

COMMISSION IMPLEMENTING DECISION (EU) 2023/900**of 25 April 2023****setting up the Aerosol, Clouds and Trace Gases Research Infrastructure (ACTRIS ERIC)***(notified under document C(2023) 2646)***(Only the Bulgarian, Czech, Danish, Dutch, English, Finnish, French, German, Greek, Italian, Polish, Romanian, Spanish and Swedish texts are authentic)****(Text with EEA relevance)**

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 Article 6(1), point (a), thereof,

Whereas:

- (1) Austria, Belgium, Bulgaria, Cyprus, Czechia, Denmark, Finland, France, Germany, Italy, Norway, Poland, Romania, Spain and Sweden submitted to the Commission an application in accordance with Article 5(1) of Regulation (EC) No 723/2009 to set up the Aerosol, Clouds and Trace Gases Research Infrastructure (ACTRIS ERIC) ('the application'). Switzerland has made known its decision to participate in ACTRIS ERIC initially as an observer.
- (2) The applicants have agreed that Finland would be the host Member State of ACTRIS ERIC.
- (3) Regulation (EC) No 723/2009 has been incorporated in the Agreement on the European Economic Area (EEA) by Decision of the EEA Joint Committee No 72/2015 ⁽²⁾.
- (4) The Commission has, pursuant to Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation. In the course of the assessment, the Commission obtained the views of independent experts in the field of impacts of aerosol, clouds and trace gases on Earth's climate, air quality, human health and ecosystems.
- (5) 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. The Aerosol, Clouds and Trace Gases Research Infrastructure (ACTRIS ERIC) is set up.
2. The essential elements of the Statutes of ACTRIS ERIC as referred to in Article 6(3) of Regulation (EC) No 723/2009 are set out in the Annex.

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

⁽²⁾ Decision of the EEA Joint Committee No 72/2015 of 20 March 2015 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2016/755] (OJ L 129, 19.5.2016, p. 85).

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Austria, the Republic of Poland, Romania, the Republic of Finland, the Kingdom of Sweden, the Kingdom of Norway and the Swiss Confederation.

Done at Brussels, 25 April 2023.

For the Commission

Mariya GABRIEL

Member of the Commission

ANNEX

ESSENTIAL ELEMENTS OF THE STATUTES OF ACTRIS ERIC**1. Name**

(Article 1 of the Statutes of ACTRIS ERIC)

An Aerosol, Clouds and Trace Gases Research Infrastructure (ACTRIS) is set up as a European Research Infrastructure Consortium (ERIC) under Regulation (EC) No 723/2009, named 'ACTRIS ERIC'.

2. Tasks and activities

(Article 2 of the Statutes of ACTRIS ERIC)

1. The goal of ACTRIS is to produce high-quality integrated datasets in the area of atmospheric sciences and provide services, including access to instrumented platforms, tailored for scientific and technological usage.
2. The principal task of ACTRIS ERIC is to establish and operate the distributed research infrastructure and coordinate the strategic and financial development and long-term operation of ACTRIS.
3. In pursuit of its principal task, and in accordance with the rules set out in these Statutes, ACTRIS ERIC shall carry out the following activities:
 - (a) coordinate and monitor adequate provision of data from the National Facilities;
 - (b) coordinate and monitor activities at the Central Facilities and their service development strategies;
 - (c) ensure open and timely access to ACTRIS data and data products through the Data Centre;
 - (d) operate physical and remote access to the Topical Centres, Data Centre and National Facilities.
4. ACTRIS ERIC may also carry out the following activities:
 - (a) promoting ACTRIS to science communities, private sector and the general public;
 - (b) implementing societal and technological developments related to the task and activities set out in Article 2(2) and (3) of the Statutes;
 - (c) developing joint activities with user groups including industry;
 - (d) promoting knowledge transfer to industry, society and policy makers;
 - (e) harmonising the ACTRIS implementation with national priorities and strategies;
 - (f) promoting the resources of ACTRIS for education and training purposes;
 - (g) collaborating and interoperating with other research infrastructures in related and complementary fields;
 - (h) fostering training, outreach and international cooperation;
 - (i) participating as a funded or funding partner in scientific research activities relevant for its task; and
 - (j) any other related action necessary to achieve its task.
5. ACTRIS ERIC shall pursue its principal task on a non-economic basis. Without prejudice to State aid applicable rules, ACTRIS ERIC may carry out limited economic activities, provided they are closely related to its principal task and they do not jeopardise the achievement thereof. ACTRIS ERIC shall record the costs and revenues of its economic activities separately and shall charge market prices for them, or, if those cannot be ascertained, full costs plus a reasonable margin. Any income generated by those limited economic activities shall be used by ACTRIS ERIC to enhance and strengthen its task.

