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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2013/694/EU:

- ★ **Interinstitutional Agreement between the European Parliament and the European Central Bank on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the ECB within the framework of the Single Supervisory Mechanism** 1

2013/695/EU:

- ★ **Council Decision of 25 November 2013 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas** 7

REGULATIONS

- ★ **Commission Regulation (EU) No 1218/2013 of 27 November 2013 establishing a prohibition of fishing for herring in IV, VIId and in EU waters of IIa by vessels flying the flag of the Netherlands** 8
- ★ **Commission Regulation (EU) No 1219/2013 of 27 November 2013 establishing a prohibition of fishing for herring in EU and Norwegian waters of IV north of 53° 30' N by vessels flying the flag of France** 10

Price: EUR 4

(Continued overleaf)

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Regulation (EU) No 1220/2013 of 27 November 2013 establishing a prohibition of fishing for cod in NAFO area 3M by vessels flying the flag of a Member State of the European Union	12
★ Commission Implementing Regulation (EU) No 1221/2013 of 29 November 2013 amending Implementing Regulation (EU) No 476/2013 fixing the quantitative limit for the exports of out-of-quota sugar until the end of the 2013/2014 marketing year and repealing Implementing Regulation (EU) No 968/2013.....	14
★ Commission Implementing Regulation (EU) No 1222/2013 of 29 November 2013 concerning the authorisation of propionic acid, sodium propionate and ammonium propionate as feed additives for ruminants, pigs and poultry ⁽¹⁾	16
★ Commission Regulation (EU) No 1223/2013 of 29 November 2013 providing for deduction from salmon fishing quota allocated to Poland in 2013 and subsequent years in ICES subdivisions 22-31 on account of overfishing in 2012	20
★ Commission Regulation (EU) No 1224/2013 of 29 November 2013 amending Regulation (EC) No 800/2008 as regards its period of application	22
Commission Implementing Regulation (EU) No 1225/2013 of 29 November 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables	24
Commission Implementing Regulation (EU) No 1226/2013 of 29 November 2013 fixing the import duties in the cereals sector applicable from 1 December 2013	26
Commission Implementing Regulation (EU) No 1227/2013 of 29 November 2013 fixing the allocation coefficient to be applied to applications for export licences for certain milk products to be exported to the Dominican Republic under the quota referred to in Regulation (EC) No 1187/2009	29

DECISIONS

2013/696/CFSP:

★ Political and Security Committee Decision EUTM Mali/2/2013 of 12 November 2013 on the establishment of the Committee of Contributors for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)	31
---	----

2013/697/CFSP:

★ Political and Security Committee Decision EUTM Mali/3/2013 of 12 November 2013 on the acceptance of third States' contributions to the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)	33
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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Interinstitutional Agreement between the European Parliament and the European Central Bank on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the ECB within the framework of the Single Supervisory Mechanism

(2013/694/EU)

THE EUROPEAN PARLIAMENT AND THE EUROPEAN CENTRAL BANK,

- having regard to the Treaty on European Union,
 - having regard to the Treaty on the Functioning of the European Union, in particular Article 127(6) thereof,
 - having regard to Parliament's Rules of Procedure, in particular Rule 127(1) thereof,
 - having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, in particular Article 20(8) and (9) thereof,
 - having regard to the joint statement by the President of the European Parliament and by the President of the European Central Bank, on the occasion of Parliament's vote for the adoption of Regulation (EU) No 1024/2013,
- A. whereas Regulation (EU) No 1024/2013 confers on the European Central Bank (ECB) specific tasks concerning policies relating to the prudential supervision of credit institutions, with a view to contributing to the safety and soundness of credit institutions and the stability of the financial system within the European Union and each Member State participating in the Single Supervisory Mechanism (SSM);
- B. whereas Article 9 of Regulation (EU) No 1024/2013 establishes that the ECB is the competent authority for the purpose of carrying out the supervisory tasks conferred on it by that Regulation;
- C. whereas the conferral of supervisory tasks implies a significant responsibility for the ECB to contribute to financial stability in the Union, using its supervisory powers in the most effective and proportionate way;
- D. whereas any conferral of supervisory powers to the Union level should be balanced by appropriate accountability requirements; under Article 20 of Regulation (EU) No 1024/2013 the ECB is therefore accountable for the implementation of that Regulation to Parliament and the Council as democratically legitimised institutions representing the citizens of the Union and the Member States;
- E. whereas Article 20(9) of Regulation (EU) No 1024/2013 provides that the ECB is to cooperate sincerely with any investigations by Parliament, subject to the Treaty on the Functioning of the European Union (TFEU);
- F. whereas Article 20(8) of Regulation (EU) No 1024/2013 provides that, upon request, the Chair of the Supervisory Board of the ECB is to hold confidential oral discussions behind closed doors with the Chair and the Vice-Chairs of Parliament's competent committee concerning the ECB's supervisory tasks where such discussions are required for the exercise of Parliament's powers under the TFEU; whereas that Article requires that the arrangements for the organisation of those discussions ensure full confidentiality in accordance with the confidentiality obligations imposed on the ECB as a competent authority under relevant Union law;

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

- G. whereas Article 15(1) TFEU provides that the Union's institutions conduct their work as openly as possible; whereas the conditions under which a document of the ECB is confidential are laid down in Decision 2004/258/EC of the ECB (ECB/2004/3) ⁽¹⁾; whereas that Decision provides that any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to ECB documents, subject to the conditions and limits defined in that Decision; whereas in accordance with that Decision the ECB is to refuse disclosure where certain specified public or private interests would be undermined thereby;
- H. whereas the disclosure of information related to the prudential supervision of credit institutions is not at the free disposal of the ECB but subject to limits and conditions as established by relevant Union law to which both Parliament and the ECB are subject; whereas pursuant to Article 37.2 of the Statute of the European System of Central Banks and of the ECB (the 'Statute of the ESCB'), persons having access to data covered by Union legislation imposing an obligation of secrecy are subject to such Union legislation;
- I. whereas Recital 55 of Regulation (EU) No 1024/2013 specifies that any reporting obligations *vis-à-vis* Parliament should be subject to the relevant professional secrecy requirements; whereas Recital 74 and Article 27(1) of that Regulation provide that the members of the Supervisory Board, the steering committee, staff of the ECB and staff seconded by participating Member States carrying out supervisory duties shall be subject to the professional secrecy requirements set out in Article 37 of the Statute of the ESCB and in relevant acts of Union law; whereas Article 339 TFEU and Article 37 of the Statute of the ESCB establish that the members of the governing bodies and the staff of the ECB and the national central banks are bound by the obligation of professional secrecy;
- J. whereas in accordance with Article 10.4 of the Statute of the ESCB the proceedings of the meetings of the ECB's Governing Council are confidential;
- K. whereas Article 4(3) of Regulation (EU) No 1024/2013 provides that, for the purpose of carrying out the tasks conferred on it in that Regulation, the ECB is to apply all relevant Union law, and where this Union law is composed of Directives, the national legislation transposing those directives;
- L. whereas subject to future amendments or any future relevant legal acts, the provisions of Union law relevant in respect of the treatment of information, which has been found to be confidential, in particular Articles 53 to 62 of Directive 2013/36/EU of the European Parliament and of the Council ⁽²⁾ impose strict obligations of professional secrecy on the competent authorities and their staff for the supervision of credit institutions; whereas all persons working for or who have worked for the competent authorities are bound by the obligation of professional secrecy; whereas confidential information which they receive in the course of their duties may be disclosed only in summary or aggregate form, such that individual credit institutions cannot be identified, without prejudice to cases covered by criminal law;
- M. whereas Article 27(2) of Regulation (EU) No 1024/2013 provides that for the purpose of carrying out the tasks conferred on it by that Regulation, the ECB is authorised, within the limits and under the conditions set out in the relevant Union law, to exchange information with national or Union authorities and bodies where the relevant Union law allows national competent authorities to disclose information to those entities or where Member States may provide for such disclosure under the relevant Union law;
- N. whereas the breach of professional secrecy requirements in relation to supervisory information should lead to adequate sanctions; whereas Parliament should provide for an adequate framework to follow-up on any case of breach of confidentiality by its Members or staff;
- O. whereas organisational separation of the ECB's staff involved in the execution of the ECB's supervisory tasks from staff involved in the execution of monetary policy tasks must be such that Regulation (EU) No 1024/2013 is fully complied with;
- P. whereas this Agreement does not cover the exchange of confidential information regarding monetary policy or other ECB tasks which are not part of the tasks conferred on the ECB by Regulation (EU) No 1024/2013;
- Q. whereas this Agreement is without prejudice to the accountability of national competent authorities to national parliaments in accordance with national law;

⁽¹⁾ Decision 2004/258/EC of the European Central Bank of 4 March 2004 on public access to European Central Bank documents (ECB/2004/3) (OJ L 80, 18.3.2004, p. 42).

⁽²⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

R. whereas this Agreement does not cover or affect the accountability and reporting obligation of the SSM towards the Council, the Commission or national parliaments;

AGREE AS FOLLOWS:

I. ACCOUNTABILITY, ACCESS TO INFORMATION, CONFIDENTIALITY

1. Reports

— The ECB shall submit every year a report to Parliament ('Annual Report') on the execution of the tasks conferred on it by Regulation (EU) No 1024/2013. The Chair of the Supervisory Board shall present the Annual Report to Parliament at a public hearing. The draft Annual Report shall be made available to Parliament on a confidential basis in one of the Union official languages four working days in advance of the hearing. Translations in all Union official languages shall be made available subsequently. The Annual Report shall cover, inter alia:

- i. execution of supervisory tasks,
- ii. sharing of tasks with the national supervisory authorities,
- iii. cooperation with other national or Union relevant authorities,
- iv. separation between monetary policy and supervisory tasks,
- v. evolution of supervisory structure and staffing, including the number and the national composition of Seconded National Experts,
- vi. implementation of the Code of Conduct,
- vii. method of calculation and amount of supervisory fees,
- viii. budget for supervisory tasks,
- ix. experience with reporting on the basis of Article 23 of Regulation (EU) No 1024/2013 (Reporting of violations).

— During the start-up phase referred to in Article 33(2) of Regulation (EU) No 1024/2013, the ECB shall transmit to Parliament quarterly reports on progress in the operational implementation of the Regulation covering, inter alia:

- i. internal preparation, organisation and planning of work,

ii. concrete arrangements made to comply with the requirement to separate monetary policy and supervisory functions,

iii. cooperation with other national or Union competent authorities,

iv. any obstacles encountered by the ECB in the preparation of its supervisory tasks,

v. any events of concern or changes to the Code of Conduct.

— The ECB shall publish the Annual Report on the SSM website. The ECB's 'information e-mail hotline' will be extended to deal specifically with SSM-related questions, and the ECB shall convert the feedback received via e-mails into a FAQ section on the SSM website.

2. Hearings and confidential oral discussions

— The Chair of the Supervisory Board shall participate in **ordinary** public hearings on the execution of the supervisory tasks on request of Parliament's competent committee. Parliament's competent committee and the ECB shall agree on a calendar for two such hearings to be held in the course of the following year. Requests for changes to the agreed calendar shall be made in writing.

— In addition, the Chair of the Supervisory Board may be invited to additional **ad hoc** exchanges of views on supervisory issues with Parliament's competent committee.

— Where necessary for the exercise of Parliament's powers under the TFEU and Union law, the Chair of its competent committee may request special **confidential** meetings with the Chair of the Supervisory Board in writing, giving reasons. Such meetings shall be held on a mutually agreed date.

— All participants in the special **confidential** meetings shall be subject to confidentiality requirements equivalent to those applying to the members of the Supervisory Board and to the ECB's supervisory staff.

— On a reasoned request by the Chair of the Supervisory Board or the Chair of Parliament's competent committee, and with mutual agreement, the **ordinary** hearings, the **ad hoc** exchanges of views and the

confidential meetings can be attended by the ECB representatives in the Supervisory Board or senior members of the supervisory staff (Director Generals or their Deputies).

- The principle of openness of Union institutions in accordance with the TFEU shall apply to the SSM. The discussion in special **confidential** meetings shall follow the principle of openness and elaboration around the relevant circumstances. It involves the exchange of confidential information regarding the execution of the supervisory tasks, within the limit set by Union law. The disclosure might be restricted by confidentiality limits legally foreseen.
- Persons employed by Parliament and by the ECB may not disclose information acquired in the course of their activities related to the tasks conferred on the ECB under Regulation (EU) No 1024/2013, even after such activities have ended or they have left such employment.
- The **ordinary** hearings, **ad hoc** exchanges of views and the **confidential** meetings can cover all aspects of the activity and functioning of the SSM covered by Regulation (EU) No 1024/2013.
- No minutes or any other recording of the **confidential** meetings shall be taken. No statement shall be made for the press or any other media. Each participant to the confidential discussions shall sign every time a solemn declaration not to divulge the content of those discussions to any third person.
- Only the Chair of the Supervisory Board and the Chair and the Vice-Chairs of Parliament's competent committee may attend the **confidential** meetings. Both the Chair of the Supervisory Board and the Chair and the Vice-Chairs of Parliament's competent committee may be accompanied by two members of respectively ECB staff and of Parliament's Secretariat.

3. Responding to questions

- The ECB shall reply in writing to written questions put to it by Parliament. Those questions shall be channelled to the Chair of the Supervisory Board via the Chair of Parliament's competent committee. Questions shall be replied as promptly as possible, and in any event within five weeks of their transmission to the ECB.
- Both the ECB and Parliament shall dedicate a specific section of the websites for the questions and answers referred to above.

4. Access to information

- The ECB shall provide Parliament's competent committee at least with a comprehensive and meaningful record of the proceedings of the Supervisory Board that enables an understanding of the discussions, including an annotated list of decisions. In the case of an objection of the Governing Council against a draft decision of the Supervisory Board in accordance with Article 26(8) of Regulation (EU) No 1024/2013, the President of the ECB shall inform the Chair of Parliament's competent committee of the reasons for such an objection, in line with the confidentiality requirements referred to in this Agreement.
- In the event of the winding-up of a credit institution, non-confidential information relating to that credit institution shall be disclosed *ex post*, once any restrictions on the provision of relevant information resulting from confidentiality requirements have ceased to apply.
- The supervisory fees and an explanation of how they are calculated shall be published on ECB website.
- The ECB shall publish on its website a guide to its supervisory practices.

5. Safeguarding ECB classified information and documents

- Parliament shall implement safeguards and measures corresponding to the level of sensitivity of the ECB information or ECB documents and shall inform the ECB about it. In any event information or documents disclosed will be used only for the purpose for which they have been provided.
- Parliament shall seek the ECB's consent to any disclosure to additional persons or institutions and the two institutions will cooperate in any judicial, administrative or other proceedings in which access to such information or documents is sought. The ECB may request Parliament, with respect to all or certain categories of information or documents disclosed, that it maintains a list of persons having access to these information and documents.

II. SELECTION PROCEDURES

- The ECB shall specify and make public the criteria for the selection of the Chair of the Supervisory Board, including the balance of skills, knowledge of financial institutions and markets, and experience in financial supervision and macro-prudential oversight. In specifying the criteria, the ECB shall aim at the highest professional standards and take into account the need to safeguard the interest of the Union as a whole and diversity in the composition of the Supervisory Board.

- Parliament's competent committee shall be informed two weeks before the ECB's Governing Council publishes the vacancy notice of the details, including the selection criteria and the specific job profile, of the 'open selection procedure' that it intends to apply for the selection of the Chair.
 - Parliament's competent committee shall be informed by the ECB's Governing Council of the composition of the pool of applicants for the position of Chair (number of applications, mix of professional skills, gender and nationality balance, etc.) as well as of the method through which the pool of applicants is screened in order to draw up a shortlist of at least two candidates and eventually to determine the proposal by the ECB.
 - The ECB shall provide Parliament's competent committee with the shortlist of candidates for the position of the Chair of the Supervisory Board. The ECB shall provide that shortlist at least three weeks before submitting its proposal for the appointment of the Chair.
 - Parliament's competent committee may submit questions to the ECB relating to the selection criteria and the shortlist of candidates within a week from receiving it. The ECB shall respond to such questions in writing within two weeks.
 - The approval process shall comprise the following steps:
 - The ECB shall convey its proposals for the Chair and the Vice-Chair to Parliament together with written explanations of the underlying reasons.
 - A public hearing of the proposed Chair and Vice-Chair of the Supervisory Board shall be held in Parliament's competent committee.
 - Parliament shall decide on the approval of the candidate proposed by the ECB for Chair and Vice-Chair through a vote in the competent committee and in plenary. Parliament will normally, taking into account its calendar, aim at taking that decision within six weeks of the proposal.
 - If the proposal for the Chair is not approved, the ECB may decide either to draw on the pool of candidates that applied originally for the position or to re-initiate the selection process, including elaborating and publishing a new vacancy notice.
 - The ECB shall submit any proposal to remove the Chair or the Vice-Chair from office to Parliament and provide explanations.
 - The approval process shall comprise:
 - a vote in Parliament's competent committee on a draft resolution; and
 - a vote in plenary, for approval or objection, on that resolution.
 - Where Parliament or the Council has informed the ECB that it considers the conditions for the removal of the Chair or the Vice-Chair of the Supervisory Board to be fulfilled for the purposes of Article 26(4) of Regulation (EU) No 1024/2013, the ECB shall provide its considerations in writing within four weeks.
- ### III. INVESTIGATIONS
- Where Parliament sets up a Committee of Inquiry, pursuant to Article 226 TFEU and to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission⁽¹⁾, the ECB, in accordance with Union law, shall assist a Committee of Inquiry in carrying out its tasks in accordance with the principle of sincere cooperation.
 - Any activities of a Committee of Inquiry which the ECB will assist shall take place within the scope of Decision 95/167/EC, Euratom, ECSC.
 - The ECB shall cooperate sincerely with any investigation by Parliament referred to in Article 20(9) of Regulation (EU) No 1024/2013 within the same framework that applies to Committees of Inquiry and under the same confidentiality protection as foreseen in this Agreement for the oral confidential meetings (I.2.).
 - All recipients of information provided to Parliament in the context of investigations shall be subject to confidentiality requirements equivalent to those applying to the members of the Supervisory Board and to the ECB supervisory staff and Parliament and the ECB shall agree on the measures to be applied to ensure the protection of such information.
 - Where the protection of a public or private interest recognised in Decision 2004/258/EC requires that confidentiality is maintained, Parliament shall ensure that this protection is maintained and shall not divulge the content of any such information.

⁽¹⁾ Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry (OJ L 78, 6.4.1995, p. 1).

- The rights and obligations of the institutions and bodies of the Union as laid down in Decision 95/167/EC, Euratom, ECSC shall apply *mutatis mutandis* to the ECB.
- Any replacement of Decision 95/167/EC, Euratom, ECSC by another legal act or its amendment will lead to a re-negotiation of part III of this Agreement. Until a new Agreement on the respective parts has been found, this Agreement shall stay valid including Decision 95/167/EC, Euratom, ECSC in its version at the date of signature of this Agreement.

