, results are to be published. Exceptions to this are only possible by agreement in advance and with comprehensive costing.

Concluded by the CEOs on 23.10.2013.

² The contract shall be handled by the department for third-party funding management (A-DM).