

Minutes

Participants

Flat-Rate ALADIN MoU5 Representatives	Daniel Gellens (Belgium), chair
	Mehmet Fatih Büyükkasabbaşı (Turkey)
	Subs.: Mohamed Mokhtari (Algeria)
RC-LACE-MoU5 Representatives	Florinela Georgescu (Romania), vice-chair
	Radmila Brozkova (Czech Republic)
HIRLAM-C Representatives	Jussi Kaurola (Finland)
	Jørn Kristiansen (Norway)
Météo-France Representatives	Alain Joly
	Marc Pontaud
ACCORD PM	Claude Fischer
ACCORD CSS	Patricia Pottier

1. Opening

Daniel (PAC chair) welcomed everybody, proposed to record the meeting (the recording shall be deleted after the minutes are accepted). Everybody agreed.

2. Adoption of the draft agenda

Daniel reminded that the Bureau met on 28 March and confirmed the decision from the last Assembly to convene a PAC meeting to address the specific questions arising on the link between DestinE and ACCORD. This item is the main point of the agenda. The agenda was unanimously adopted.

3. DestinE proposal and link with ACCORD

Claude gave a general overview of the ACCORD-based bid preparation (slides were on courtesy by Elisabeth Gérard, Roger Randriamampianina and Kristian Pagh Nielsen):

- acronym chosen by the bidding team: DestinE Earth on-Demand Extreme (DEODE)
- general organisation: contractor MF, other participating institutes are sub-contractors
- entities involved in DEODE: NHMS, computer centres (CSC, BSC), other institutes dealing with hydrology, air quality, environmental forecasting or technology

- 3 main parts of the system (organised in Work Packages):
 - project coordination & support: WP0 & WP1
 - core system (NWP WP2-3, post-processing WP4, dataflow design and implementation WP5),
 - impact system (Hydrology WP6, Air quality WP7, Renewable Energy WP8)
- DEODE general structure:
 - DEODE proposes a User Advisory Board and a Steering Committee
 - WP2 (code adaptation) & WP3 (Hyper-high resolution model setup) have many interactions with the ACCORD work plan; they are lead by members of the ACCORD MG
 - WP5 (dataflow design & implementation) will develop scripting tools: the ACCORD MG will stay in close contact with its leaders to see how to build synergy with ACCORD plans

In this bidding and ITT context, the issue of DEODE providing the ACCORD codes to DestinE was already discussed at Assembly A3 last year and the conclusion, based on the ACCORD MoU, was to do so via licensing. Discussing a licensing scheme opens the issue of IPRs in DestinE, and how they could relate with ACCORD provisions. Claude presented his analysis on IPRs based on:

- the ECMWF/EU-EC Contribution Agreement (CA) signed in Dec 2021,
- the Volume V of the on-demand DT ITT issued on 30 March 2022,
- consultation with an expert at KNMI (Frank Lantsheer),
- discussions with the DEODE Provisional Advisory Board (PAB).

Main outcome of this analysis:

- The ITT Volume V foresees the possibility that IPRs on improved background IPR can be assigned back to the Contractor (this is a new provision w/r to the CA).
- Two clarification questions have been issued to ECMWF (answers confirm that the retro-cession could be relevant for ACCORD codes).
- Otherwise, the ITT documentation seems in line with the CA, so we consider that any other provision on IPR follows what's in the CA.

The PAB proposed a formulation on how the bidding consortium could handle the questions in link with IPR:

- the ACCORD codes will be provided to DestinE under licence, exclusively for the purpose and the duration of the DestinE program;
- a registry of the pre-existing codes, with background IPRs, will be provided to ECMWF before contract signing. The existence and a description of these codes will be provided with the submission of the offer;
- the possibility for the ACCORD Members in DestinE to be fully assigned back IPRs laying with improved background IPRs will be discussed with ECWMF during the negotiation steps, should the ACCORD-based offer become the “preferred bid”;
- The bidding consortium will inform ECMWF that the extended sub-licensing scheme enabling all ACCORD Members to access and use the DestinE Results will be asked during the project phase (this is with respect to Members who are neither EU Members, nor ECMWF Member or Cooperating States).

Claude recalled that voting should follow the provisions of the MoU, both for the common codes and for the legacy codes. This means in practice:

- The manpower figures for 2021 need to be approved by the Assembly.
- The voting results should be analysed with respect to two weighting schemes.
- Therefore, the proposal is to ask Assembly Members to vote in the same procedure for approving the 2021 manpower figures, and for the “yes/no” question about delivering the codes.