IV. CODE OF CONDUCT

- Before the adoption of the Code of Conduct referred to in Article 19(3) of Regulation (EU) No 1024/2013, the ECB shall inform Parliament's competent committee on the main elements of the envisaged Code of Conduct.
- Upon written request of Parliament's competent committee, the ECB shall inform Parliament in writing on the implementation of the Code of Conduct. The ECB shall also inform Parliament about the need for updates to the Code of Conduct.
- The Code of Conduct shall address matters of conflict of interest and ensure the respect of the rules on separation between supervisory and monetary policy functions.

V. ADOPTION OF ACTS BY THE ECB

- The ECB shall duly inform Parliament's competent committee of the procedures (including timing) it has set up for adoption of ECB regulations, decisions, guidelines and recommendations ('acts'), which are subject to public consultation in accordance with Regulation (EU) No 1024/2013.
- The ECB shall, in particular, inform Parliament's competent committee of the principles and kinds of indicators or information it is generally using in developing acts and policy recommendations, with a view to enhancing transparency and policy consistency.

- The ECB shall transmit to Parliament's competent committee the draft acts before the beginning of the public consultation procedure. Where Parliament submits comments on the acts, there may be informal exchanges of views with the ECB on such comments. Such informal exchanges of views shall take place in parallel with the open public consultations which the ECB shall conduct in accordance with Article 4(3) of Regulation (EU) No 1024/2013.
- Once the ECB has adopted an act, it shall send it to Parliament's competent committee. The ECB shall also regularly inform Parliament in writing about the need to update adopted acts.

VI. FINAL PROVISIONS

1. The practical implementation of this Agreement shall be assessed by the two institutions every three years.
2. This Agreement shall enter into force on the date of entry into force of Regulation (EU) No 1024/2013 or on the day after the signature of this Agreement, whichever is later.
3. The obligations concerning confidentiality of information shall continue to be binding on the two institutions even after the termination of this Agreement.
4. This Agreement shall be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main and Brussels, 6 November 2013.

For the European Parliament
The President
M. SCHULZ

For the European Central Bank
The President
M. DRAGHI

COUNCIL DECISION

of 25 November 2013

on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas

(2013/695/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Joint Declaration of the Warsaw Eastern Partnership Summit of 30 September 2011 confirms the political support towards enhancing the mobility of citizens by way of visa liberalisation and the intention to take gradual steps towards visa free travel for their citizens in due course.
- (2) On 19 December 2011, the Council authorised the Commission to open negotiations with the Republic of Azerbaijan on an Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas ('the Agreement'). The negotiations were successfully concluded by the initialling of the Agreement on 29 July 2013.
- (3) The Agreement should be signed on behalf of the Union, subject to its conclusion.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽¹⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision

2002/192/EC ⁽²⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

- (6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas is hereby authorised, subject to the conclusion of the said Agreement ⁽³⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 25 November 2013.

For the Council
The President
D. PAVALKIS

⁽¹⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽³⁾ The text of the Agreement will be published together with the decision on its conclusion.

REGULATIONS

COMMISSION REGULATION (EU) No 1218/2013

of 27 November 2013

establishing a prohibition of fishing for herring in IV, VIIId and in EU waters of IIa by vessels flying the flag of the Netherlands

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2013.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 November 2013.

*For the Commission,
On behalf of the President,*

Lowri EVANS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 23, 25.1.2013, p. 54.

ANNEX

No	65/TQ40
Member State	The Netherlands
Stock	HER/2A47DX
Species	Herring (<i>Clupea harengus</i>)
Zone	IV, VIIId and in EU waters of IIa
Date	29.10.2013

COMMISSION REGULATION (EU) No 1219/2013**of 27 November 2013****establishing a prohibition of fishing for herring in EU and Norwegian waters of IV north of 53° 30' N by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2013.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 November 2013.

*For the Commission,
On behalf of the President,*

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 23, 25.1.2013, p. 54.

ANNEX

No	63/TQ40
Member State	France
Stock	HER/4AB.
Species	Herring (<i>Clupea Harengus</i>)
Zone	EU and Norwegian waters of IV north of 53° 30' N
Date	24.10.2013

COMMISSION REGULATION (EU) No 1220/2013**of 27 November 2013****establishing a prohibition of fishing for cod in NAFO area 3M by vessels flying the flag of a Member State of the European Union**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty on the Functioning of the European Union,

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2013.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 November 2013.

*For the Commission,
On behalf of the President,*

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 23, 25.1.2013, p. 54.

ANNEX

No	66/TQ40
Member State	European Union (all Member States)
Stock	COD/N3M
Species	Cod (<i>Gadus Morhua</i>)
Zone	NAFO 3M
Date	15.11.2013

COMMISSION IMPLEMENTING REGULATION (EU) No 1221/2013**of 29 November 2013****amending Implementing Regulation (EU) No 476/2013 fixing the quantitative limit for the exports of out-of-quota sugar until the end of the 2013/2014 marketing year and repealing Implementing Regulation (EU) No 968/2013**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular point (d) of the first paragraph of Article 61 in conjunction with Article 4 thereof,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 7e in conjunction with Article 9(1) thereof,

Whereas:

(1) In accordance with point (d) of the first paragraph of Article 61 of Regulation (EC) No 1234/2007, the sugar and isoglucose produced during a marketing year in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit to be fixed.

(2) Detailed implementing rules for out-of-quota exports, in particular concerning the issue of export licences, are laid down by Regulation (EC) No 951/2006.

(3) For the 2013/2014 marketing year it was initially estimated that fixing the quantitative limit at 650 000 tonnes, in white sugar equivalent, for out-of-quota sugar exports would correspond to the market demand. Such a limit was set by Commission Implementing Regulation (EU) No 476/2013 ⁽³⁾. However, according to most recent estimates, the production of out-of-quota sugar is expected to reach 3 600 000 tonnes. Additional market outlets for out-of-quota sugar should therefore be ensured.

(4) Taking into account that the WTO ceiling for exports in the 2013/2014 marketing year has not been fully used, it is appropriate to increase the export quantitative limit of out-of-quota sugar by 700 000 tonnes, so as to provide additional business opportunities for the Union producers of sugar. In order that Union producers of out-of-quota sugar can exploit market opportunities on their export markets it is appropriate to make available the increased quantities as from 2 December 2013.

(5) Implementing Regulation (EU) No 476/2013 should be amended accordingly.

(6) To allow the lodging of applications for out-of-quota sugar export licences, the suspension of the lodging of applications provided for in Article 1(3) of Commission Implementing Regulation (EU) No 968/2013 ⁽⁴⁾ should be abolished. As Implementing Regulation (EU) No 968/2013 has exhausted its effects, it is appropriate to repeal it.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Implementing Regulation (EU) No 476/2013 is replaced by the following:

‘1. For the 2013/2014 marketing year, the quantitative limit referred to in point (d) of the first paragraph of Article 61 of Regulation (EC) NO 1234/2007 shall be 1 350 000 tonnes for exports without refund of out-of-quota white sugar falling within CN code 1701 99.’

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ Commission Implementing Regulation (EU) No 476/2013 of 23 May 2013 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2013/14 marketing year (OJ L 138, 24.5.2013, p. 5).

⁽⁴⁾ Commission Implementing Regulation (EU) No 968/2013 of 9 October 2013 fixing an acceptance percentage for the issuing of export licences, rejecting export-licence applications and suspending the lodging of export-licence applications for out-of-quota sugar (OJ L 268, 10.10.2013, p. 12).

Article 2

Implementing Regulation (EU) No 968/2013 is repealed.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 2 December 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1222/2013**of 29 November 2013****concerning the authorisation of propionic acid, sodium propionate and ammonium propionate as feed additives for ruminants, pigs and poultry****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of propionic acid, sodium propionate and ammonium propionate. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of propionic acid, sodium propionate and ammonium propionate as feed additives for all animal species to be classified in the additive category 'technological additives', functional group 'silage additives'. The application includes also other uses of the same substances for which no decision has yet been taken.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 16 November 2011⁽²⁾ that, under the proposed conditions of use, propionic

acid, sodium propionate and ammonium propionate do not have an adverse effect on animal health, human health or the environment. It was also concluded that the substances improve the aerobic stability of easy to ensile materials. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the methods of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of the substances concerned shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of those substances should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The substances specified in the Annex belonging to the additive category 'technological additives' and to the functional group 'silage additives', are authorised as additives in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2011; 9(12):2446.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feedingstuff with a moisture content of 12 %			

Category of technological additives. Functional group: silage additives

1k280	—	Propionic acid	<i>Additive composition</i> Propionic acid ≥ 99,5 % <i>Characterisation of the active substance</i> Propionic acid ≥ 99,5 % C ₃ H ₆ O ₂ CAS No: 79-09-4 Non-volatile residue ≤ 0,01 % when dried at 140 °C to constant weight Aldehydes ≤ 0,1 % expressed as formaldehyde Produced by chemical synthesis <i>Method of Analysis</i> ⁽¹⁾ Quantification of propionic acid as total propionic acid in feed additive, premixtures, feedingstuffs: ion exclusion High Performance Liquid Chromatography with refractive index (HPLC-RI)	Ruminants	—	—	—	1. The simultaneous use of other organic acids at the maximum permitted doses is contraindicated. 2. The additive shall be used in easy to ensile material ⁽²⁾ . 3. Simultaneous use with other sources of the active substance shall not exceed the authorised maximum content. 4. For safety: breathing protection, eye protection, gloves and protective clothing shall be used during handling.	20 December 2023
				Pigs		—	30 000		
				Poultry		—	10 000		
1k281	—	Sodium propionate	<i>Additive composition</i> Sodium propionate ≥ 98,5 % <i>Characterisation of the active substance</i> Sodium propionate ≥ 98,5 % C ₃ H ₅ O ₂ Na CAS No: 137-40-6	Ruminants	—	—	—	1. The simultaneous use of other organic acids at the maximum permitted doses is contraindicated. 2. The additive shall be used in easy to ensile materials ⁽²⁾ . 3. Simultaneous use with other sources of the active substance shall not exceed the authorised maximum content. 4. For safety: breathing protection, eye protection, gloves and protective clothing shall be used during handling.	20 December 2023
				Pigs		—	30 000 ⁽³⁾		
				Poultry		—	10 000 ⁽³⁾		

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feedingstuff with a moisture content of 12 %			
			Loss on drying ≤ 4 % determined by drying for two hours at 105 °C Water insolubles ≤ 0,1 % Produced by chemical synthesis <i>Method of Analysis</i> ⁽¹⁾ Quantification of sodium propionate in feed additive: (1) ion exclusion High Performance Liquid Chromatography with refractive index detection (HPLC-RI) – for the determination of total propionate; and (2) atomic absorption spectrometry, AAS (EN ISO 6869) – for the determination of total sodium. Quantification of sodium propionate as total propionic acid in premixtures, feedingstuffs: ion exclusion High Performance Liquid Chromatography with refractive index (HPLC-RI)						
1k284	—	Ammonium propionate	<i>Additive composition</i>	Ruminants	—	—	—	1. The simultaneous use of other organic acids at the maximum permitted doses is contraindicated. 2. The additive shall be used in easy to ensile materials ⁽²⁾ . 3. Simultaneous use with other sources of the active substance shall not exceed the authorised maximum content. 4. For safety: breathing protection, eye protection, gloves and protective clothing shall be used during handling.	20 December 2023
			Preparation of ammonium propionate ≥ 19,0 %, propionic acid ≤ 80,0 % and water ≤ 30 %	Pigs		—	30 000 ⁽³⁾		
			<i>Characterisation of the active substance</i> Ammonium propionate: C ₃ H ₉ O ₂ N CAS No: 17496-08-1 Produced by chemical synthesis	Poultry		—	10 000 ⁽³⁾		

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feedingstuff with a moisture content of 12 %			
			<i>Method of Analysis</i> (1) Quantification of the ammonium propionate in feed additive: (1) ion exclusion High Performance Liquid Chromatography with refractive index detection (HPLC-RI) – for the determination of total propionate; and (2) titration with sulphuric acid and sodium hydroxide for the determination of ammonia. Quantification of ammonium propionate as total propionic acid in premixtures, feedingstuffs: ion exclusion High Performance Liquid Chromatography with refractive index (HPLC-RI)						

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material (e.g. whole plant maize, ryegrass, brome grass or sugar beet pulp). Commission Regulation (EC) No 429/2008 (OJ L 133, 22.5.2008, p. 1).

⁽³⁾ As propionic acid.

COMMISSION REGULATION (EU) No 1223/2013

of 29 November 2013

providing for deduction from salmon fishing quota allocated to Poland in 2013 and subsequent years in ICES subdivisions 22-31 on account of overfishing in 2012

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105(1) and (2) thereof,

Whereas:

- (1) A fishing quota for Atlantic salmon in the Union waters of ICES subdivisions 22-31 was allocated to Poland for 2012 by Council Regulation (EU) No 1256/2011 ⁽²⁾.
- (2) The Commission detected inconsistencies in the Polish data about the salmon fishery in 2012 by cross-checking the data recorded and reported during inspected and non-inspected fishing trips. These inconsistencies in catch composition reporting were further corroborated through the conduct of several audit and verification missions in Poland in accordance with Regulation (EC) No 1224/2009. The evidence gathered allows the Commission to establish that this Member State has exceeded its salmon quota in the year 2012 by 1776 pieces of salmon.
- (3) According to paragraph 1 of Article 105 of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission shall operate deductions from future fishing quotas of that Member State.

- (4) Paragraph 2 of Article 105 of Regulation (EC) No 1224/2009 provides that deductions from fishing quotas shall be operated in the following year or years.
- (5) It is necessary to operate the deductions needed for the restitution of this overfishing on the quota allocated to Poland for Atlantic salmon in 2013. The amount of overfishing is quantified by the Commission in less than 100 tonnes. In accordance with the last sentence of paragraph 2 of Article 105, no multiplying factor should thus be applied to the deduction.
- (6) However, if on account of the 2013 quota consumption at the time of entry into force of this Regulation, it will not be possible to operate entirely the deduction amounts due, any remaining quantities should be deducted from the Atlantic salmon quota that may be allocated to this Member State in 2014, in line with the Commission guidelines for the deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quota for Atlantic salmon (*Salmo salar*) in Union waters of ICES subdivisions 22-31 allocated to Poland in 2013 by Regulation (EU) No 1256/2011 shall be reduced as shown in the Annex.

Article 2

If the deductions to be applied under Article 1 are higher than the fishing quota still available and cannot be entirely operated in 2013, the remaining quantities shall be deducted from the fishing quota for Atlantic salmon (*Salmo salar*) in Union waters of ICES subdivisions 22-31 that may be allocated to Poland in 2014.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 320, 3.12.2011, p. 3.

⁽³⁾ OJ C 72, 10.3.2012, p. 27.

ANNEX

Stock	2012				Deduction in 2013
	Initial quota	Adapted quota	Established catches	Difference quota-catches (over-fishing)	
SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.	7 704	7 704	9 493	- 1 776	1 776

COMMISSION REGULATION (EU) No 1224/2013
of 29 November 2013
amending Regulation (EC) No 800/2008 as regards its period of application

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid ⁽¹⁾,

After consulting the Advisory Committee on State Aid,

Whereas:

(1) Commission Regulation (EC) No 800/2008 ⁽²⁾ will expire on 31 December 2013.

(2) In its Communication on EU State Aid Modernisation ⁽³⁾ of 8 May 2012 the Commission launched a wide review of State aid rules. In the context of that review, Regulation (EC) No 994/98 has already been amended by Council Regulation (EU) No 733/2013 ⁽⁴⁾. A number of other State aid instruments are still in the process of revision, such as those regarding research and development and innovation, environmental aid, risk capital and rescue and restructuring of firms in difficulties. It will not be possible to finalise the adaptation of those instruments before Regulation (EC) No 800/2008 expires. In order to ensure a consistent approach across all State aid instruments, it is therefore appropriate to extend the period of application of Regulation (EC) No 800/2008 until 30 June 2014.

⁽¹⁾ OJ L 142, 14.5.1998, p. 1.

⁽²⁾ Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (OJ L 214, 9.8.2008, p. 3).

⁽³⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU State Aid Modernisation (SAM), 8.5.2012, COM (2012) 209 final.

⁽⁴⁾ OJ L 204, 31.7.2013, p. 11.

(3) Regulation (EC) No 800/2008 should therefore be amended accordingly.

(4) In the light of the extension of the period of validity of Regulation (EC) No 800/2008, some Member States may wish to prolong measures on which summary information has been provided in accordance with Article 9 of that Regulation. In order to reduce the administrative burden, it is appropriate that summary information regarding the prolongation of those measures should be deemed to have been communicated to the Commission, provided no substantive amendment is made to measures concerned.

(5) This Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union* to allow for the extension of the period of application of Regulation (EC) No 800/2008 before it expires,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 45 of Regulation (EC) No 800/2008, the second paragraph is replaced by the following:

‘It shall apply until 30 June 2014’.

Article 2

Where a Member State wishes to prolong, as a consequence of the amendment of Regulation (EC) No 800/2008, measures in respect of which summary information was submitted to the Commission in accordance with Article 9 of Regulation (EC) No 800/2008, summary information regarding the prolongation of those measures shall be deemed to have been communicated to the Commission, provided no substantive amendment is made to the measures concerned.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 29 November 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1225/2013**of 29 November 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2013.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	61,5
	MA	45,9
	TR	88,1
	ZZ	65,2
0707 00 05	AL	50,7
	EG	200,0
	TR	132,3
	ZZ	127,7
0709 91 00	EG	200,0
	ZZ	200,0
0709 93 10	MA	133,5
	TR	110,1
	ZZ	121,8
0805 20 10	AU	135,4
	MA	64,3
	PE	131,0
	TR	100,8
	ZA	150,1
	ZZ	116,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	59,5
	PE	74,3
	SZ	43,6
	TR	63,7
	UY	92,4
	ZZ	66,7
0805 50 10	TR	71,5
	ZZ	71,5
0808 10 80	AU	125,0
	BA	45,7
	MK	36,9
	US	151,9
	ZA	93,4
	ZZ	90,6
0808 30 90	TR	118,4
	ZZ	118,4

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 1226/2013**of 29 November 2013****fixing the import duties in the cereals sector applicable from 1 December 2013**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty

referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 1 December 2013 and should apply until new import duties are fixed and enter into force.

