



EuroHPC JOINT UNDERTAKING
DECISION OF THE GOVERNING BOARD OF THE EuroHPC JOINT
UNDERTAKING No 12/2019
Approving the Hosting Agreement to be concluded between the EuroHPC Joint
Undertaking and a Hosting Entity of a Precursor to Exascale Supercomputer

THE GOVERNING BOARD OF THE EUROHPC JOINT UNDERTAKING,

Having regard to Council Regulation (EU) 2018/1488 of 28 September 2018 establishing the European High Performance Computing Joint Undertaking (hereinafter "Regulation")¹, and in particular Articles 8, 9 and 10 thereof,

Having regard to the Statutes the European High Performance Computing Joint Undertaking annexed to the Regulation (thereinafter "Statutes") and in particular to Articles 7(4)(d), 6(4) and 9 (5) (d) thereof,

Having regard to the Governing Board Decision No 1/2019 of 15 January 2019 approving the Model Hosting Agreement to be annexed to the Call for Expression of Interest for the selection of Hosting Entities for the Precursors to Exascale Supercomputer,

Having regard to the Governing Board Decision No 7/2019 of 5 June 2019 on the selection of the Hosting Entities of the Precursors to Exascale Supercomputers,

Having regard to the Governing Board Decision No 9/2019 of 12 July 2019 adopting the amended EuroHPC Joint Undertaking Work Plan for the year 2019,

Having regard to the Governing Board Decision No 11/2019 of 3 October 2019 adopting the first amendment of the Joint Undertaking's Budget for 2019,

WHEREAS

- (1) The Joint Undertaking shall procure the Precursors to Exascale Supercomputers and shall own them.
- (2) The Joint Undertaking shall entrust to a Hosting Entity the operation of each individual Precursor to Exascale Supercomputer it owns.
- (3) The Hosting Entities for pre-exascale supercomputers have been selected following a call for expression of interest for Precursors to Exascale Supercomputers (REF: EUROHPC-2019-CEI-PE-01).

¹ OJ L 252, 08.10.2018, p. 1.

- (4) The Joint Undertaking shall conclude a Hosting Agreement with each selected Hosting Entity prior to launching the procedure for the acquisition of a Precursor to Exascale Supercomputer.
- (5) The Governing Board shall approve the Hosting Agreement to be concluded between the EuroHPC Joint Undertaking and each Hosting Entity of a Precursor to Exascale Supercomputer.
- (6) Following the selection of the Hosting Entities of a Precursor to Exascale supercomputer, the former entered into negotiations with the EuroHPC Joint Undertaking. These negotiations were based on (1) the Model Hosting Agreement that was annexed to the Call for Expression of Interest for the selection of Hosting Entities for the Precursors to Exascale Supercomputers, (2) the applications of the selected Hosting Entities submitted to the respective Call for Expression of Interest (REF: EUROHPC-2019-CEI-PE-01), (3) the available budget for the acquisition and operation of the EuroHPC supercomputers in accordance with the Budget of the Joint Undertaking for 2019, (4) bearing in mind that a Grant Agreement will be signed for the reimbursement of the operating costs of each supercomputer that will be covered by Union contribution.
- (7) The above mentioned Model Hosting Agreement had to be modified to: (i) better define the obligations and responsibilities of the parties considering the subject matter of the agreement and industry practice, (ii) align the provisions of the Hosting Agreement with the Grant Agreement that will be signed for the reimbursement of the operating costs of each supercomputer and that will be covered by Union contribution, and (iii) define applicable law and settlement of disputes procedures in accordance with the Regulation. Taking into account the innovative and specific nature of this Hosting Agreement, the legal service of the European Commission has scrutinised the document to ensure compliance of the final document with the applicable legal framework. The legal experts of the Hosting Entities have also provided their feedback and their input has been taken into account as reflected in the document.
- (8) The EuroHPC Joint Undertaking and all Hosting Entities of a Precursor to Exascale supercomputer have agreed on the Hosting Agreement as presented to the Governing Board.

HAS ADOPTED THIS DECISION:

Article 1

The Governing Board approves the Hosting Agreement to be concluded between the EuroHPC Joint Undertaking and each Hosting Entity of a Precursor to Exascale Supercomputer, as found in Annex 1 to this decision.

Article 2

The Governing Board invites the Executive Director *ad interim*, to take all necessary actions for the conclusion of the Hosting Agreement with each selected Hosting Entity of a Precursor to Exascale Supercomputer individualising it for each selected Hosting Entity and taking into account the overall available budget envelope for each respective EuroHPC supercomputer in

accordance with Annex 2, within the total available budget for the acquisition and operation of the EuroHPC supercomputers in accordance with the Budget of the Joint Undertaking for 2019, as well as for the conclusion of a Grant Agreement with each selected Hosting Entity for the reimbursement of the part of the operating costs of the supercomputers that will be covered by union contribution.

Article 3

This Decision shall enter into force upon its adoption by the Governing Board.

Done at Luxembourg, on 14th October 2019

For the Governing Board

[signed]

Herbert Zeisel

The Chair

Annex 1: Hosting Agreement to be concluded between the EuroHPC Joint Undertaking and a Hosting Entity of a Precursor to Exascale Supercomputer.

Annex 2: Available budget envelope for each respective EuroHPC Precursor to Exascale Supercomputer

Annex 2: Available budget envelope for each respective EuroHPC supercomputer

Application Ref.	Hosting Consortium / Coordinator	Maximum Union financial contribution to the acquisition costs [€]	Maximum Union financial contribution to the operational costs [€]	Total [€]
Ares(2019)2398399	Leonardo / Italy	59.000.000	47.950.000	106.950.000
Ares(2019)2399224	Lumi / Finland	71.500.000	28.600.000	100.100.000
Ares(2019)2489479	Mare Nostrum 5 / Spain	75.705.000	25.700.000	101.405.000