Finally, Claude presented the suggested question for voting: “Do you, as ACCORD Member NHMS, agree with licensing the common codes for the purpose of the on-demand DestinE Digital Twin, under the licensing provisions described below¹ ?” [answer yes/no].

¹ The 4 bullets proposed by the PAB will be added there.

Due to the tight time-line for this voting, the Bureau proposed an electronic voting that could start within 2 weeks from the present PAC meeting, with 2 weeks time for voting. Claude presented a table comparing the timelines in ACCORD and in DestinE in order to illustrate the tight timelines and the sequence of events.

Claude presented the questions proposed by the Bureau for discussion at PAC:

- Does PAC support the analysis of IPR as outlined above ?
- Does PAC support the next steps required in ACCORD, namely
 - (1) the delivery of the jointly owned codes under a licence and
 - (2) the steps of the voting procedure described in Section 5 of the preparatory document.

Daniel thanked Claude and proposed a tour de table.

All PAC members acknowledged the impressive work, welcomed the clarity of the preparatory document and of the presentation that made the important question of IPR understandable, and fully supported Claude's proposals. Besides these unanimous comments, other points were raised:

- Jørn asked if the registry of pre-existing codes should not be already part of the submitted offer. Due to the calendar (deadline for submission is the 5th of May), Claude proposed that only a broad description of these codes will be in the offer and the registry will be provided later as an annex of the contract. Radmila suggested using the example of the Annex VIII about legacy codes in the ACCORD MoU for drafting an early registry of background IPR codes. This early, provisional registry should be an annex of the DEODE offer. **PAC agreed and recommended that DEODE provides, in an annex of the offer, a provisional list of ACCORD codes that come with background IPR (based on the Annex VIII of the ACCORD MoU).** Radmila proposed that, in addition to the mention that some codes come with IPR, it is added in the contract that the ACCORD members will ask to be fully assigned back IPR of modified codes (under the provisions explained in Volume V and repeated in ECMWF's answer to the clarification question). **PAC agreed and recommended checking that this possibility is mentioned in the contract.**
- Radmila pointed out that the licence to the EU is only for DestinE purpose and duration and asked if it means that the EU cannot distribute it to "another" third party. Claude answered that, according to the CA text, it is likely that the EU has the possibility to sub-license the codes provided in phase I to some other Contractor, should this Contractor be a different one in phase II. This could be re-checked by DEODE for clarification during the negotiation phase (however, there is likely no room for negotiation there, on this particular aspect). Claude added that there would be no ITT for phase 2; the negotiations will first be with the contractor of phase 1, and changing the Contractor would only occur should there be some significant difficulties arising between ECMWF and the Contractor of phase I.
- Radmila noted that the proposed vote will be based on the current DEODE offer and the final contract, after the negotiation phase (if DEODE is chosen as "preferred bid") could differ from the offer. The Assembly should have the opportunity to check the contract before giving final approval to the licensing of the ACCORD codes. Marc agreed and considered that the proposed vote is a mandate for DEODE to negotiate, then the Assembly of 7th of July will have to approve, based on the final contract. Daniel agreed and pointed out that perhaps also other aspects in the contract could be analysed (such as the final total financial envelope provided for the on-demand DT). **PAC agreed and recommended that the Assembly should analyse the final contract, with specific attention on IPR.**

Daniel summarised the answers by PAC to the questions from the Bureau:

- Does PAC support the analysis of IPR as outlined above ? **yes**
- Does PAC support the next steps required in ACCORD, namely
 - (1) the delivery of the jointly owned codes under a licence and
 - (2) the steps of the voting procedure described in Section 5 of the preparatory document. **Both yes**

Claude added that the electronic voting has been prepared by CSS: questionnaire to approve the manpower for 2021 and to answer the above yes/no question, analysis of the results of the votes with respect to all required weightings.

Claude stressed that the outcome of the PAC discussion and the main material (in form of a “modus operandi” of the voting) will be shared at the Bureau level before launching the voting itself.

PAC agreed in the meeting on the recommendations for the Assembly (See Annex I).

Daniel thanked the PAC members for the constructive discussion, and congratulated everybody again for the preparation of it.

4. Interest expressed by Latvia to become an observer in ACCORD

Claude gave the background: the Latvian NHMS (LEGMC) has contacted the ACCORD PM with a request to become an observer in the consortium; the Bureau decided to ask PAC to provide guidance to the Assembly, regarding the observer status for LEGMC. For information, Claude added that LEGMC currently has no expertise in numerical modelling, LEGMC is a member of UWC, Latvia is a cooperating state of ECMWF and LEGMC is an entity involved in DEODE.