(5) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 December 2013, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2013.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 December 2013

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 19 00 1001 11 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00 1002 90 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed ⁽²⁾	0,00
1007 10 90 1007 90 00	Grain sorghum other than hybrids for sowing	0,00

⁽¹⁾ The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15.11.2013-28.11.2013

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	203,08	122,01	—	—	—
Fob price USA	—	—	222,66	212,66	192,66
Gulf of Mexico premium	—	28,32	—	—	—
Great Lakes premium	37,83	—	—	—	—

⁽¹⁾ Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 17,27 EUR/t

Freight costs: Great Lakes-Rotterdam: 51,31 EUR/t

COMMISSION IMPLEMENTING REGULATION (EU) No 1227/2013**of 29 November 2013****fixing the allocation coefficient to be applied to applications for export licences for certain milk products to be exported to the Dominican Republic under the quota referred to in Regulation (EC) No 1187/2009**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1187/2009 of 27 November 2009 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Section 3 of Chapter III of Regulation (EC) No 1187/2009 determines the procedure for allocating export licences for certain milk products to be exported to the Dominican Republic under a quota opened for that country.

(2) The rules of that Section, as amended by Commission Implementing Regulation (EU) No 990/2013 ⁽³⁾, provide for the possibility for operators to lodge export licence applications from 1 to 10 November if, after the period of submission of licence applications as referred to in the first paragraph of Article 29 of Regulation (EC) No 1187/2009 any quantity under the quota remains available. Article 2 of Implementing Regulation (EU) No 990/2013 specifies that the total remaining quantity, for quota year 2013/2014, is 9 018 tonnes.

(3) The applications submitted between 1 and 10 November 2013 for the remaining period of the running 2013/2014 quota year cover quantities less than those available. As a result, it is appropriate, pursuant to the fourth subparagraph of Article 31(3) of Regulation (EC) No 1187/2009 to provide for the allocation of the remaining quantity. The issue of export licences for that remaining quantity should be conditional upon the competent authority being notified of the supplementary quantity accepted by the operator concerned and upon the interested operators lodging a security,

HAS ADOPTED THIS REGULATION:

Article 1

The applications for export licences lodged from 1 to 10 November 2013 for the remaining period of the running 2013/2014 quota year shall be accepted.

The quantities covered by export licence applications referred to in the first paragraph for the products referred to in Article 27(2) of Regulation (EC) No 1187/2009 shall be multiplied by an allocation coefficient of 73,918032.

Export licences for the quantities exceeding the quantities applied for and which are allocated in accordance with the coefficient set out in the second paragraph, shall be issued after acceptance by the operator within one week from the date of publication of this Regulation and subject to the lodging of the corresponding security.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 318, 4.12.2009, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) No 990/2013 of 15 October 2013 amending Regulation (EC) No 1187/2009 as regards exports of milk and milk products to the United States and the Dominican Republic (OJ L 275, 16.10.2013, p. 3).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2013.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and
Rural Development*

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION EUTM MALI/2/2013

of 12 November 2013

on the establishment of the Committee of Contributors for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)

(2013/696/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) ⁽¹⁾, and in particular Article 8(5) thereof,

Whereas:

- (1) Pursuant to Article 8(5) of Decision 2013/34/CFSP, the Council authorised the Political and Security Committee (PSC) to take relevant decisions on the setting-up of a Committee of Contributors (CoC) for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali).
- (2) The European Council Conclusions of Nice of 7, 8 and 9 December 2000 and those of Brussels of 24 and 25 October 2002 laid down the arrangements for the participation of third States in crisis management operations and the setting up of a CoC.
- (3) The CoC should be a forum for discussing all the problems, in relation to the management of EUTM Mali, with the contributing third States. The PSC, which exercises the political control and strategic direction of EUTM Mali, should take account of the views expressed by the CoC.
- (4) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Consequently, Denmark is not participating in the adoption of this Decision and is neither bound by it nor subject to its application,

Article 1

Establishment and terms of reference

A Committee of Contributors (CoC) for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) is hereby established. Its terms of reference are laid down in the European Council Conclusions of Nice of 7, 8 and 9 December 2000 and those of Brussels of 24 and 25 October 2002.

Article 2

Composition

1. The CoC members shall be the following:
 - representatives of all Member States,
 - representatives of third States participating in EUTM Mali and providing significant contributions.
2. A representative of the Commission may also attend the CoC meetings.

Article 3

Information from the EU Mission Commander

The CoC shall receive information from the EU Mission Commander.

Article 4

Chair

The CoC shall be chaired by the High Representative of the Union for Foreign Affairs and Security Policy, or by his or her representative, in close consultation with the Chairman of the European Union Military Committee, or with his or her representative.

Article 5

Meetings

1. The CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative, or at the request of a member.

⁽¹⁾ OJ L 14, 18.1.2013, p. 19.

2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. The Chair shall be responsible for conveying the outcome of the CoC's discussions to the PSC.

Article 6

Confidentiality

1. In accordance with Council Decision 2013/488/EU of 23 September 2013 ⁽¹⁾, the Council's security rules shall apply to the meetings and proceedings of the CoC. In particular, representatives in the CoC shall possess adequate security clearance.

2. The deliberations of the CoC shall be covered by the obligation of professional secrecy, except insofar as the CoC unanimously decides otherwise.

Article 7

Entry into force

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 12 November 2013.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

POLITICAL AND SECURITY COMMITTEE DECISION EUTM MALI/3/2013**of 12 November 2013****on the acceptance of third States' contributions to the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)**

(2013/697/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Pursuant to Article 8(2) of Decision 2013/34/CFSP, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on acceptance of the proposed contributions by third States.
- (2) Following recommendations on a contribution from the Swiss Confederation by the EU Mission Commander and the advice from the European Union Military Committee, the contribution from the Swiss Confederation should be accepted.
- (3) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.

Consequently, Denmark is not participating in the adoption of this Decision and is neither bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1***Third States' contributions**

1. The contribution from the Swiss Confederation to the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) is accepted and is considered to be significant.
2. The Swiss Confederation is exempted from financial contributions to the budget of EUTM Mali.

*Article 2***Entry into force**

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 12 November 2013.

For the Political and Security Committee
The Chairperson
W. STEVENS

⁽¹⁾ OJ 14, 18.1.2013, p. 19.

COUNCIL DECISION 2013/698/CFSP**of 25 November 2013****in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 13 December 2003, the European Council adopted a European Security Strategy identifying five key challenges to be faced by the Union: terrorism, the proliferation of weapons of mass destruction, regional conflicts, State failure and organised crime. The consequences of the illicit manufacture, transfer and circulation of conventional weapons, including small arms and light weapons (hereinafter referred to as 'SALW'), and their excessive accumulation and uncontrolled spread are central to four of these five challenges. They fuel insecurity in sub-Saharan Africa, the Middle East and many other regions of the world, exacerbating conflict and undermining post-conflict peace building, thus posing a serious threat to peace and security.
- (2) On 15 and 16 December 2005, the Council adopted the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition (hereinafter referred to as 'EU SALW Strategy'), which sets the guidelines for EU action in the field of SALW. That Strategy identifies Africa as the continent most affected by the illicit accumulation and spread of SALW. It also acknowledges that the problem of transfers of SALW to sub-Saharan Africa cannot be isolated from that of the sources of the transfers and states that particular attention should be paid to the ways and means by which SALW are disseminated in Africa, including illegal brokering and transport.
- (3) The EU SALW Strategy also asserts that the Union should strengthen and support the machinery for sanctions monitoring and support the strengthening of export controls as well as the promotion of Council Common Position 2008/944/CFSP⁽¹⁾ by, inter alia, promoting measures to improve transparency.
- (4) With the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (hereinafter referred to as 'UN Programme of Action'), adopted on 20 July 2001, all UN Member States have undertaken to prevent illicit trafficking in SALW, or their diversion to unauthorised recipients and, in particular, to take into account the risk of diversion of SALW into the illegal trade when assessing applications for export authorisations.
- (5) On 8 December 2005, the United Nations General Assembly adopted an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW.
- (6) The 2007 Joint Africa-EU Strategic Partnership defines the prevention of the illicit trade in and excessive accumulation of SALW as an area for action through enhancing capacity, networking, cooperation and exchange of information.
- (7) At the 2012 Second Review Conference on the UN Programme of Action, all UN Member States reaffirmed their commitment to prevent illicit trafficking in SALW, including their diversion to unauthorised recipients, as well as their commitments contained in the UN Programme of Action relating to the assessment of applications for export authorisations.
- (8) On 2 April 2013, the General Assembly of the United Nations adopted the text of the Arms Trade Treaty (ATT). The objective of the Treaty is to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms, to prevent and eradicate the illicit trade in conventional arms and to prevent their diversion. The Union should support all UN Member States in implementing effective arms transfer controls in order to ensure that the ATT, upon its entry into force, is as effective as possible, in particular as regards the implementation of Article 11 thereof.
- (9) The Union therefore wishes to finance a global reporting mechanism on illicit SALW and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade in order to contribute to the achievement of the goals described above,

⁽¹⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

HAS ADOPTED THIS DECISION:

Article 1

With a view to the implementation of the EU SALW Strategy and the promotion of peace and security, the project activities to be supported by the Union shall have the following specific objectives:

- creation of an accessible and user-friendly global information management system on diverted or trafficked SALW and other diverted or trafficked conventional weapons and ammunition ('iTrace') in order to provide policy-makers, conventional arms control experts and conventional arms export control officers with relevant information and enable them to develop effective, evidence-based strategies and projects against the illicit spread of SALW and of other conventional weapons and ammunition,
- conducting in-field research into SALW and other conventional weapons and ammunition circulating in conflict-affected areas and uploading all collected evidence onto the information management system,
- centralising existing policy-relevant documentation on transfers of SALW and of other conventional weapons and ammunition in the global information management system, including national arms export reports, country reports to the UN Register of Conventional Arms and the UN Programme of Action on the Illicit Trade in SALW, the texts of national, regional and international instruments, and reports of illicit SALW and other illicit conventional weapons and ammunition transfers compiled by UN sanctions monitoring groups, civil society organisations and the international news media,
- increasing awareness by outreach on the findings of the project, promoting the purpose and available functions of iTrace to international and national policy makers, conventional arms control experts and arms export licensing authorities, and enhancing international capacity to monitor the illicit spread of SALW and of other conventional weapons and ammunition as well as to assist policy makers in identifying priority areas for international assistance and cooperation and to reduce the risk of diversion of SALW and of other conventional weapons and ammunition. Outreach initiatives will also be designed to coordinate information sharing and build sustainable partnerships with individuals and organisations capable of generating information that can be uploaded onto the iTrace system,
- providing key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system, about specific areas deserving international attention, including major trafficking patterns of SALW

and other conventional weapons and ammunition, and the regional distribution of trafficked weapons and ammunition.

The Union shall finance this project, a detailed description of which is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('HR') shall be responsible for implementing this Decision.
2. The technical implementation of the project referred to in Article 1 shall be carried out by Conflict Armament Research Ltd ('CAR').
3. CAR shall perform its tasks under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with CAR.

Article 3

1. The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 2 320 000. The total estimated budget of the overall project shall be EUR 2 416 667, which shall be provided through co-financing by CAR.
2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For this purpose, it shall conclude the necessary agreement with CAR. The agreement shall stipulate that CAR has to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of that agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular quarterly reports prepared by CAR. These reports shall form the basis of the evaluation carried out by the Council.
2. The Commission shall report on the financial aspects of the project referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 24 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 25 November 2013.

For the Council
The President
D. PAVALKIS

ANNEX

iTrace Global Reporting Mechanism on SALW and other Conventional Arms and Ammunition**1. Background and rationale for CFSP support**

- 1.1. This Decision builds on successive Council Decisions to combat the destabilising impact of the diversion and trafficking of SALW and of other conventional weapons. The illicit proliferation of SALW and of other conventional weapons and ammunition is a major factor undermining State stability and exacerbating conflicts, which poses a serious threat to peace and security. As stated in the EU SALW Strategy, Africa remains the continent most affected by the impact of internal conflicts, which are aggravated by the destabilising influx of SALW. The sheer number of African peacekeeping operations and arms embargos clearly illustrates the scale of the threat posed to African States by the illicit accumulation and spread of SALW and other conventional weapons. Other regions of the world, including certain parts of Latin and Central America, Central and Eastern Asia, the Balkans and the Middle East are similarly affected by illicit SALW and other illicit conventional weapons proliferation.

The international community currently lacks vital monitoring and diagnostic capacity in the field of combating illicit SALW and other illicit conventional weapons proliferation. This stems from three linked factors. Firstly, most conventional weapons trafficking takes place via land and in conflict-affected regions where on-the-ground monitoring is scarce. Secondly, existing monitoring capacity is weakly connected with UN sanctions monitoring groups, peacekeeping missions and non-governmental organisations operating in relative isolation from one another, and the available information from them is fragmented. Thirdly, limited and uncoordinated monitoring fails to provide policy makers with the information necessary to formulate effective counter-proliferation policies.

This Decision aims to provide policy makers, arms control experts and arms export control officers with systematically compiled, relevant information, which will enable them to develop effective, evidence-based counter-proliferation strategies against the illicit spread of SALW and of other conventional weapons and their ammunition in order to improve international and regional security. It will thus support them to combine a successful reactive strategy with adequate preventive action to tackle illegal supply and demand, and to ensure effective conventional arms control in third countries.

- 1.2. This Decision provides for the creation of a publicly accessible online system, which will track illicit SALW and other illicit conventional weapons and ammunition, plotting specific weapon types, suppliers, transfer vectors and illegal recipients ('iTrace'). Focused on conflict-affected regions, iTrace will serve as a global reporting mechanism that will enable national governments to monitor trafficking in SALW and in other conventional weapons and ammunition and diagnose cases of diversion. It will be the first global mechanism to systematically monitor the trafficking of SALW and of other conventional weapons and ammunition, and thus assist in identifying adequate measures to reduce the risk of their diversion and trafficking. Once the Arms Trade Treaty (ATT) has entered into force, it will also help monitor the implementation of the ATT, provide comprehensive information in support of ATT implementation reviews and strengthen the capacity of national governments to anticipate the impact of arms export licensing decisions.

This Decision provides for the adaptation of sophisticated information management software, the development of a fully searchable online portal to map illicit arms transfers geospatially, and a programme of field investigations which will populate iTrace with real-time evidence of illicit arms transfers. The decision also provides for the review and verification of existing evidence on arms trafficking which will be uploaded onto iTrace.

2. Overall objectives

The Action described below will support the international community in combating the destabilising impact of the diversion and trafficking of SALW and of other conventional arms and ammunition. It will provide policy makers, arms control experts and arms export control officers with relevant information, which will enable them to develop effective, evidence-based counter-proliferation strategies against the illicit spread of SALW and of other conventional weapons and ammunition in order to improve international and regional security. Specifically, the Action will provide:

- (a) concrete information on the trafficking of SALW and of other conventional weapons required to monitor more effectively the implementation of the UN Programme of Action on the Illicit Trade in SALW;
- (b) concrete information to strengthen the implementation of the International Tracing Instrument;
- (c) concrete information to track major routes and entities involved in the supply of SALW and of other conventional weapons and ammunition into conflict-affected regions or to international terrorist organisations and to provide evidence of groups and individuals engaged in illicit trade, in support of national legal proceedings;

- (d) the possibility of enhancing cooperation between relevant UN organs, missions and other international organisations, in the field of tracing SALW and other conventional weapons, and of providing information directly in support of existing monitoring mechanisms, including INTERPOL iARMS;
- (e) relevant information to identify priority areas for international cooperation and assistance to combat effectively the diversion and trafficking of SALW and of other conventional weapons and ammunition, such as funding for projects with regard to stockpile security and/or border management;
- (f) a mechanism to assist in monitoring the implementation of the ATT upon its entry into force, specifically to detect the diversion of transferred conventional weapons as well as to assist Governments in appraising the risk of diversion prior to the export of conventional arms, specifically the risk of diversion within the buyer country or re-export under undesirable conditions.

3. Long-term project sustainability and outcomes

The Action will establish a durable framework for the sustained monitoring of the illicit spread of SALW and of other conventional weapons and ammunition. It is expected to enhance fundamentally existing arms-related information and to support significantly the targeted development of effective conventional arms control and arms export control policies. Specifically, the project will:

- (a) develop an information management system that will ensure long-term (minimum 10 years) collection and analysis of illicit conventional weapons data;
- (b) provide conventional arms control policy makers and experts with a tool to define more effective strategies and priority areas for assistance and cooperation (for example, by identifying sub-regional or regional cooperation, coordination and information-sharing mechanisms that need to be established or strengthened, by identifying insecure national stockpiles, illegal transfer routes, weak border controls, and insufficient law enforcement capacities);
- (c) have the in-built flexibility to generate policy relevant information, regardless of rapidly changing policy requirements;
- (d) substantially increase the efficacy of international arms monitoring organisations and individuals by providing an information sharing mechanism of continually expanding scope.

4. Description of Action

4.1. Project 1: Creation of the iTrace global arms tracking information management system and online mapping portal

4.1.1. Project objective

The project will develop the software necessary to process, validate and map information on diverted or trafficked SALW and other conventional weapons and ammunition. The *Dfuze Information Management System*, which is already in service with several national police and intelligence services, will be adapted to process weapon-specific information. The system also offers organisational network analysis for the purposes of monitoring the weapons trafficking activities of terrorist groups and criminal organisations, including financial linkages. The Dfuze system's geospatial mapping functions will be extensively revised to provide iTrace's searchable, public access, online mapping portal and associated download functions.

4.1.2. Project activities

The following activities will be undertaken in the framework of this project:

- (a) the acquisition of server, computing and network infrastructure required to run the iTrace global SALW and other conventional weapons and ammunition tracking information management system and online mapping portal;
- (b) the purchase and revision of the Dfuze Information Management System, specifically the re-categorisation of data entry fields and creation of iTrace's online mapping portal.

4.1.3. Project results

The project will:

- (a) allow any online user to browse a particular location, country, region or continent of the world;
- (b) identify and deliver visual evidence of diverted or trafficked SALW and other conventional weapons and ammunition in that location, country, region or continent;
- (c) plot dates of transfer, illicit supply routes and traffickers involved for any one item (among thousands) of trafficked SALW and other conventional weapons and ammunition on an online world map;

- (d) automatically retrieve similar cases (SALW and other conventional weapons or ammunition of the same type, country of manufacture or production series) and plot these items, and their locations, on an online world map;
- (e) identify and map linkages between types of diverted or trafficked SALW and other conventional weapons and ammunition, or international trafficking organisations;
- (f) generate comprehensive reports (for example the scale of diversion in a given country or the origin of diverted conventional weapons), which will be delivered in PDF format;
- (g) host, by country and globally, existing policy-relevant documentation on transfers of SALW and of other conventional weapons and ammunition, including national arms export reports, country reports to the UN Register of Conventional Arms and the UN Programme of Action on the Illicit Trade in SALW, the text of relevant national, regional and international instruments; and reports of illicit SALW and other illicit conventional weapons and ammunition transfers compiled by UN sanctions monitoring groups, civil society organisations and the international news media;
- (h) link seamlessly to INTERPOL iARMS, which will enable INTERPOL to cross-compare crime weapons in the iARMS system with iTrace-generated information on conflict weapons;
- (i) produce risk assessment reports, of predefined format, to support conventional arms control experts in identifying priority areas for improvement, assistance and cooperation, and to assist national arms export licensing authorities in recognising concrete diversion risks.

4.1.4. *Project implementation indicators*

The project will establish a free, public access, online mapping system, with no restrictions on potential beneficiaries.

4.1.5. *Project beneficiaries*

Once populated (see Sections 4.2 and 4.3), iTrace will provide comprehensive information explicitly targeted at, but not limited to national arms control policy makers, arms export licensing agencies, regional and international organisations (including UN sanctions monitoring groups, UN peacekeeping missions, United Nations Office on Drugs and Crime (UNODC), United Nations Office for Disarmament Affairs (UNODA) and INTERPOL), non-governmental research organisations (including Bonn International Center for Conversion (BICC), Group for Research and Information on Peace (GRIP), Stockholm International Peace Research Institute (SIPRI), and Small Arms Survey), advocacy organisations (including Amnesty International and Human Rights Watch) and the international news media.

- 4.2. Project 2: Field investigations and retrospective research required to populate the iTrace system with real-time documentary evidence of the diversion and trafficking of SALW and of other conventional weapons and ammunition, and other relevant information.

4.2.1. *Project objective*

The project will conduct in-field research into SALW and other conventional weapons and ammunition circulating in conflict-affected areas. The project is a pilot initiative, which aims to confirm the utility of the iTrace system by generating up-to-date information on the diversion and trafficking of SALW and of other conventional weapons and ammunition in sub-Saharan rim countries. It will encompass, within its scope, several countries of particular concern to EU Member States, including, for instance, the Central African Republic, Libya, Mali, Niger, South Sudan, Sudan and Somalia. In addition, the project will carry out retrospective research to populate the iTrace system with verified, existing information on relevant transfers gathered from organisations other than CAR.

4.2.2. *Project activities*

The following activities will be undertaken in the framework of this project:

- (a) the deployment of qualified arms experts to conduct in-field analysis of illicit SALW and other illicit conventional weapons, ammunition and related materiel recovered from armed conflicts in States of the sub-Saharan rim;
- (b) the analysis, review and verification of documented evidence on illicit SALW and other illicit conventional weapons, ammunition and their users, including, inter alia, photographs of weapons, their component parts and internal and external markings, packaging; associated shipping documentation and the results of field investigations (users, supplies and transfer routes);

- (c) the review and verification of recent historical evidence on relevant transfers of SALW and of other conventional weapons and ammunition gathered by organisations other than CAR, including reports by UN sanctions monitoring groups, civil society organisations, and the international news media;
- (d) the uploading of all collected and reviewed evidence onto the iTrace information management system and online mapping portal;
- (e) the identification and support of local partners to ensure sustained data collection in support of iTrace throughout the duration of the proposed Action and beyond;
- (f) the liaison with EU Governments to predefine national points of contact, and a coordination mechanism, in order to clarify the scope of CAR's investigations, and alleviate possible conflicts of interest, in advance of its investigations.

The project will be implemented incrementally over the full two-year iTrace project period.

4.2.3. *Project results*

The project will:

- (a) document, *in situ*, the physical evidence of diverted or trafficked SALW and other conventional weapons and ammunition in conflict-affected regions of the sub-Saharan rim;
- (b) verify and develop illicit trafficking cases from evidence gathered by CAR, and organisations other than CAR, on diverted or trafficked SALW and other conventional weapons and ammunition across all regions;
- (c) provide concrete visual evidence of diverted or trafficked SALW and other conventional weapons and ammunition, including photographs of items, serial numbers, factory marks, boxes, packing lists, shipping documents and end-user certification;
- (d) generate textual accounts of illicit activity, including trafficking routes, actors involved in diversion or illicit transfer and assessments of contributing factors (including ineffective stockpile management and security and deliberate, state-orchestrated illicit supply networks);
- (e) upload the aforementioned evidence onto the iTrace information management system and online mapping portal for full public dissemination.

4.2.4. *Project implementation indicators*

Up to 30 field deployments (including extended deployment where required) throughout the two-year period to generate evidence to upload onto the iTrace information management system and online mapping portal.

4.2.5. *Project beneficiaries*

Please see Section 4.1.5 above for a full list of beneficiaries, which is identical for all projects listed within this decision.

4.3. Project 3: Stakeholder outreach and international coordination

4.3.1. *Project objective*

The project will showcase the benefits of iTrace to international and national policy makers, conventional arms control experts and arms export licensing authorities. Outreach initiatives will also be designed to coordinate information sharing and build sustainable partnerships with individuals and organisations capable of generating information that can be uploaded onto the iTrace system.

4.3.2. *Project activities*

The following activities will be undertaken in the framework of this project:

- (a) CAR staff presentations to two, Brussels-based conferences. Staff presentations will be designed to showcase iTrace, with an emphasis on 1) its concrete benefits for assisting in monitoring the implementation of the UN Programme of Action and the ATT; 2) its utility in identifying priority areas for international assistance and cooperation; and 3) its utility as a risk assessment profiling mechanism for arms export licensing authorities;
- (b) CAR staff presentations at a range of international conferences (EU, UN, OSCE and regional organisations, including African Union, Economic Community Of West African States (ECOWAS) and the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa, and Bordering States (RECSA)). Staff presentations will be designed to showcase iTrace to policy makers, to encourage and develop sustainable partnerships with individuals and organisations capable of generating information that can be uploaded onto the iTrace system, as well as to assist policy makers in identifying priority areas for international assistance and cooperation.

The project will be implemented over the full two-year iTrace project period.

4.3.3. *Project results*

The project will:

- (a) promote the utility of iTrace with national and international policy makers working to implement SALW and other conventional arms control and arms export control agreements (UN Programme of Action and ATT), and evaluate their implementation;
- (b) provide relevant information to assist policy makers and conventional arms control experts in identifying priority areas for international assistance and cooperation and devising effective counter-proliferation strategies;
- (c) provide arms export licensing authorities with in-depth information on iTrace and its risk assessment utility, in addition to providing an avenue for feedback and system enhancement;
- (d) further network an expanding group of SALW and other conventional arms control experts involved in conducting *in situ* investigations into the diversion and trafficking of conventional weapons and ammunition;
- (e) raise the public profile of tracing SALW and other conventional weapons and ammunition as a means to assist in monitoring the implementation of the UN Programme of Action, the ATT and other international and regional arms control and arms export control instruments.

4.3.4. *Project implementation indicators*

Up to 12 conferences attended by CAR staff, of which two will include conferences held in Brussels. All conferences will include presentations of iTrace. Conference agendas and brief summaries will be included in the final report.

4.3.5. *Project beneficiaries*

Please see Section 4.1.5 above for a full list of beneficiaries, which is identical for all projects listed within this decision.

4.4. Project 4: iTrace policy reports

4.4.1. *Project objective*

The project will provide key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system. The reports will be designed to highlight specific areas of international concern, including major trafficking patterns of SALW and of other conventional weapons and ammunition, the regional distribution of trafficked weapons and ammunition, and priority areas for international attention.

4.4.2. *Project activities*

In-depth analysis leading to the compilation, review, editing and publication of four iTrace policy reports.

4.4.3. *Project results*

The project will:

- (a) produce four reports, each profiling a separate issue of international concern;
- (b) ensure the distribution of iTrace policy reports to all EU Member States;
- (c) devise a targeted outreach strategy to ensure maximum global coverage;
- (d) sustain the visibility of the Action in the policy arena and international news media by, inter alia, presenting illicit weapons information of topical concern; providing policy relevant analysis in support of ongoing arms control processes and tailoring reports to provide maximum international news media interest.

4.4.4. *Project implementation indicators*

Four online iTrace policy reports produced throughout the duration of the proposed Action and distributed globally.

4.4.5. *Project beneficiaries*

Please see Section 4.1.5 above for a full list of beneficiaries, which is identical for all projects listed within this decision.

5. Locations

The location for Project 1 will be the United Kingdom. The project recognises that the required results of in-field investigations cannot be replicated remotely and Project 2 will necessitate extensive field deployment of conventional arms experts to countries in the sub-Saharan rim. These deployments will be assessed on a case-by-case basis, with reference to security, access and the availability of information. CAR already has established contacts or ongoing projects in many of the sub-Saharan rim countries concerned. Project 3 will be conducted at international conferences worldwide to ensure maximum project visibility. Project 4 will be compiled in the United Kingdom.

6. Duration

The total estimated duration of the combined projects is 24 months.

7. Implementing entity and EU visibility

- 7.1. The technical implementation of this Decision will be entrusted to CAR. CAR will perform its task under the responsibility of the HR

CAR emerged out of a growing network of arms investigators, which has pioneered conventional weapons and ammunition identification and tracing since 2006. It is the only organisation, outside of the UN system, dedicated exclusively to identifying and tracing conventional weapons, ammunition and related materiel, on the ground, in contemporary armed conflicts and its scope of operations is far wider than the fields of activity of UN Monitoring Groups, which are focused only on sanctioned states.

Its operations are also more specialised than those of existing non-governmental arms control organisations, such as BICC, GRIP, SIPRI and the Small Arms Survey (SAS). Created in consultation ⁽¹⁾ with the aforementioned organisations, CAR fills an important gap in their research and analysis activities. This is because they tend to focus either on compiling macro-level research (trade statistics analysis and generating information on trafficking from third parties) or 'mid-level' work in specific countries (often involving armed violence surveys, which are not focused on weapons *per se*).

In contrast to these organisations, CAR focuses exclusively on identifying and tracing weapons on the ground. This individual case study approach, and the technical capacity required to implement it, is essential for comprehensively mapping the diversion of conventional arms into and within countries in conflict, which is currently not sufficiently monitored by the international community. To do this, CAR sends small teams of investigators, with 10 or more years of weapons-specific expertise, into conflict-affected areas to examine and document illicit weapons *in situ*. CAR also works to assist, coordinate and verify investigations by UN Sanctions Monitors, UN mission personnel, journalists and independent researchers working on the ground.

These core competencies are the only way to generate the detailed, weapon-specific information necessary to populate a global reporting system on illicit SALW and other conventional arms, such as iTrace.

7.2. EU Visibility

CAR shall take all appropriate measures to publicise the fact that the Action has been funded by the European Union. Such measures will be carried out in accordance with the Commission Communication and Visibility Manual for EU External Actions laid down and published by the European Commission.

CAR will thus ensure the visibility of the Union contribution with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions, and raising awareness of the reasons for the Decision as well as Union support for the Decision and the results of this support. Material produced by the project will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

8. Reporting

CAR will thus prepare regular reports quarterly.

⁽¹⁾ CAR consulted BICC, GRIP, SAS and SIPRI extensively throughout the conceptual design of the iTrace project. All four organisations state that they a) do not have the technical capacity to conduct this kind of project, b) for them to do so would entail a radical revision of their research agendas and the hiring of expert staff and c) that iTrace would greatly support their research by providing a 'missing' field-based mapping component to complement existing 'at a distance' arms trade monitoring approaches.

COUNCIL DECISION
of 25 November 2013
appointing a Latvian member and two Latvian alternate members of the Committee of the Regions
(2013/699/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal from the Latvian Government,

Whereas:

- (1) On 22 December 2009 and 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Guntars KRIEVIŅŠ.
- (3) An alternate member's seat has become vacant following the end of the term of office of Mr Viktors GLUHOVS. An alternate member's seat will become vacant following the appointment of Mr Jānis VĪTOLIŅŠ as member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as member:

— Mr Jānis VĪTOLIŅŠ, *First Deputy Chairman of Ventspils City Council*

and

(b) as alternate members:

— Mr Gunārs ANSINŠ, *Deputy Chairman of Liepāja City Council*

— Ms Olga VEIDIŅA, *Chairman of the Social Issues Committee of Rīga City Council.*

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 25 November 2013.

For the Council
The President
D. PAVALKIS

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COMMISSION IMPLEMENTING DECISION**of 22 November 2013****on setting up the European Social Survey as a European Research Infrastructure Consortium (ESS ERIC)**

(2013/700/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular point (a) of Article 6(1) thereof,

Whereas:

- (1) The Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland requested the Commission to set up the European Social Survey as a European Research Infrastructure Consortium (ESS ERIC). The Kingdom of Norway and the Swiss Confederation will participate initially in the ESS ERIC as Observers.
- (2) The United Kingdom of Great Britain and Northern Ireland has been chosen by the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia and the Kingdom of Sweden as the Host Member State of ESS ERIC.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 20 of Regulation (EC) No 723/2009,

HAS ADOPTED THIS DECISION:

Article 1

1. A European Research Infrastructure Consortium for the European Social Survey Research Infrastructure named ESS ERIC is hereby established.
2. The Statutes of ESS ERIC are set out in the Annex. These Statutes shall be kept up to date and made publicly available on the website of ESS ERIC and at its statutory seat.
3. The essential elements of the ESS ERIC Statutes for which amendments shall require approval by the Commission in accordance with Article 11(1) of Regulation (EC) No 723/2009 are provided for in Articles 1, 2, 20, 21, 22, 23, 24 and 25.

*Article 2*This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 November 2013.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

ANNEX I

STATUTES OF THE EUROPEAN SOCIAL SURVEY EUROPEAN RESEARCH INFRASTRUCTURE CONSORTIUM ('ESS ERIC')

CHAPTER 1

GENERAL PROVISIONS*Article 1***Name, seat, location, headquarters, setting up and working language**

1. There shall be a European Research Infrastructure called the European Social Survey, hereinafter referred to as 'ESS'.
2. The name of the European Research Infrastructure Consortium (ERIC) — European Social Survey shall be ESS ERIC.
3. The statutory seat of the ESS ERIC shall be located in the Host Country. Within such country the statutory seat shall normally be hosted at the host institution as may be determined by the General Assembly when necessary.
4. The first statutory seat of the ESS ERIC shall be located in the United Kingdom of Great Britain and Northern Ireland. The first Host Country shall be the United Kingdom (UK). The first Host Institution shall be City University London. The statutory seat, Host Country and Host Institution shall be reviewed by the General Assembly every 4 years.
5. The ESS ERIC shall make an arrangement with each Host Institution specifying the terms upon which the Host Institution may deliver any such services or products or make available such personnel to the ESS ERIC at its headquarters (which shall be the central offices of the ESS ERIC at which the Director and one Deputy Director shall be located) ('Headquarters'). In the event that following the termination of a Host Institution acting as such and that Host Institution suffers any costs, claims or other liabilities then the ESS ERIC shall indemnify that Host Institution against such costs, claims or liabilities (save to the extent caused by the default of the Host Institution).
6. The Headquarters shall normally be established at the Host Institution. Unless otherwise determined by the General Assembly, the ESS ERIC shall normally enter into arrangements for the provision of Headquarters for periods of 4 years. 12 months prior to the expiry date of its then arrangement with the Host Institution regarding the Headquarters, the General Assembly shall either renew the arrangement for another period of 4 years or establish the Headquarters elsewhere by way of an arrangement with a third party.
7. The first meeting of the General Assembly shall be called by the Host State as soon as possible but no later than 45 days after the Commission decision to set up the ESS ERIC takes effect.
8. The Host State shall notify the founding Members of any specific urgent legal action that needs to be taken on behalf of the ERIC before the constitutional meeting is held. Unless a founding Member objects within 5 working days after being notified, the legal action shall be carried out by a person duly authorised by the Host State.
9. The working language of the ESS ERIC shall be English.

*Article 2***Tasks and activities**

1. The principal object and task of the ESS ERIC shall be to establish and operate a research infrastructure with the following main objectives:
 - (a) assembling, interpreting and disseminating via the European Social Survey or otherwise rigorous data on Europe's social condition, including the shifting attitudes, values, perceptions and behaviour patterns among citizens in different countries;
 - (b) providing free and timely access to its accumulated data to professional users and members of the public;
 - (c) furthering the advancement of methods of quantitative social measurements and analysis in Europe and beyond.

2. The ESS ERIC shall pursue its principal object and task on a non-economic basis. However, it may carry out limited economic activities, provided that they are closely related to its principal task and that they do not jeopardise the achievement thereof.

CHAPTER 2

MEMBERSHIP

Article 3

Membership and representing entity

1. The following entities may become Members of the ESS ERIC:

- (a) Member States;
- (b) Associated Countries;
- (c) third countries other than Associated Countries; and
- (d) intergovernmental organisations.

2. The ESS ERIC shall have at least three Member States as Members.

3. Member States (acting through National Representatives) shall hold at all times jointly the majority of voting rights at the General Assembly. If less than half of all the Members (acting through National Representatives) are Member States, the Member States shall hold together 51 % of the votes and each Member State (acting through National Representatives) shall hold an equal share of such 51 % of votes. The balance of the votes shall be divided equally between all other Members. For the purposes of the Statutes, 'one vote' shall refer, where appropriate, to one share of a Member's vote adjusted as set out in this Article 3(3) whenever less than half of all Members are Member States.

4. Any Member or Observer may be represented by one public entity or one private entity with a public service mission, of its own choosing and appointed according to its own rules and procedures.

For the avoidance of doubt each Member shall be entitled to change its representative and/or to have up to two representatives but only one vote per Member.

5. Each Member shall appoint (through its relevant Ministry, Government Department or their respective delegated body or the representative under Article 3(4), and inform the General Assembly in writing of such appointment, one named natural person to represent such Member (the 'National Representative') at meetings of the General Assembly and in any other dealings of the General Assembly or otherwise between the Member and the ESS ERIC. Each Member shall also appoint, and inform the General Assembly in writing of such appointment, one named natural person to act as the alternate of the National Representative if the National Representative is unavailable or unable to carry out his or her duties.

6. Each Member shall normally appoint a National Representative for a minimum period of the 2-year cycle of each European Social Survey (with the first such period for the ESS ERIC being as determined by the Director with the approval of the General Assembly) (a 'Biennial Period'). Each Member shall also appoint one named alternate National Representative for the same Biennial Period. Each Member may replace its National Representative or alternate National Representative at any time by written notice to the General Assembly.

7. The current Members, Observers and their representing entities are listed in Annex II. The Members at the time of submission of the ERIC application shall be referred to as founding members.