An observer status (in the Assembly) exists in the MoU, provided that a cooperation agreement between ACCORD and the Observer Institute is in place. The other statuses in the MoU (Acceding Member or Associate Member) seem not relevant for LEGMC at this moment.

Daniel opened the floor for comments.

Radmila asked in which WPs LEGMC is going to contribute to DEODE, given that they have no expertise in numerical modelling. Radmila commented that giving LEGMC an observer status for the whole Assembly seems too much at the beginning and proposed the participation of LEGMC to only part of Assembly meetings.

Jørn informed PAC that LEGMC intends to contribute to WP3 (hyper-resolution modelling setups) and WP8 (renewable energy), MetCOOP plans to extend this year its activity by including LEGMC (operational cooperation planned); discussions at UWC level will also continue, but have been delayed due to the international context (Ukraine). Jørn supported an observer status for LEGMC in ACCORD: associate membership, as foreseen in the ACCORD MoU, doesn't look practicable in the case of LEGMC but Acceding Member status seems achievable.

Marc, Jussi, Florinela and Mohamed all agreed that ACCORD should take a positive attitude and engage on further steps with LEGMC. Jørn, Jussi expressed their interest to work with Claude and discuss with LEGMC about the best way to cooperate with them.

PAC recommended inviting LEGMC to the Assembly in order for them to present their expectations and their ambitions. PAC recommended the Assembly to then consider task PM with the help of some ACCORD Members to engage in the discussion with LEGMC about the best way to cooperate with them.

5. AOB

Daniel pointed out the different weighting and voting procedures, and the complexity of it. He proposed that PAC might think about a simpler voting procedure for these kinds of questions (like IPRs). Jørn and Marc welcomed the proposal. Jussi pointed out that any change would need amendments to the MoU to be approved by the Assembly: considering the procedure, it could be worth looking out more generally for any simplification in the MoU, not only about IPR.

Claude stressed that simplifying the voting provisions regarding IPRs, without changing the MoU, could be done if ACCORD Members, at some stage during this MoU, would agree that from now on only truly common codes exist and legacy codes have vanished. Such a discussion could be initiated if recommended by PAC.

Radmila disagreed as this may not be a legally correct way to proceed with IPR of legacy codes, and anyway she feels that ACCORD has not yet arrived at the stage where the codes could be considered truly common

(this would require that more partners from all families have contributed significantly to the existing codes). Time seems not ripe to start such a discussion.

6. Closing

Daniel thanked the participants for open and fruitful discussions and their consensual proposals. Daniel closed the meeting at 16:45.

Annex I: PAC recommendations formulated to the Assembly

- I. PAC agrees with the analysis on IPR.
- II. PAC recommends the ACCORD members to approve the licensing of the codes to DestinE, under the *proposed provisions for the licensing of the codes*:
 - *the ACCORD codes will be provided to DestinE under licence, exclusively for the purpose and the duration of the DestinE program;*
 - *a registry of the pre-existing codes, with background IPRs, will be provided to ECMWF before contract signing. The existence and a description of these codes will be provided with the submission of the offer;*
 - *the possibility for the ACCORD Members in DestinE to be fully assigned back IPRs laying with improved background IPRs will be discussed with ECMWF during the negotiation steps, should the ACCORD-based offer become the “preferred bid”;*
 - *The bidding consortium will inform ECMWF that the extended sub-licensing scheme enabling all ACCORD Members to access and use the DestinE Results will be asked during the project phase (this is with respect to Members who are neither EU Members, nor ECMWF Member or Cooperating States).*
- III. PAC recommends the Assembly to check the contract before signature, with paying special attention to IPR and the possibility for the ACCORD Members to be fully assigned back IPR of the modified codes, before finally approving the licensing.
- IV. PAC recommends that DEODE provides, in an annex of the offer, a provisional list of ACCORD codes that come with background IPR (based on the Annex VIII of the ACCORD MoU).
- V. PAC has taken notice of the form of the voting procedure, in electronic form given the tight timeline of the DestinE ITT. PAC supports the form of the question to be sent to the ACCORD Members and the voting procedure.
- VI. PAC welcomes the request from LEGMC. PAC recommends that the Assembly chair invites a representative of LEGMC at the next ACCORD Assembly meeting. PAC recommends that this representative presents their expectations and their ambitions. PAC recommends the Assembly to then consider task PM with the help of some ACCORD Members to engage in the discussion with LEGMC about the best way to cooperate with them.