Article 4

Admission of Members and Observers

1. New Members must satisfy the following conditions for admission:

- (a) the admission of new Members shall be approved by a simple majority of votes of the General Assembly;
- (b) all applications for membership shall be in writing addressed to the Chair of the General Assembly and copied to the Director;
- (c) the application shall describe how the applicant will contribute to the ESS ERIC objectives and activities described in Article 2 and how it will fulfil its obligations referred to in Chapter 3. In particular, an applicant must have shown, to the satisfaction of the General Assembly, that it has the means and sustained commitment to do the following:

- (i) ensure at their own expense data collections and surveys which the ESS ERIC may operate when necessary in pursuance of its principal task (at least on a biennial basis) are carried out to the specifications drawn up by the Director and agreed when necessary by the General Assembly; and
 - (ii) be required to make financial contributions to the balanced budgets of the ESS ERIC with the initial contributions being as set out in the attachment hereto; and
 - (iii) contribute, through the contributions set out in Article 17(5) or otherwise, to the central costs of the ESS ERIC in accordance with the funding formula established when necessary by the General Assembly under the Statutes; and
 - (iv) abide by and participate in the governance arrangements of the ESS ERIC in accordance with the Statutes.
2. All members shall as a condition of membership enter into a deed of adherence substantially in the form as approved by the General Assembly when necessary.
3. Entities listed in Article 3(1) who are not yet in a position to join as Members may apply for Observer status. The following shall be admitted as observers (each an 'Observer'):
- (a) any entity capable of being an observer within the definition of the Regulation and admitted by the General Assembly as an Observer, provided that doing so is considered by the General Assembly as being in the best interest of the ESS ERIC and in furtherance of its principal task and activities;
 - (b) any Member which has lost its voting right, temporarily or otherwise, under Article 5(4), shall with the approval of the General Assembly be awarded the status of Observer until its voting right is reinstated or its membership comes to an end.
4. The terms for admission as Observers are the following:
- (a) Observers shall be admitted for a 4-year period; after this time the Observer shall apply to the General Assembly for extension(s) of the status of Observer;
 - (b) the admission or readmission of Observers shall require the approval of the General Assembly;
 - (c) applicants shall submit a written application to the ESS ERIC statutory seat;
 - (d) any Member which has lost its voting right, temporarily or otherwise, under Article 5(4), shall with the approval of the General Assembly be awarded the status of Observer until its voting right is reinstated or its membership comes to an end.
5. Each Observer shall appoint (through its relevant Ministry, Government Department or their respective delegated body), and inform the General Assembly in writing of such appointment, one named natural person to represent such Observer (the 'Observer Representative') at meetings of the General Assembly and in any other dealings of the General Assembly or otherwise between the Observer and the ESS ERIC.
- The Observer Representative of an Observer admitted under Article 4(3) shall be the National Representative appointed by such entity in its capacity as Members. Each Observer shall also appoint, and inform the General Assembly in writing of such appointment, one named natural person to act as the alternate of the Observer Representative if the Observer Representative is unavailable or unable to carry out its, his or her duties.
6. The following persons shall ex officio be invited to attend those parts of the meetings of the General Assembly which are not considering Reserved Matters, with speaking but not voting rights and the right to receive all relevant papers:
- (a) a representative of the European Science Foundation or any successor body;
 - (b) the Chair of the scientific advisory board of the General Assembly to be established under these Statutes ('SAB');
 - (c) the Chair of the methods advisory board of the General Assembly to be established under these Statutes ('MAB');

- (d) a representative of the National Coordinators' Forum as described in Article 13 (the 'NC Forum');
- (e) the Director and the Deputy Directors of the ESS ERIC;
- (f) a representative of the Host Institution; and
- (g) a designated representative of any other non-Member country which has expressed an intention to participate in the European Social Survey and which has been approved by the General Assembly.

Article 5

Withdrawal of a Member or an Observer/Termination of membership or Observer status

1. An entity shall automatically cease to be a Member if it ceases to exist or no longer falls within any of the categories set out under Article 3(1).
2. A Member may withdraw from membership at any time, taking effect at the end of any Biennial Period (except at the end of the first Biennial Period) by serving on the General Assembly no less than 24 months prior written notice (the 'Exit Notice Period').
3. Membership shall also terminate if the General Assembly, by a two thirds majority vote, resolves that it is in the best interests of the ESS ERIC to terminate such membership following:
 - (a) a Member's breach of the conditions set out in:
 - (i) Article 4(1)(c)(i) for two consecutive Biennial Periods; or
 - (ii) Article 4(1)(c)(ii) for 2 consecutive financial years of the ESS ERIC; or
 - (b) a Member's serious breach of any other provisions of the Statutes.

The Member or Observer shall be given opportunity to contest the decision of termination and to present its defence to the General Assembly.

4. Notwithstanding Article 5(3), the General Assembly may also resolve, by simple majority vote, in the circumstances set out under Article 5(3), not to terminate a Member's membership but to suspend or withdraw a Member's voting right for such period of time and subject to such conditions as the General Assembly may reasonably decide. The General Assembly may reinstate, by simple majority vote, a Member's voting right at any time if such Member has remedied to the satisfaction of the General Assembly any breach set out under Article 5(3).
5. Membership shall not be transferable.

CHAPTER 3

RIGHTS AND OBLIGATIONS OF THE MEMBERS AND OBSERVERS

Article 6

Members

1. Subject to Articles 3(5) and 5(4), each Member shall have one vote. In the case that a Member shall have more than one representative under Article 3(4) then save with the consent of the General Assembly (and this Article) that Member shall have only one vote. In addition the Member shall indicate to the General Assembly the procedure for how its representatives shall cast any such vote(s) for such Member.
2. Each Member shall:
 - (a) make a financial contribution as specified in Article 4(1)(c)(i), (ii) and (iii);
 - (b) appoint a National Representative as mentioned in Article 3(5); and
 - (c) empower its National Representative with the full authority to vote on all issues raised during the General Assembly and included in the agenda.

3. Contributions other than the annual contribution to the ESS ERIC may be provided by Members individually or jointly in cooperation with other Members, Observers or third parties.

Article 7

Observers

1. Rights of Observers shall include to receive notice of, attend and (with the approval of the Chair) speak at a meeting of the General Assembly except that the General Assembly may exclude Observers from parts of such meetings which consider reserved business (as decided by the Chair or a vote of the General Assembly when necessary). An Observer shall be entitled to the same papers as National Representatives save in respect of any such papers involving reserved business (as referred to above). An Observer shall not have a vote.
2. Each Observer shall appoint an Observer Representative entity as mentioned in Article 4(5).

CHAPTER 4

GOVERNANCE AND EXECUTION OF ACTIVITIES OF THE ERIC

Article 8

General Assembly

1. The General Assembly is the body representing all the Members of the ESS ERIC. Each Member shall be represented by its National Representative (or his/her alternate) at meetings of the General Assembly.
2. The General Assembly shall have the full decision making powers regarding the operations and management of the ESS ERIC. The General Assembly shall protect and promote the interests of the ESS ERIC at all times.
3. The General Assembly shall be entitled by standing order to delegate to the Director when necessary such matters as it sees fit.
4. The General Assembly shall have overall responsibility for ensuring the viability and sustainability of the ESS ERIC. Its responsibilities shall also include, without being limited to:
 - (a) appointing, replacing or removing the Director following consultation with the Core Scientific Team as described in Article 13 ('CST') and determining the terms and conditions of the Director's employment. The General Assembly shall determine whether an open competition or a restricted process is appropriate regarding the appointment of the Director and whether an appointment committee shall be established to deal with this matter on behalf of the General Assembly;
 - (b) appointing, replacing or removing the Host Institution following consultation with the CST. The General Assembly shall determine whether an open competition or a restricted process is appropriate regarding the appointment of the Host Institution and whether an appointment committee shall be established to deal with this matter on behalf of the General Assembly;
 - (c) receiving periodic reports from the Director on the exercise of his/her duties;
 - (d) reviewing and approving accounts and rolling work programmes;
 - (e) appointing replacing or removing the members of the SAB;
 - (f) appointing replacing or removing the members of the MAB;
 - (g) appointing replacing or removing the members of the Finance Committee;
 - (h) establishing any other advisory bodies or committees which the General Assembly may consider necessary or appropriate when necessary and determine the membership and procedures of such bodies; and
 - (i) monitoring and ensuring that Members fulfil their obligations towards the ESS ERIC and, if necessary, taking actions against Members in order to enforce the rights of the ESS ERIC against such Members.

The General Assembly may commission and receive periodic independent reviews or audits of all or part of the ESS ERIC's operations. The General Assembly shall have responsibility for determining the process and timetable for any such reviews or audits and for setting the review criteria in consultation with the Director, the CST and any advisory bodies which the General Assembly may establish when necessary.

*Article 9***Chair and Deputy Chair of the General Assembly**

1. The General Assembly shall appoint by simple majority vote an independent Chair (the 'Chair'), who must not be a National Representative and who shall comply with such criteria as are approved by the General Assembly when necessary.

The Chair shall be appointed for a term of 4 years, which shall be renewable. Prior to appointing the Chair, the General Assembly shall put forward written nominations of candidate(s) at least 3 weeks in advance of the meeting at which the Chair shall be appointed. The Chair shall take office as soon as possible after his/her appointment.

2. The General Assembly shall appoint by simple majority vote a deputy Chair (the 'Deputy Chair') from among the National Representatives. The Deputy Chair shall be appointed for a term of 4 years, which shall be renewable. Prior to appointing the Deputy Chair, the General Assembly shall put forward written nominations of candidate(s) at least 3 weeks in advance of the meeting. The Deputy Chair shall take office as soon as possible after his/her appointment. The Deputy Chair shall assume all roles of the Chair in his/her absence.

3. The General Assembly shall make the necessary arrangements in order to allow the first Chair and Deputy Chair to be appointed at the first meeting of the General Assembly.

*Article 10***Meetings of the General Assembly**

1. The General Assembly shall meet at least twice per year. Further meetings may be called at the request of the Chair or the Director or at least one third of the National Representatives. The Headquarters of the ESS ERIC shall organise the administration of meetings, including minute taking.

2. All decisions of the General Assembly, other than Reserved Matters, shall be adopted by simple majority of votes of the Members present through their National Representatives subject to Article 3(5).

3. Subject to Article 10(15), a meeting of the General Assembly shall be called by at least 14 calendar days' notice. Subject to Article 10(15), the notice shall specify the time and place of the meeting and the general nature of the business to be transacted.

4. Subject to the provisions of the Statutes, notice of and other communications relating to a meeting of the General Assembly shall be given to all Members, to the Director, to the National Representatives, to the Observers and to any other person which the Chair may want to invite to the meeting.

5. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.

6. Every notice convening a meeting of the General Assembly shall be given in hard copy form or electronic form (as defined in section 1168 of the United Kingdom Companies Act 2006) and by means of a website.

7. No business shall be transacted at any meeting of the General Assembly unless a quorum of Members (through their National Representatives) is present. Members holding at least one third of the votes eligible to be cast at the General Assembly and entitled to vote upon the business to be transacted shall be a quorum. If within half an hour from the time appointed for the meeting a quorum is not present the General Assembly shall stand adjourned to the same day, at the same place ten minutes later. If at the adjourned General Assembly meeting a quorum is not present the Members represented and entitled to vote upon the business to be transacted shall constitute a quorum and shall have power to decide upon all matters which could properly have been disposed of at the meeting from which the adjournment took place, but any decisions adopted at that meeting shall not take effect unless and until the minutes of the meeting have been circulated to all the Members and have been endorsed in writing or by e-mail by a simple majority of Members or a majority of two-thirds of Members for any Reserved Matter. For the purposes of this Article the approval of a National Representative shall be treated as the approval by a Member.

8. The Chair shall preside at every meeting of General Assembly, or if there is no Chair, or if he or she shall not be present at the time appointed for the holding of the meeting or is unwilling to act, the Deputy Chair shall preside as Chairperson, or if he or she is not be present or is unwilling to act, the present National Representatives shall elect one of their number to be Chairperson of the meeting.

9. At any General Assembly meeting a resolution put to the vote of the meeting shall be decided on a show of hands or, at the discretion of the Chair, the vote may be decided by ballot.

10. A declaration by the Chair that a resolution has been carried or carried unanimously, or by a particular majority, or lost, or not carried by a particular majority and an entry to that effect in the minutes of the meeting of the ESS ERIC shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

11. The Chair shall not have a vote or casting vote. The Deputy Chair or any other National Representative elected to chair a meeting of the General Assembly shall retain his/her vote as a National Representative when chairing a meeting of the General Assembly but shall have no additional vote when acting as Chair.

12. Observers shall have the right to speak and be heard at meetings of the General Assembly at the discretion of the Chair, but they do not have the right to vote. The Chair may, at his/her discretion, ask Observers to leave the room during all or part of the meeting of the General Assembly.

13. The following matters (the 'Reserved Matters') can only be adopted by the General Assembly with a two thirds majority of the Members represented and voting at the meeting, provided that the meeting has been called by at least 6 weeks' notice and that the notice specified the time and place of the meeting and the nature of the Reserved Matters to be transacted:

- (a) any changes to the governance arrangements of the ESS ERIC;
- (b) any proposed increases to the budget of the ESS ERIC (as set out in Article 17 hereof);
- (c) any changes proposed to the funding model as set out in Article 17 hereof;
- (d) proposed termination of membership of a Member;
- (e) proposed change of Host Institution;
- (f) proposed termination of the appointment of the Chair, Deputy Chair and Director before its due date;
- (g) any changes to the composition or make up of any of the bodies referred to in Article 11(3) or 13(2); and
- (h) proposed changes to the Statutes (including any changes as specified in Article 28 hereof).

14. A resolution in writing agreed by such number of Members as required if it had been proposed at a meeting of the General Assembly shall be as effectual as if it had been passed at a meeting of the General Assembly duly convened and held and may consist of several instruments in the like form each signed on behalf of one or more Members. For the purposes of this Article the approval of a National Representative shall be treated as the approval by a Member.

15. Members (acting through their duly appointed National Representatives) are deemed to have participated in a meeting, or part of a meeting, of the General Assembly when:

- (a) the meeting has been called and takes place in accordance with the Statutes; and
- (b) they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.

Article 11

Committees of the General Assembly

1. Subject to the Statutes, the General Assembly may establish any committee. Subject to the Statutes, the constitution, membership and proceedings of any committee shall be determined by the General Assembly. The membership of any committee of the General Assembly may include persons who are not National Representatives. The General Assembly shall appoint members to its committees following consultation with the Director and with any such special appointments panels as the General Assembly may consider appropriate establishing when necessary.

2. The Director (or his/her nominated alternate) shall have the right to attend meetings of all committees of the General Assembly and shall organise their administration and minute keeping. The General Assembly shall determine the renewal options for its committees.

3. The following committees shall be in place at all times:
 - (a) Scientific Advisory Board (or SAB);
 - (b) Methods Advisory Board (or MAB); and
 - (c) Finance Committee (or FINCOM).
4. The SAB shall normally comprise eight senior social scientists, drawn from the international social scientific research community, appointed by the General Assembly, following written nominations from the Members. Members of the SAB shall be appointed for a term of 4 years, renewable.
5. The SAB shall provide advice and guidance to the General Assembly, the Director and the CST on the substantive coverage of the ESS ERIC. The opinion of the SAB shall not, except as provided in Article 11(6), bind the General Assembly, the Director or the CST.
6. The SAB shall also hold delegated authority from the General Assembly to select the members of the questionnaire design team for the rotating modules at each Biennial Period from among applications received following an international competition.
7. Meetings of the SAB shall take place at least twice in every 12-month period. The SAB shall elect its own Chair and deputy Chair by simple majority vote after an appropriate nomination process. All members of the SAB shall have one vote. The Chair of the SAB shall have a casting vote in the event of a tie.
8. The chair of the SAB may, at his/her discretion, invite such persons as observers to the meetings of the SAB as he or she considers appropriate when necessary.
9. The MAB shall comprise six senior methods specialists, drawn from the international social scientific research community, appointed by the General Assembly, following written nominations from the Members. Members of the MAB shall be appointed for a term of 4 years, renewable.
10. The MAB shall provide advice and guidance to the General Assembly, the Director and the CST on the methodology. The opinion of the MAB shall not bind the General Assembly, the Director or the CST.
11. Meetings of the MAB shall take place at least once in every 12-month period. The MAB shall elect its own Chair and deputy Chair by simple majority vote after an appropriate nomination process. All members of the MAB shall have one vote. The Chair of the MAB shall have a casting vote in the event of a tie.
12. The chair of the MAB may, at his/her discretion, invite such persons as observers to the meetings of the MAB as he or she considers appropriate when necessary.
13. FINCOM shall comprise four specialists in budgeting and financial control, appointed by the General Assembly, following written nominations from the Members. At least two members of FINCOM shall not be National Representatives. Members of FINCOM shall be appointed for a term of 4 years, renewable.
14. FINCOM shall provide guidance to the General Assembly and the Director on the financial health of the ESS ERIC, including (without limitation) on resource and related financial issues by the ESS ERIC.
15. Meetings of FINCOM shall take place at least once in every 12-month period. The members of FINCOM shall determine its own meeting and between-meeting procedures but shall nominate one of them to represent FINCOM at meetings of the General Assembly in order to report its assessments and advice.

Article 12

Director and Deputy Directors

1. The General Assembly may appoint or replace when necessary the director of ESS ERIC (the 'Director') who shall be the chief executive officer, chief scientific officer and under Article 12 of the Regulation legal representative of ESS ERIC. The Director shall, unless otherwise specified by the General Assembly when necessary, have full authority to act on behalf of the ESS ERIC. The first Director of the ESS ERIC shall be the then existing Principal Investigator — Coordinator of the ESS. The appointment of the Director shall be subject to approval of the General Assembly and shall be for 4 years renewable and otherwise on terms approved by the General Assembly.

2. The General Assembly shall delegate such authority to the Director as it considers appropriate when necessary in order to allow the Director to carry out the day-to-day responsibilities of chief executive officer, chief scientific officer and legal representative of ESS ERIC.

3. The Director shall be responsible for pursuing the overall aims of the ESS ERIC, implementing its annual budget, business plan and work programme. The Director shall report directly to the General Assembly, or if the General Assembly directs him/her to do so, to a committee of the General Assembly. The Director shall be responsible for selecting the institutions of the CST (as defined in Article 13(2)(a)), subject to ratification by the General Assembly. The Director shall have overall responsibility for ensuring adherence by the ESS ERIC to its scientific, contractual, legal and budgetary commitments. The Director shall be supported by and coordinate the staff at Headquarters, the CST and their associated research scientists and the national coordinators in all participating countries in order to implement ESS ERIC's work programme to the required standard.

4. The Director shall appoint a deputy from the Host Institution and at least one other deputy from among the other CST institutions to assist with his or her tasks. The Director may allocate specific functions to each of the said deputies.

Article 13

Director's Committees

1. The Director may establish committees assisting him in the implementation of the Director's responsibilities and tasks. The constitution, membership and proceedings of any committee shall be determined by the Director. The membership of any committee of the Director may include persons who are not National Representatives or Observers.

2. The following Director's committees shall be in place at all times:

(a) Core Scientific Team (or CST); and

(b) National Coordinators Forum (or NC Forum).

The CST and the NC Forum shall assist the Director in ensuring that the ESS ERIC carries out its principal task consistently up to the quality standards set by the General Assembly throughout the Member countries.

3. The CST shall comprise such institutions (each an 'institutional member') as the Director may determine and the General Assembly may approve when necessary. Each institutional member shall in turn appoint its own senior representative and a named alternate in each case to be approved by the Director to attend CST meetings. The term of office of each institutional member shall be 4 years, renewable. Other staff members at institutional members shall be invited to meetings to contribute specialist knowledge to the discussions.

4. The CST shall advise and work with the Director on all aspects of the design, scientific direction, methods, implementation, quality control, delivery and dissemination of the ESS ERIC's work.

5. Meetings of the CST shall take place at least three times in every 12-month period. Meetings of the CST shall be chaired by the Director and, in his/her absence, by a Deputy Director. Although the ESS ERIC may when necessary contract specialist tasks to institutions other than institutional members of the CST, such institutions shall not thereby become members of the CST.

6. National coordinators (being persons appointed as a national coordinator by a Member in accordance with these Statutes) ('National Coordinators') shall be selected at the start of each survey round by each Member's relevant executive authority according to a role description which has been specified by the Director. The terms of office of each National Coordinator shall be for each Biennial Period (or longer at the discretion of each Member).

7. The key roles of the National Coordinators are to coordinate the activities of the ESS ERIC at a national level and assuring its compliance with the specifications issued by the Director when necessary.

8. The NC Forum (being the National Coordinators' Forum established under these Statutes) shall comprise the National Coordinators of each Member (excluding any Member being an intergovernmental organisation), the Director and Deputy Directors. NC Forum meetings shall be chaired by the Director and attended by relevant CST members, according to the agenda. It shall meet at least three times per Biennial Period and the agenda for each meeting shall be determined by the Director in consultation with both the CST and the National Coordinators. The NC Forum shall nominate one National Coordinator from among its members to attend General Assembly meetings, and one to attend CST meetings.

9. The NC Forum shall receive and comment on the central specifications which the Director may issue when necessary regarding the activities of the ESS ERIC at a national level. The NC Forum shall also advise the Director and the CST on other aspects of the ESS ERIC's design and conduct.

10. The Chair of the NC Forum may invite specialist outsiders to a meeting of the NC Forum.

Article 14

Composition and meetings of bodies

1. In order to ensure inclusiveness and avoid conflicts of interest, no individual (except the Director or the Deputy Directors) shall be a member of more than one body or committee of the ESS ERIC, including the General Assembly, the committees of the General Assembly and the Director's committees, excepting the FINCOM, in which up to two members can be General Assembly representatives (as per Article 11(13)). This requirement may be suspended in exceptional circumstances by the Chair of the relevant committee or body including the General Assembly. Nothing in this Article shall prevent a person being an observer at more than one body of the ESS ERIC.

2. Unless otherwise determined by the General Assembly, in determining whether persons are participating in a meeting of any body or committee of the ESS ERIC (including the General Assembly, the committees of the General Assembly and the Director's advisory committees), it is irrelevant where any person is or how they communicate with each other. If all the persons participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

3. The composition of any body or committee of the ESS ERIC shall reflect an appropriate gender balance and a general balance of skills.

CHAPTER 5

REPORTING TO THE COMMISSION

Article 15

Reporting to the Commission

1. At the end of each financial year, the Director shall produce an annual activity report containing in particular the scientific, operational and financial aspects of its activities referred to in Article 2(1). Such report shall be approved by the General Assembly by a simple majority of votes and transmitted to the European Commission and relevant public authorities within 6 months from the end of the corresponding financial year. This report shall be made publicly available by the ESS ERIC.

2. The ESS ERIC and the Member States concerned shall inform the European Commission of any circumstances which threaten to seriously jeopardise the achievement of the task of the ESS ERIC or to hinder the ESS ERIC from fulfilling the requirements laid down in the Statutes or the Regulation.

3. Where the European Commission obtains indications that the ESS ERIC is acting in serious breach of the Regulation, the Statutes, the decisions adopted on the basis thereof or other applicable law, it shall request explanations from the ESS ERIC and/or its Members.

CHAPTER 6

FINANCES

Article 16

Financial year

The ESS ERIC shall unless otherwise determined by the General Assembly have its financial year from 1st June to 31st May and shall prepare its core budgets and business plans, make up its accounts and have its audit to such date.

Article 17

Budget

1. The Director shall prepare and submit to FINCOM for approval a draft core budget and a business plan for each Biennial Period covering income and costs of the ESS ERIC on an annual basis (the 'Budget').

2. The Budget shall cover the following main costs, expenses and income:

- (a) central design, coordination, quality control and dissemination by the Headquarters and the CST institutions;
- (b) the secretariat of the ESS ERIC (including the operation of the General Assembly and all other committees and bodies of the ERIC when necessary); and

(c) monies received from Members and/or third parties or others by way of grants or other payments.

And so that, for the avoidance of doubt, each Member in the European Social Survey will cover its own costs of fieldwork and national coordination and such costs shall not form part of the Budget.

3. Each Budget shall also include such matters as are approved by the General Assembly when necessary on the advice of FINCOM in Standing Orders.

4. Once FINCOM approves each Budget then it shall submit it to the General Assembly for approval. In the event that FINCOM does not approve such Budget then they shall convey their reasons to the General Assembly which shall then make the final decision about its adoption.

5. Once the Budget is approved then the Members (or a paying agent on behalf of a Member) shall make annual contributions as shown in the Budget on the terms of Standing Orders when necessary calculated as follows:

(a) firstly a base contribution by each Member of such amount as may be approved by the General Assembly when necessary;

(b) secondly a contribution by the Host Country of an amount agreed when necessary; and

(c) thirdly a contribution from each Member of the balance required calculated according to their relative GDPs. If such calculation results in some (but not all) Members paying a further amount of equal to or less than the base amount referred to in Article 17(5)(a) then each such Member shall not be required to make any further contribution and the shortfall thereby caused shall be divided on a relative GDP basis amongst those Members required to contribute under this Subarticle.

Contributions in kind by Members shall only be acceptable after approval by the Chair of the General Assembly having received advice from FINCOM.

Article 18

Financial auditing

The ESS ERIC shall ensure that its accounts are audited by a suitably qualified audit firm annually and that such audited accounts are filed as required and published. The audited accounts shall be approved by the General Assembly.

Article 19

Accounting

The ESS ERIC shall record the costs and revenues of its economic activities separately and shall charge market prices for them, or, if these cannot be ascertained, full costs plus a reasonable margin.

CHAPTER 7

POLICIES

Article 20

Procurement and tax exemptions

1. ESS ERIC shall treat procurement candidates and tenderers equally and without discrimination, regardless whether or not they are based within the European Union. The ESS ERIC procurement policy shall respect the principles of transparency, non-discrimination and competition. The General Assembly shall establish detailed rules on procurement procedures and criteria.

2. Tax exemptions based on Articles 143(1)(g) and 151(1)(b) of Council Directive 2006/112/EC ⁽¹⁾ and in accordance with Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011 ⁽²⁾ shall apply to purchases of goods and services by the ERIC exceeding EUR 250 in value which are for official use by the ESS ERIC and are wholly paid and procured by the ESS ERIC. Procurement by individual members shall not benefit from these exemptions.

Article 21

Liability

1. The ESS ERIC shall be liable for its debts.

2. The maximum financial liability of the Members for the debts of the ESS ERIC shall be limited to their annual contribution, including contributions covering the Exit Notice Period.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

⁽²⁾ OJ L 77, 23.3.2011, p. 1.

3. The General Assembly shall ensure that the ESS ERIC takes out appropriate insurance to cover any risks specific to the construction and operation of its infrastructure, including provisions relating to the winding up of the ERIC, should that arise. In addition, such insurance could include, without limitation, personal liabilities of the Director, Deputy Directors or any other natural person performing any functions for the ESS ERIC.
4. National Representatives, the Director and Deputy Directors, Observers and other members of committees and bodies of the ESS ERIC shall not be liable for any debt of the ESS ERIC.
5. All activities of the ESS ERIC shall be coordinated and take place on the basis that the ESS ERIC is not liable for activities carried out for it by Members or others as set out in Standing Orders when necessary.

Article 22

Scientific Evaluation and Dissemination Policy

1. The ESS ERIC shall allow free access to all data of the European Social Survey for the purposes of scientific evaluation. Such policy may be further detailed by Standing Orders.
2. The ESS ERIC shall seek to ensure that the results of the European Social Survey are available to all. The ESS ERIC shall develop and publicise its dissemination strategy. Such policy may be further detailed by Standing Orders.

Article 23

Intellectual Property Rights Policy and Data Policy

1. The ESS ERIC shall where practicable seek to own the intellectual property rights in its work. It shall grant a royalty free non-exclusive licence over its intellectual property rights to any person for non-commercial purposes. In respect of use of the ESS ERIC's intellectual property for commercial purposes this shall be handled on a case by case basis. Such policy may be further detailed by Standing Orders.
2. The ESS ERIC shall allow free access to all data of the European Social Survey by the scientific community. There shall be no privileged access rights by any person to such data except during its processing and preparation for public use. Such policy may be further detailed by Standing Orders.
3. The ESS ERIC shall subscribe to the Declaration on Ethics of the International Statistical Institute.
4. The ESS ERIC shall ensure so far as practicable that all data of the ESS ERIC is anonymised. To the extent that this is not possible then the principles of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾ shall be applied.
5. All data generated by the ESS ERIC shall be handled in each relevant country according to the data protection laws of that country.
6. Such data policy may be further detailed by Standing Orders.

Article 24

Employment Policy

The ESS ERIC is committed to equality of opportunity and it will not discriminate against any person on the grounds of race, ethnic origin, gender, creed, disability, sexual orientation or any other ground which is regarded as discrimination under European Union law when necessary. Such policy may be further detailed by Standing Orders.

CHAPTER 8

DURATION AND WINDING UP, APPLICABLE LAW, DISPUTES

Article 25

Duration and winding up

1. The ESS ERIC shall be established as of the date on which the European Commission's decision setting up the ERIC takes effect and continue to have legal personality on an indefinite basis until:

- (a) the ESS ERIC is wound up in accordance with the provisions of these Statutes; and

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

(b) the European Commission adopts a decision terminating the ESS ERIC.

2. The General Assembly may decide by a majority of three quarters of the Members present and voting to wind up the ESS ERIC. If the General Assembly decides to wind up the ESS ERIC it shall, by simple majority vote, specify the procedure for winding up.

3. The ESS ERIC shall inform the European Commission of the decision to wind up the ESS ERIC in accordance with the Regulation.

4. In the case that Article 25(1) or (2) apply then the Director shall ensure so far as possible that the data owned by the ESS ERIC shall be deposited safely with an appropriate third party or parties so that such data is accessible and usable in accordance with these Statutes.

Article 26

Applicable law

The setting-up and internal functioning of the ERIC shall be governed:

(a) by European Union law and in particular the Regulation and the decision of the European Commission to establish the ESS ERIC under these Statutes;

(b) by the law of the State where the ESS ERIC has its statutory seat in the case of matters not, or only partly, regulated by acts referred to in Article 26(a), i.e. the laws of England and Wales at the date of the establishment of the ESS ERIC;

(c) by these Statutes and their implementing rules.

Article 27

Disputes

1. The Court of Justice of the European Union shall have jurisdiction over litigation among the Members in relation to the ESS ERIC, between the Members and the ESS ERIC (including any liquidator of the ESS ERIC) and over any litigation to which the European Union is a party.

2. European Union legislation on jurisdiction shall apply to disputes between the ESS ERIC and third parties. In cases not covered by European Union legislation, the law of the State where the ESS ERIC has its statutory seat (i.e. the laws of England and Wales at the date of the establishment of the ESS ERIC) shall determine the competent jurisdiction for the resolution of such disputes.

3. The Members shall procure that, if any of the applicable laws changes substantially these Statutes are changed accordingly.

4. If any term of these Statutes is found by any court or body or authority of competent jurisdiction to be illegal, unlawful, void or unenforceable under the laws of any jurisdiction, such term shall be deemed to be severed from this Agreement in respect only of such jurisdiction and this shall not affect:

(a) the legality, lawfulness or enforceability of such term under the laws of any other jurisdiction; or

(b) the remainder of the Statutes which shall continue in full force and effect.

In this event the parties shall seek to agree in accordance with Article 28(2) a valid and enforceable term to replace the severed term to the satisfaction of the General Assembly.

CHAPTER 9

STATUTES AND AMENDMENTS

Article 28

Statutes and Amendments

1. These Statutes shall be kept up to date and made publicly available on the website of the ERIC and at its statutory seat.

2. Subject to Article 28(4), any amendments to these Statutes shall be approved as a Reserved Matter by the General Assembly. Any amendments to these Statutes other than those referred to in Article 28(6) shall be submitted to the European Commission by the ESS ERIC within 10 days after its adoption by the General Assembly.

3. Any amendment to the Statutes shall be clearly indicated with a note specifying whether the amendment concerns an essential or non-essential element of the Statutes in accordance with Article 11 of Regulation (EC) No 723/2009 and the procedure followed for its adoption.

4. Following submission of the adopted changes to the European Commission in accordance with Article 28(2), the European Commission may raise an objection to such amendment within 60 days from the submission giving reasons why the amendment does not meet the requirements of this Regulation.

5. The amendment adopted in accordance with Article 28, shall not take effect before the period for objection mentioned under Article 28 has expired or has been waived by the European Commission or before any objection raised by the European Commission has been lifted.

6. Any amendment of the Statutes concerning the matters referred to in Article 1(2) (Name) and (4) (Statutory Seat) and Articles 2 (Tasks and Activities), 20 (Procurement Policy), 21 (Liabilities), 22 (Scientific Evaluation and Dissemination Policy), 23 (Intellectual Property Rights Policy and Data Policy), 24 (Employment Policy) and 25 (Duration and Winding-Up) which have been approved by the Members as a Reserved Matter will only take effect after the European Commission has expressly approved such amendment and the decision of the European Commission granting approval of the changes has come into force.

7. When approaching the European Commission for approval under Article 28(2) or (6), the ESS ERIC shall submit the text of the amendment proposed and an amended consolidated version of the Statutes to the European Commission.

ANNEX II

LIST OF MEMBERS AND OBSERVERS

In this Annex the Members and Observers, and the entities representing them are listed.

Members

Name of Member	Name of National Representative
Kingdom of Belgium	Belgian Public Planning Service Science Policy
Czech Republic	Ministry of Education, Youth and Sports (MEYS)
Federal Republic of Germany	Bundesministerium für Bildung und Forschung
Republic of Estonia	Ministry of Social Affairs
Ireland	Irish Research Council (HEA)
Republic of Lithuania	Ministry of Education and Science
Kingdom of the Netherlands	Netherlands Organisation for Scientific Research (NWO)
Republic of Austria	Federal Ministry of Science and Research
Republic of Poland	Ministry of Science and Higher Education
Portuguese Republic	Foundation for Science and Technology
Republic of Slovenia	Ministry of Education, Science and Sport
Kingdom of Sweden	Ministry of Education, represented by the Swedish Research Council
United Kingdom of Great Britain and Northern Ireland	Economic and Social Research Council

Observers

Name of Observer	Name of Observer Representative
Kingdom of Norway	Research Council of Norway
Swiss Confederation	FORS (Swiss Foundation for Research in Social Sciences)

ANNEX III

DEFINITIONS AND INTERPRETATION

1. In these Statutes, unless the context requires otherwise 'ESS ERIC' means the European research infrastructure consortium established under Regulation (EC) No 723/2009 (the 'Regulation') and governed by these Statutes as they may be amended or restated when necessary in accordance with the Regulation (the 'Statutes');

'ESS' or 'European Social Survey' means the European Social Survey which commenced in 2001, is an authoritative long term survey carried out by simultaneous national surveys in European countries. It collects, interprets and disseminates rigorous data on changing social attitudes and values across Europe;

'GDP' means the total monetary value of all goods and services produced domestically by a country as determined from figures issued by the World Bank for 2009 or such subsequent year as may be approved by the General Assembly;

'Member' means any person (acting through their National Representative) who has been admitted to membership of the ESS ERIC when necessary in accordance with these Statutes and the Regulation;

'Member State' means a member country of the European Union;

'Standing Orders' means standing orders of the ESS ERIC as approved by the General Assembly when necessary.

2. Unless otherwise set out in these Statutes, terms defined in the Regulations have the same meaning here;
 3. References to the Articles are to the Articles of these Statutes;
 4. All headings are for ease of reference only and shall not affect the construction or interpretation of the Statutes, unless the context otherwise requires;
 5. References to the singular include the plural and vice versa and references to any gender include every gender;
 6. References to any treaty, regulation, directive, statute or statutory provision shall include any subordinate legislation made under it and shall be construed as references to such treaty, regulation, directive, statute, statutory provision and/or subordinate legislation as modified, amended, extended, consolidated, re-enacted and/or replaced and in force as at the date of the Statutes;
 7. Any words following the words 'include', 'includes', 'including', 'in particular' or any similar words or expressions shall be construed without limitation and accordingly shall not limit the meaning of the words preceding them;
 8. References to 'in writing' or 'written' are to communication effected by post and facsimile and e-mail or any other means of reproducing words in a legible and non-transitory form;
 9. Any reference to any English legal term for any action, remedy, method of judicial proceeding, legal document, legal status, court, official or any legal concept or thing shall, in respect of any jurisdiction other than that of England and Wales, be deemed to include a reference to what most nearly approximates to the English legal term in that jurisdiction.
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ANNEX IV

COUNTRY CONTRIBUTIONS
ESS ERIC COUNTRY CONTRIBUTIONS (EUR)

ESS ERIC Financial Year

YEAR	2013-2014	2014-2015	2015-2016	2016-2017
1. UK (Host)	1 000 000	1 000 000	742 630	764 909
2. Austria	46 943	49 337	60 259	62 067
3. Belgium	53 410	56 235	69 631	71 720
4. Bulgaria	20 000	20 600	21 218	21 855
5. Cyprus	20 000	20 600	21 218	21 855
6. Czech Republic	33 845	35 367	41 280	42 518
7. Estonia	20 000	20 600	21 218	21 855
8. Finland	36 913	38 640	45 726	47 098
9. France	204 877	217 787	289 111	297 785
10. Germany	252 792	268 893	358 542	369 298
11. Ireland	35 745	37 393	44 033	45 354
12. Lithuania	20 000	20 600	21 218	21 855
13. Netherlands	75 994	80 323	102 355	105 426
14. Norway	46 448	48 809	59 541	61 328
15. Poland	50 408	53 033	65 280	67 239
16. Portugal	36 520	38 220	45 156	46 510
17. Slovenia	20 000	20 600	21 218	21 855
18. Spain	122 728	130 168	170 074	175 176
19. Sweden	48 637	51 144	62 714	64 595
20. Switzerland	54 740	57 653	71 558	73 704
Total	2 200 000	2 266 000	2 333 980	2 403 999

Explanatory note to budget and annual contributions for ESS ERIC Financial years 2013 to 2017

1. The ESS ERIC financial year will run from 1 June to 31 May.
 2. The budget presented has been set for the first 4 years of the operation of the ESS ERIC. The ESS ERIC Steering Committee has been aiming to provide a budget of EUR 2,3 million per annum for Core Scientific activities. A smaller budget will be available if, in the interim, not all countries which have expressed strong interest can join the ERIC in time for the start of operations in June 2013. Annual increases will allow for inflation of 3 per cent per annum on the total budget.
 3. Based on the expected number of signatories a budget of EUR 2,2 million in the initial year is foreseen (which will be reduced if not all listed countries provide the required signature to join the ERIC). If further countries join, the budget will be increased up to EUR 2,3 million with contributions for existing Members staying fixed (new joiners will have their contribution calculated alongside those of existing Members, one country at a time, to determine their required contribution. The amount required from founder Members will remain fixed). Once the target is reached any additional countries joining will lead to lower contributions for all Members and Observers paying more than the basic participation fee (unless agreed otherwise by the General Assembly).
 4. The annual contributions have been calculated following the procedures outlined in Article 17 of these Statutes, with the following specifications:
 - (a) the basic participation fee has been set at EUR 20 000 in the initial year and will be updated by 3 % inflation for the subsequent 3 years;
 - (b) as the host country, the UK will pay an enhanced contribution, agreed at EUR 1 000 000 for the first 2 years, then reverting to the original pledge of EUR 700 000 per year adjusted for inflation;
 - (c) a contribution from Members of the balance required calculated according to their relative GDPs, based on GDP 2009 World Bank data. This only applies to Members who would have to make a contribution of EUR 20 000 or more (rounded to the nearest EUR 100);
 - (d) an inflation rate of 3 per cent per annum (composite) applies from the second year, except for the UK's enhanced contributions for the first 2 years (meaning that increases for countries other than the UK are a little over 3 %);
 - (e) at this stage, Swiss and Norwegian law does not permit them to join the ERIC with Member status. These two countries will participate as Observers and they will comply with the requested annual contribution as indicated in this note.
-

COMMISSION IMPLEMENTING DECISION

of 22 November 2013

on setting up the Biobanks and Biomolecular Resources Research Infrastructure Consortium (BBMRI-ERIC) as a European Research Infrastructure Consortium

(2013/701/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular point (a) of Article 6(1) thereof,

Whereas:

- (1) The Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the French Republic, the Italian Republic, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden requested the Commission to set up BBMRI as a European Research Infrastructure Consortium (BBMRI-ERIC). The Kingdom of Norway, the Republic of Poland, the Swiss Confederation and the Republic of Turkey will participate in BBMRI-ERIC as Observers.
- (2) The Republic of Austria has been chosen by the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the French Republic, the Italian Republic, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Finland and the Kingdom of Sweden as the Host Member State of BBMRI-ERIC.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 20 of Regulation (EC) No 723/2009,

HAS ADOPTED THIS DECISION:

Article 1

1. A European Research Infrastructure Consortium for the Biobanks and Biomolecular Resources Infrastructure named BBMRI-ERIC is hereby established.
2. The statutes of BBMRI-ERIC are set out in the Annex. These Statutes shall be kept up to date and made publicly available on the website of BBMRI-ERIC and at its statutory seat.
3. The essential elements of BBMRI-ERIC Statutes for which amendments shall require approval by the Commission in accordance with Article 11(1) of Regulation (EC) No 723/2009 are provided for in Articles 2, 3, 6, 7, 16, 17, 18, 19 and 24.

Article 2

This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 November 2013.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

ANNEX I

**STATUTES OF THE BIOBANKING AND BIOMOLECULAR RESOURCES RESEARCH INFRASTRUCTURES
EUROPEAN RESEARCH INFRASTRUCTURE CONSORTIUM ('BBMRI-ERIC')**

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

HEREINAFTER REFERRED TO AS 'THE MEMBERS',

and:

THE KINGDOM OF NORWAY,

THE REPUBLIC OF POLAND,

THE SWISS CONFEDERATION,

THE REPUBLIC OF TURKEY,

HEREINAFTER REFERRED TO AS 'THE OBSERVERS'.

WHEREAS the Members are convinced that biological human samples including associated medical data and biomolecular research tools are a key resource in unravelling the interplay of genetic and environmental factors causing human diseases and impact on their outcome, identification of new biomarkers and targets for therapy as well as contributing to reduce attrition in drug discovery and development.

WHEREAS the biomolecular resources include antibody and affinity binder collections, cell lines, clone collections, siRNA libraries and other research tools needed for analysis of biobanked samples. Also repositories of model organisms are considered biomolecular resources when relevant to human diseases.

WHEREAS the pan-European Biobanking and Biomolecular Resources Research Infrastructure (BBMRI) will build on existing sample collections, resources, technologies and expertise, which will be specifically complemented with innovative components and properly embedded into European scientific, ethical, legal and societal frameworks.

CONSIDERING that the Members seek to increase the scientific excellence and efficacy of European research in the biomedical sciences as well as to expand and secure competitiveness of European research and industry in a global context and to attract investments in pharmaceutical and biomedical research facilities, by establishing the Biobanking and Biomolecular Research Infrastructure — European Research Infrastructure Consortium —hereinafter referred to as 'BBMRI-ERIC'.

EMPHASISING the Members' commitment to the Charter of Fundamental Rights of the European Union as proclaimed by the Council and European Commission in Nice in December 2000 and in particular European and national data protection legislation.

WHEREAS the Members request the European Commission to set up BBMRI according to the ERIC Regulation as a European Research Infrastructure Consortium (ERIC) legal entity.

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

For the purpose of these Statutes:

- (1) 'Biobanks (and Biomolecular Resources Centres)' means collections, repositories and distribution centres of all types of human biological samples, such as blood, tissues, cells or DNA and/or related data such as associated clinical and research data, as well as biomolecular resources, including model- and micro-organisms that might contribute to the understanding of the physiology and diseases of humans;
- (2) 'Member' means an entity according to Article 4(1);
- (3) 'Observer' means an entity according to Article 4(7);
- (4) 'Defaulting Member' means a Member, which
 - (a) is in default of the payment of its annual contribution, if the outstanding amount equals or exceeds the amount of contributions due for the preceding financial year;
 - (b) seriously fails in its obligations; or
 - (c) causes or threatens to cause serious disruption in the operation of BBMRI-ERIC;
- (5) 'Common Service' means a facility of BBMRI-ERIC according to Article 15(1);
- (6) 'National Node' means an entity, not necessarily with legal capacity, designated by a Member State, that coordinates the national Biobanks and Biomolecular Resources, and links its activities with the pan-European activities of BBMRI-ERIC;
- (7) 'National Coordinator' means the director of a National Node, appointed by the competent authority of a Member State;
- (8) 'Organisational Node' means an entity, not necessarily with legal capacity, designated by an inter-governmental organisation that coordinates the Biobank(s) and Biomolecular Resources of the organisation, and links its activities with those of the pan-European infrastructure, BBMRI-ERIC;

- (9) 'Organisational Coordinator' means the director of an Organisational Node, appointed by an inter-governmental organisation;
- (10) 'Partner Biobanks' means Biobanks collaborating with BBMRI-ERIC that comply with the BBMRI-ERIC Partner Charter ⁽¹⁾;
- (11) 'Work Programme' means the description of the strategy, planned activities, staffing and funding of BBMRI-ERIC;
- (12) 'Mandatory contributions' mean the contributions by Members/Observers and the contributions by the hosting countries for the Central Executive Management Office as well as for Common Services which are laid down within the budget section of the BBMRI-ERIC annual Work Programme.

Article 2

Creation, Duration and Statutory Seat

- 1. A Biobanking and Biomolecular Research Infrastructure-European Research Infrastructure Consortium (BBMRI-ERIC) is established. It shall be established for an unlimited period of time as from the date when the decision of the European Commission establishing the infrastructure takes effect.
- 2. The statutory seat of BBMRI-ERIC shall be located in the city of Graz on the territory of the Republic of Austria, hereinafter referred to as 'Host Member State'.
- 3. The Host Member State shall provide the location, facilities and services for the Central Executive Management Office of BBMRI-ERIC as described in a written statement in the application for ERIC status.

Article 3

Tasks and Activities

- 1. BBMRI-ERIC shall establish, operate and develop a pan-European distributed research infrastructure of Biobanks and Biomolecular Resources in order to facilitate the access to resources as well as facilities and to support high quality biomolecular and medical research. BBMRI-ERIC shall implement its Work Programme as adopted by the Assembly of Members.
- 2. BBMRI-ERIC shall operate the infrastructure on a non-economic basis. BBMRI-ERIC may carry out limited economic activities, provided that they:
 - (a) are closely related to its principal tasks;
 - (b) do not jeopardise their achievement.
- 3. To fulfil its tasks, BBMRI-ERIC shall in particular:
 - (a) grant effective access to its resources and services in accordance with the rules defined in these Statutes to the European research community, composed of researchers from Members;
 - (b) improve the interoperability between Biobanks and Biological Resource Centres of Members;
 - (c) implement quality management including standardised procedures, best practices and appropriate tools to increase the quality of the resources collected and their associated data;
 - (d) promote continuous enrichment of resources in Biobanks and associated data in order to maintain an adequate supply of specimens to keep up with the demands of the scientific community as well as to ensure continuous enrichment of the information associated with and generated by the analysis of biobanked samples. It shall contribute to increased use and dissemination of knowledge as well as optimisation of the results of biobank-based research activities throughout Europe;

⁽¹⁾ To be adopted by the Assembly of Members.

- (e) establish and operate Common Services for the European biobanking community;
 - (f) perform research services for public and private institutions;
 - (g) establish and implement technological developments related to the resources and services;
 - (h) provide training and facilitate mobility of researchers to support the establishment of new Biobanks and Biomolecular Resource Centres to strengthen and structure the European Research Area;
 - (i) establish international relationships and launch joint activities with other European and non-European organisations concerned with its activities and in related fields, and when appropriate become a member of such organisations;
 - (j) undertake any other activity necessary to fulfil its tasks.
4. The activities of BBMRI-ERIC shall be politically neutral and guided by the following values: pan-European in scope, combined with scientific excellence, transparency, openness, responsiveness, ethical awareness, legal compliance, and human values.

Article 4

Members and Observers

1. In accordance with Article 9(1) of Regulation (EC) No 723/2009, Member States, associated countries, third countries other than associated countries, and intergovernmental organisations that have agreed to these Statutes are Members of BBMRI-ERIC. The founding members are set out in Annex II.
2. Member States, third countries as well as intergovernmental organisations may become members BBMRI-ERIC at any time, subject to approval by the Assembly of Members according to the principles laid down in Article 11(8)(b). Additional requirements concerning Members joining BBMRI-ERIC after the first three years shall be decided by the Assembly of Members.
3. Each Member shall:
 - (a) provide access, within the applicable legal and ethical framework, to BBMRI-ERIC Partner Biobanks, biological and biomolecular resources and/or associated data under a common set of standards and conditions as further specified in the BBMRI-ERIC Partner Charter and approved by the Assembly of Members;
 - (b) establish a National/Organisational Node and appoint a National/Organisational Coordinator;
 - (c) ensure coordination of Partner Biobanks via National/Organisational Nodes that will facilitate access to biological and biomolecular resources and associated data;
 - (d) where appropriate, make investments in infrastructure in support of BBMRI-ERIC;
 - (e) contribute to capacity development in the field of biobanking;
 - (f) support the primary purpose of BBMRI-ERIC and the implementation of the BBMRI-ERIC Work Programme.
4. Any Member may, after the initial five years of its accession to BBMRI-ERIC, withdraw from the BBMRI-ERIC by a written notice to the Chair of the Assembly of Members and to the Director-General, at the latest three months before the approval of the following year's budget.
5. The Director-General may propose to the Assembly of Members that a defaulting Member should be excluded.

6. The initial list of Members is set out in Annex II and shall be kept updated online by the Central Executive Management Office.
7. Observers of BBMRI-ERIC are Member States, associated countries and third countries as defined in Article 9(1) ERIC Regulation and intergovernmental organisations that have applied to become Observers.
8. Observer status is granted for a maximum period of three years subject to an approval of the Assembly of Members as laid down in Article 11(8)(c). After the three-year period, Observers shall either apply for membership or withdraw from the BBMRI-ERIC, unless the Assembly of Members decides otherwise.
9. Observers are entitled to:
 - (a) participate — without voting rights — in the debates of the Assembly of Members;
 - (b) participate in certain activities of BBMRI-ERIC identified by the Assembly of Members.
10. The initial list of Observers is set out in Annex II and shall be kept updated online by the Central Executive Management Office.

CHAPTER II

FINANCIAL PROVISIONS

Article 5

Resources of BBMRI-ERIC

1. The BBMRI-ERIC budget shall fund the common operation of BBMRI-ERIC including the costs of the Director-General, the Central Executive Management Office and the Common Services. It shall be approved by the Assembly of Members through adoption of the Work Programme.
2. The BBMRI-ERIC budget shall consist of:
 - (a) financial contributions of Members and Observers;
 - (b) contributions by the Host Member State and the hosting countries of Common Services;
 - (c) other income.
3. Any income generated in the course of BBMRI-ERIC's activities that accrues to its budget shall be used for advancing the Work Programme according to the Assembly of Members' decision.
4. Members and Observers shall bear their own costs of participation in BBMRI-ERIC meetings.
5. Each Member and Observer of BBMRI-ERIC shall contribute to the BBMRI-ERIC budget. Unless otherwise agreed by the Assembly of Members, contributions shall be made in cash.
6. The contribution of each Member shall be in accordance with the membership contribution table that is laid down in Annex III.
7. The contribution of each Observer shall be 30 % of the full membership contribution as determined in accordance with the membership contribution table that is laid down in Annex III.
8. The scale of contributions based on the membership contribution table laid down in Annex III may be modified in case of accession of a new Member or Observer or in case of withdrawal or exclusion of a Member or Observer. The new scale shall take effect as from 1 January of the following financial year.

9. The Assembly of Members may decide to take into account any special circumstances of a Member or Observer and adjust its contribution accordingly.

10. When in accordance with the Work Programme and the relevant rules as approved by the Assembly of Members, Members may contribute partly in-kind to the common BBMRI-ERIC budget.

11. BBMRI-ERIC is entitled to accept grants, special contributions and payments from any individual, public or private body for the purposes set out in these Statutes. They are subject to approval by the Assembly of Members.

12. Assets acquired for the account and at the expense of BBMRI-ERIC shall be its property. In case of contributions in kind, property issues shall be agreed in a specific agreement to be concluded between the Member or Observer concerned and BBMRI-ERIC pursuant to a decision by the Assembly of Members.

Article 6

Procurement and Tax Exemption

1. BBMRI-ERIC shall treat procurement candidates and tenderers equally and without discrimination, regardless whether or not they are based within the European Union. The BBMRI-ERIC procurement policy shall respect the principles of transparency, non-discrimination and competition. Internal rules on procurement procedures and criteria shall be adopted by the Assembly of Members.

2. Freedom from taxation based upon Articles 143(1)(g) and 151(1)(b) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾ and in accordance with Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax ⁽²⁾ shall be limited to the value added taxes for such research and development goods and services which are:

(a) in direct relation to the management and services of BBMRI-ERIC; and

(b) closely related to the aims and activities laid down in Article 3; and

(c) benefiting the entire scientific community; and

(d) exceeding the value of EUR 250; and

(e) wholly remunerated and procured by BBMRI-ERIC.

3. Procurement by individual members shall not benefit from tax exemptions. No further limits shall apply.

Article 7

Liability

1. The Members' financial liability shall be limited to their respective contributions as set forth in Annex III.

2. BBMRI-ERIC shall take appropriate insurances to cover the risks specific to its construction and operation and not covered according to paragraph (1).

Article 8

Budgetary Principles, Accounts and Audits

1. All items of revenue and expenditure of BBMRI-ERIC shall be included in estimates to be drawn up for each financial year and shall be shown in the budget section of the Work Programme. The revenue and expenditure shown in the budget shall be in balance.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

⁽²⁾ OJ L 77, 23.3.2011, p. 1.

2. The Members shall ensure that the appropriations are used in accordance with the principles of sound financial management.
3. The budget shall be established, implemented and the accounts presented in compliance with the principle of transparency.
4. BBMRI-ERIC shall keep account of all income and expenses. The accounts shall be accompanied by a report on budgetary and financial management for the financial year.
5. BBMRI-ERIC shall be subject to the accountings standards as set forth in the applicable law in the Host Member State.
6. The financial year of BBMRI-ERIC is the calendar year.
7. The Assembly of Members shall appoint external auditors to examine the accounts. The external auditors' appointment shall be periodically renewed according to the specific provision stated in the Financial Rules as approved by the Assembly of Members.
8. The external auditors shall submit a report on the annual accounts through the Finance Committee to the Assembly of Members. The Director-General shall provide the auditors with the information necessary for the performance of their duties.

CHAPTER III

GOVERNANCE AND MANAGEMENT

Article 9

Governance Structure

The governance structure of BBMRI-ERIC shall comprise the following bodies:

- (a) the Assembly of Members;
- (b) the Finance Committee;
- (c) the Director-General supported by the Management Committee;
- (d) the Scientific and Ethical Advisory Board.

Article 10

Assembly of Members

1. The Assembly of Members shall be the body by which the Members take collective decisions on matters relating to BBMRI-ERIC. Those decisions shall then be implemented by the Director-General, together with the staff of the Central Executive Management Office and the Management Committee.
2. The Assembly of Members shall be constituted through the first meeting of the Members after establishment of BBMRI as an ERIC.
3. The Assembly of Members shall be composed of all Members of BBMRI-ERIC. Each Member shall be represented by up to two delegates officially appointed by the competent authority. They may be accompanied by a maximum of three advisors who may act as alternates to the delegates. Members shall state in the appointment letter the name of the delegate with voting rights and the order of representation.

4. Up to two representatives with official endorsement from each Observer may attend the Assembly of Member's meetings in an observing capacity.
5. Other observers may attend meetings of the Assembly of Members in accordance with the Rules of Procedure adopted by the Assembly of Members.
6. The Assembly of Members shall:
 - (a) adopt the annual Work Programme and budget, together with a preliminary Work Programme and budget for the following two years;
 - (b) adopt the Rules of Procedure, the Financial Rules and Internal Rules according to Article 11(8)(a);
 - (c) adopt all rules, regulations and policies necessary for the sound management of the Work Programme, in particular the access procedure to biological resources, data in Biobanks and services developed by BBMRI;
 - (d) define the assignments of the Finance Committee;
 - (e) elect and dismiss the Chair and Vice-Chair;
 - (f) elect and dismiss the Chair and the Vice-Chair of the Finance Committee;
 - (g) appoint and dismiss the Director-General;
 - (h) approve hiring and dismissal of other high-level staff according to the Internal Rules;
 - (i) establish the Scientific and Ethical Advisory Board and any other committee, board or body such as the Stakeholders Forum and define their assignments and ruling;
 - (j) provide guidance and direction to the Director-General;
 - (k) approve the annual report, the annual accounts and reports of any advisory committee of the BBMRI-ERIC;
 - (l) consider any matters pertaining to BBMRI-ERIC or its operation submitted by any Member;
 - (m) admit Members and terminate the membership of any Member according to Article 11(8)(b);
 - (n) admit Observers and terminate the partnership of any Observer according to Article 11(8)(c);
 - (o) adjust the scales of financial contributions according to Article 5(8);
 - (p) decide on amendments to the Statutes according to Article 11(7); as well as
 - (q) undertake any other functions conferred upon it by the Statutes, including by any annex or modifications hereto.

Article 11

Decision-making by the Assembly of Members

1. For the purposes of this Article 'present' shall mean face-to-face, by telephone, video conference or other practical means as determined in the Rules of procedure.
2. Quorum shall be formed when the following conditions are met:
 - (a) a majority of Members are present, and they represent 75 % of the Members annual mandatory contributions;

- (b) for decisions taken pursuant to paragraph 8, 75 % of Members are present, and they represent 75 % of the Members annual mandatory contributions;
- (c) of the Members present, Member States of the European Union must have the majority of the votes ⁽¹⁾.
3. Each Member shall have one vote. Defaulting Members shall have no vote.
4. On all decisions the Assembly of Members shall use their best efforts to achieve consensus.
5. Failing consensus a simple majority of those Members present and voting shall be sufficient to pass a decision unless explicitly stated otherwise in these Statutes or in the Rules of Procedure.
6. In the event of tie vote the majority of mandatory contributions shall have the casting vote.
7. Decisions to submit a proposal to the Commission to amend the Statutes shall require unanimous approval.
8. The following decisions shall require agreement of at least 75 % of all the Members representing at least 75 % of the Members annual mandatory contributions:
- (a) adoption of and changes to the Rules of Procedure, Financial and Internal Rules;
 - (b) acceptance of new Members;
 - (c) acceptance of new Observers;
 - (d) votes regarding Defaulting Members, including but not limited to the exclusion of Members (concerned Members excluded from voting);
 - (e) decision on termination of BBMRI-ERIC.
9. The following decisions shall require agreement of at least 75 % of Members present and voting representing at least 75 % of the Members annual mandatory contributions:
- (a) decisions on the Work Programme and budget;
 - (b) approval of the annual report and the annual accounts;
 - (c) adjustment of the scale of financial contributions according to Article 5(8);
 - (d) appointment or dismissal of the Director-General;
 - (e) decisions on winding up of BBMRI-ERIC in case of termination of the infrastructure.
10. The Chair and Vice-Chair of the Assembly of Members and of the Finance Committee shall be elected among the Members' delegates with at least 75 % of the Members present and voting for a term of one year with the possibility to be re-elected twice. The Vice-Chair shall, in the absence or incapacity of the Chair, represent the Chair.
11. The Assembly of Members shall meet at least once a year. It may also meet in extraordinary session at the Chair's request or at the request of one quarter of its Members.

Article 12

Finance Committee

1. The Finance Committee shall be an advisory and preparatory committee of the Assembly of Members to:

⁽¹⁾ In case of Council adoption of the amendment of Regulation (EC) No 723/2009, Article 9(3), in regard to enabling participation of associated countries in ERIC's on the same footing as EU Member States, from the day of the amendment entering into force condition (c) shall read 'Of the Members present Member States of the European Union and associated countries must have the majority of the votes'.

- (a) advise the Assembly of Members and the Director-General on matters relating to the management and preparation of the budget of BBMRI-ERIC, its expenditure and accounts, and its future financial planning;
 - (b) provide the Assembly of Members and the Director-General with advice on the financial implications of the other BBMRI-ERIC bodies' recommendations;
 - (c) upon request, provide advice on other financial matters relating to the management and administration of BBMRI-ERIC;
 - (d) submit a proposal concerning the appointment of external auditors to the Assembly of Members.
2. External auditors shall report directly and in person to the Finance Committee after having addressed their reports to the Director-General.
3. The Finance Committee shall operate in accordance with the Rules of Procedure and the Financial Rules adopted by the Assembly of Members.

Article 13

Director-General

1. The Director-General shall be appointed by the Assembly of Members for a term of at least three years, with the possibility to be reappointed. The Director-General may be dismissed following the same procedure. The Director-General shall be employed by BBMRI-ERIC. The Director-General shall be assisted in performing the managerial functions by the staff of the Central Executive Management Office and the Common Services.
2. The Director-General shall be responsible to the Assembly of Members for:
- (a) the efficient administration of BBMRI-ERIC;
 - (b) the finances and the management of the staff of the BBMRI-ERIC;
 - (c) ensuring the execution of the decisions of the Assembly of Members.
3. The Director-General shall:
- (a) be in charge of the execution of the Work Programme, including establishment of Common Services, and expenditure of the budget;
 - (b) prepare the agenda of the Assembly of Members meetings and prepare the Assembly of Members deliberations;
 - (c) prepare and submit to the Assembly of Members, not later than three months before the beginning of each financial year, a draft annual Work Programme, including a draft budget and staffing plan, together with a preliminary draft Work Programme and a draft budget for the following two years;
 - (d) provide the Assembly of Members with a technically substantive annual report on the Work Programme, including financial accounts, tasks achieved, tasks not achieved and any appropriate explanations;
 - (e) prepare and submit after approval by the Assembly of Members any documentation requested by the European Commission;
 - (f) coordinate the exchange of information among and the activities of the BBMRI-ERIC National/Organisational Nodes and Common Services through the Management Committee and by setting up such committees as deemed necessary for the administration of BBMRI-ERIC;

- (g) organise the selection procedure for the establishment of Common Services and any matter requiring such a procedure according to Annex IV;
- (h) nominate directors of Common Services after consultation with the national delegates of the Member State where Common Services are located;
- (i) organise the Scientific and Ethical Advisory Board for evaluation of research proposals received by the Central Executive Management Office;
- (j) propose the admission and exclusion of Members and Observers to the Assembly of Members;

4. The Director-General shall be the Chief Executive Officer and legal representative of BBMRI-ERIC and shall represent BBMRI-ERIC in any litigation. The Director-General may delegate powers, in accordance with the guidance and directions provided by the Assembly of Members, to the BBMRI-ERIC staff.

Article 14

Management Committee

1. The Management Committee shall be established by the Director-General and shall comprise the Coordinators of National/Organisational Nodes and Common Services.
2. The Management Committee shall be chaired by the Director-General. The Management Committee may elect among its members a vice-chair to support the Director-General in performing the managerial duties.
3. The Management Committee shall be responsible for:
 - (a) contributing to and supporting the Director-General in the development of a draft annual Work Programme and a draft budget, together with a preliminary draft Work Programme and a draft budget for the following two years;
 - (b) supporting the Director-General in the execution of the Work Programme and for enabling efficient interaction between BBMRI-ERIC and the Partner Biobanks of Members.

Article 15

Common Services

1. Common Services shall consist of the facilities of BBMRI-ERIC that provide expertise, services and tools relevant for the pursuance of BBMRI-ERIC's tasks and activities, laid down in the Work Programme.
2. Common Services shall be established under BBMRI-ERIC and under the responsibility of the Director-General.
3. Common Services shall be hosted in countries that are BBMRI-ERIC Members. The selection procedure for hosting Common Services shall follow the principles set out in Annex IV.
4. Each of the Common Services shall be managed by a director, appointed by the Director-General after consultation with the national delegates of the hosting Member State.

Article 16

Scientific and Ethical Advisory Board

1. The activities of BBMRI-ERIC shall be periodically evaluated by an independent Scientific and Ethical Advisory Board (SEAB). The SEAB shall also advise the Assembly of Members with regard to proposals of the Director-General on the implementation of the Work Programme.

2. The SEAB shall be composed of distinguished scientists or experts appointed in their own right, not as representatives of their respective background organisations or of Members.

3. The Assembly of Members shall appoint the SEAB members and decide on their rotation and on the terms of reference of SEAB.

Article 17

Staff

1. BBMRI-ERIC may employ staff which shall be appointed and dismissed by the Director-General. The appointment and dismissal of high-level staff as defined in the internal rules shall require approval by the Assembly of Members.

2. The Assembly of Members shall approve the staff establishment plan prepared by the Director-General while approving the Work Programme.

3. The selection procedures of applicants for BBMRI-ERIC staff positions shall be transparent, non-discriminatory and respect equal opportunities.

Article 18

Access

1. BBMRI-ERIC shall make samples and data in databases affiliated with or developed by BBMRI-ERIC Partner Biobanks available to researchers and research institutions according to the access procedure and criteria as approved by the Assembly of Members. Access shall respect conditions set by sample and data providers that affiliate their databases to BBMRI-ERIC. No provision in these Statutes should be understood as seeking to restrict the right of owners of Biobanks or Biomolecular Resources affiliated with BBMRI-ERIC to decide on providing access to any samples and data.

2. BBMRI-ERIC shall provide access to samples and related clinical data based on the scientific excellence of the proposed project as determined by an independent peer review and after ethical review of the research project proposal.

3. BBMRI-ERIC shall seek to ensure that the source of samples and data be appropriately acknowledged and shall request that such attribution be maintained in subsequent use of the samples and data.

Article 19

Intellectual Property Rights

1. No provision in these Statutes should be understood as seeking to alter the scope and application of Intellectual Property Rights and Benefit-Sharing Agreements as determined under relevant laws and regulations of the Members and international agreements to which they are a Party.

2. BBMRI-ERIC may claim appropriate Intellectual Property Rights available within applicable national and international jurisdictions over tools, data, products or any other results developed or generated by BBMRI-ERIC while carrying out the Work Programme.

Article 20

Reporting and Control

BBMRI-ERIC shall issue an annual report, containing in particular the scientific, operational and financial aspects of its activities. It shall be approved by the Assembly of Members and transmitted to the European Commission and relevant public authorities within six months after the end of the corresponding financial year. This report shall be made publicly available.

CHAPTER IV

FINAL PROVISIONS

Article 21

Linguistic Regime and Working Language

1. All versions of these Statutes in the official languages of the European Union shall be deemed authentic. No linguistic version shall prevail.
2. When language versions are not provided for through the *Official Journal of the European Union* in case of amendments to these Statutes that do not require a Commission Decision, BBMRI-ERIC shall provide translations into the official languages of its EU Members.
3. The working language of BBMRI-ERIC shall be English.

Article 22

Rules of Procedure

The Assembly of Members shall adopt at its first meeting the Rules of Procedure for BBMRI-ERIC according to the voting procedure laid down in Article 11(8)(a). The Rules of Procedure may be modified in accordance with the same procedure.

Article 23

Consolidated version of the Statutes

1. The Statutes shall be kept up to date and made publicly available on the website of the ERIC and at its statutory seat.
2. Any amendment to the Statutes shall be clearly indicated with a note specifying whether the amendment concerns an essential or non-essential element of the Statutes in accordance with Article 11 of Regulation (EC) No 723/2009 and the procedure followed for its adoption.

Article 24

Winding Up of BBMRI-ERIC

1. The Assembly of Members may decide to terminate BBMRI-ERIC, subject to a vote according to Article 11(8)(e).
2. Subject to any agreement which may be made between Members at the time of dissolution, the Host Member State shall be responsible for the liquidation.
3. The Members shall decide transfer any crediting of income and properties of BBMRI-ERIC to one or more public or other not-for-profit legal entities based on a vote according to Article 11(9)(e).

Article 25

Applicable Law — Settlement of Disputes

1. The setting-up and internal functioning of BBMRI-ERIC shall be governed by:
 - (a) European Union Law, in particular the ERIC Regulation and the decisions referred to in Articles 6(1) and 12(1) of afore-mentioned Regulation;
 - (b) the law of the Host Member State in the case of matters not, or partly not, regulated by acts referred in point (a);
 - (c) the Statutes and implementing rules (rules of procedures, financial and internal rules).

2. The Members shall make their utmost effort to settle by amicable means any dispute which may arise from the interpretation or application of these Statutes.
 3. The Court of Justice of the European Union shall have jurisdiction over litigation among the Members in relation to the BBMRI-ERIC, between the Members and BBMRI-ERIC and over any litigation to which the European Union is a party.
 4. European Union legislation on jurisdiction shall apply to disputes between BBMRI-ERIC and third parties. In cases not covered by European Union legislation, the law of the Host Member State shall determine the competent jurisdiction for the resolution of such disputes.
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ANNEX II

LIST OF MEMBERS AND OBSERVERS AND THE ENTITIES REPRESENTING THEM

Members	Representing entity (e.g. ministry, research council)
Kingdom of Belgium	Federal Public Planning Service Science Policy (BELSPO)
Czech Republic	Ministry of Education (MŠMT)
Federal Republic of Germany	German Federal Ministry of Education and Research (BMBF)
Republic of Estonia	Ministry of Education and Research of the Republic of Estonia (MER EE)
Hellenic Republic	Biomedical Research Foundation of the Academy of Athens (BRFAA)
French Republic	Institute of Health and Medical Research (INSERM)
Italian Republic	National Institute of Health (ISS)
Republic of Malta	University of Malta (UoM)
Kingdom of the Netherlands	The Netherlands Organisation for Health Research and Development (ZonMW)
Republic of Austria	Austrian Federal Ministry of Science and Research (BMWF)
Republic of Finland	Ministry of Education and Culture of the Republic of Finland (OKM)
Kingdom of Sweden	Swedish Research Council (SRC)

Observers	Representing entity (e.g. ministry, research council)
Norway	Research Council of Norway
Republic of Poland	Ministry of Science and Higher Education of the Republic of Poland (MNiSW)
Switzerland	Swiss National Science Foundation (SNSF)
Turkey	Dokuz Eylül University of Izmir

ANNEX III

MEMBERSHIP CONTRIBUTION TABLE

1. This Annex lays down the mechanism of calculation of the contributions by Members/Observers. The overall amount of contributions by Members/Observers shall be defined in the annual Work Programme and Budget.
 2. The membership contribution shall be composed of a fixed contribution and a variable share.
 3. Concerning the fixed contribution there shall be two categories,
 - (a) Members with less than 3 million inhabitants, or Members that are international organisations, shall pay a fixed contribution according to the lower category; and
 - (b) Members with 3 million or more inhabitants shall pay a fixed contribution according to the higher category.
 4. At the time these Statutes come into effect the fixed contribution shall be:
 - (a) EUR 20 000 for Members of the lower category; and
 - (b) EUR 25 000 for Members of the higher category.
 5. The fixed contribution for Observers shall be 30 % of the respective category.
 6. International organisations shall pay a variable share that will be decided by the Assembly of Members on case-by-case basis.
 7. The overall amount of the variable share proportion of Member/Observer States is determined by subtracting the overall amount of fixed contributions of Members/Observers and the variable share of international organisations from the overall amount of contributions by Members/Observers.
 8. The overall amount of the variable share is split among Member States based on their percentage of total GDP of all Member States.
 9. The calculation of the variable share of Observer States is based on 30 % of their respective GDP.
 10. None of the Members shall pay more than 25 % of the overall amount of contributions by Members/Observers. In case that, according to the above membership contribution model, the contribution of a Member would exceed this level the difference is then distributed among the other Member/Observer States according to their percentage levels of GDP.
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ANNEX IV

SELECTION PROCEDURE FOR HOSTING COMMON SERVICES

The following selection procedure shall be applied to all Common Services where the benefits accrue to the entire scientific community and which are remunerated by the BBMRI-ERIC:

1. The hosts of Common Services shall be selected by an open call procedure. A description of the service to be selected shall be prepared by the Director-General and approved by the Assembly of Members. This will be made publicly available when the open call for a Common Service is launched. Only applicants from BBMRI-ERIC Members are eligible to answer to the call.
 2. The Assembly of Members shall define the composition of an ad hoc committee to evaluate the applications as well as a set of objective and non-discriminatory evaluation criteria that the ad hoc committee shall apply.
 3. The Assembly of Members shall decide on the selection of a Common Service based on the results of the ad hoc committee and after positive recommendation by the Finance Committee.
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ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2013/03/MC-EnC

on extending the duration of the Energy Community Treaty

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

ADOPTS THIS DECISION:

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Article 97 thereof,

Article 1

Whereas:

Extension of the duration of the Energy Community Treaty

- (1) The Treaty was signed on 25 October 2005 and entered into force on 1 July 2006.
- (2) According to its Article 97, the Treaty is concluded for a period of 10 years from the date of entry into force and requires a decision by the Ministerial Council for its extension.
- (3) The Energy Community has proven to be an efficient framework for regional cooperation in the energy field.
- (4) The Energy Community is following closely developments in the European Union's energy policy and has entered into commitments that go beyond 2016.
- (5) The extension of the Treaty has been openly supported by the European Union institutions ⁽¹⁾, as well as by the Permanent High Level Group at its meetings of 19 June and 23 October 2013,

The duration of the Treaty is extended for a period of 10 years.

Article 2

Entry into force

This Decision enters into force upon its adoption.

Done in Belgrade, 24 October 2013.

For the Ministerial Council,
Z. MIHAJLOVIĆ

⁽¹⁾ Report from the Commission to the European Parliament and the Council under Article 7 of Decision 2006/500/EC, 10.3.2011, COM(2011) 105 final; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on security of energy supply and international cooperation - The EU Energy Policy: Engaging with Partners beyond Our Borders, 7.9.2011, COM(2011) 539 final; Conclusions of the meeting of 24 November 2011 of the Council of the European Union on strengthening the external dimension of the EU energy policy.

- ★ **Council Decision 2013/698/CFSP of 25 November 2013 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade** 34

2013/699/EU:

- ★ **Council Decision of 25 November 2013 appointing a Latvian member and two Latvian alternate members of the Committee of the Regions** 43

2013/700/EU:

- ★ **Commission Implementing Decision of 22 November 2013 on setting up the European Social Survey as a European Research Infrastructure Consortium (ESS ERIC)** 44

2013/701/EU:

- ★ **Commission Implementing Decision of 22 November 2013 on setting up the Biobanks and Biomolecular Resources Research Infrastructure Consortium (BBMRI-ERIC) as a European Research Infrastructure Consortium** 63

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

- ★ **Decision of the Ministerial Council of the Energy Community D/2013/03/MC-EnC on extending the duration of the Energy Community Treaty** 81

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