3. Location and statutory seat

(Article 3 of the Statutes of ACTRIS ERIC)

1. ACTRIS ERIC shall be a distributed research infrastructure with statutory seat in Helsinki, Finland, and Head Office units located in Finland and Italy.
2. The distributed research infrastructure shall include a Data Centre, Topical Centres and National Facilities located in different countries. The Data Centre, the Topical Centres and the National Facilities shall be connected to ACTRIS ERIC through agreements made with the organisations hosting the facilities.

4. Duration and winding-up

(Article 4 of the Statutes of ACTRIS ERIC)

1. ACTRIS ERIC shall be established for an indefinite period, without prejudice to the provisions on the winding up of the ERIC.
2. The winding up of ACTRIS ERIC shall be decided by the General Assembly in accordance with Article 18(8) of the Statutes.
3. Assets remaining after payment of ACTRIS ERIC debts shall be apportioned among the members, permanent observers and observers in proportion to their respective annual contribution to ACTRIS ERIC, unless otherwise agreed by the General Assembly.
4. Without undue delay after the adoption of the decision to wind up, and in any event within 10 days after such adoption, ACTRIS ERIC shall notify the European Commission thereof. Without undue delay and in any event within 10 days of the closure of the winding-up procedure, ACTRIS ERIC shall notify the European Commission thereof.
5. ACTRIS ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in the *Official Journal of the European Union*.

5. Liability and insurance

(Article 5 of the Statutes of ACTRIS ERIC)

1. ACTRIS ERIC shall be liable for its debts.
2. The members', permanent observers' and observers' financial liability for the debts of ACTRIS ERIC shall be limited to their annual contributions provided to ACTRIS ERIC.
3. ACTRIS ERIC shall take appropriate insurance to cover the risks specific to the construction and operation of ACTRIS ERIC.

6. Access policy for users

(Article 6 of the Statutes of ACTRIS ERIC)

1. ACTRIS ERIC shall provide effective access to data, tools and services. Non-discriminatory prioritisation shall be applied based on scientific merit, technical feasibility and/or other relevant criteria pertinent to the goal of ACTRIS.
2. Access shall be based on open access principles following criteria, procedures and modalities set out in the ACTRIS ERIC data policy and access and service policy documents approved by the General Assembly. Procedures and evaluation criteria shall be made publicly available on ACTRIS ERIC web portal. ACTRIS ERIC shall provide guidance to users including via its web portal to facilitate access to data, tools and services.

7. Evaluation policy

(Article 7 of the Statutes of ACTRIS ERIC)

The activities of ACTRIS ERIC shall be evaluated annually by the Scientific and Innovation Advisory Board. In addition, the services, operations and management of ACTRIS shall be evaluated at least every 5 years by independent external evaluators, who cannot be members of the Scientific and Innovation Advisory Board, appointed by and reporting to the General Assembly.

8. Dissemination policy

(Article 8 of the Statutes of ACTRIS ERIC)

1. ACTRIS ERIC shall promote open science and innovation and encourage users to make their results publicly available. The use of ACTRIS data, services and infrastructure shall be acknowledged in publications and in any other documents. More details shall be provided in ACTRIS ERIC internal rules.
2. ACTRIS ERIC shall use various channels to reach the target audiences, including web portal, social media, newsletters, workshops, participation to conferences, articles in magazines and daily newspapers.

9. Intellectual property rights policy

(Article 9 of the Statutes of ACTRIS ERIC)

1. Subject to the terms of any contract between ACTRIS ERIC and the users, intellectual property rights created by users of ACTRIS ERIC shall be owned by those users.
2. ACTRIS data, as well as intellectual property rights and other knowledge that is produced and developed within ACTRIS, shall belong to the entity or to the person who has generated it. The use of ACTRIS data shall be granted to ACTRIS ERIC by the data providers in accordance with the conditions set out in the ACTRIS data policy and access and service policy documents.
3. ACTRIS data shall be available according to open science and open access principles set out in more detail in internal rules.

10. Employment policy

(Article 10 of the Statutes of ACTRIS ERIC)

1. ACTRIS ERIC employment policy shall be governed by the laws of the country in which the staff are employed.
2. The selection procedures, recruitment and employment for ACTRIS ERIC shall be transparent, non-discriminatory and respect equal opportunities. Detailed rules of staff recruitment shall be set out in internal rules.

11. Procurement policy

(Article 11 of the Statutes of ACTRIS ERIC)

ACTRIS ERIC shall treat procurement candidates and tenders equally and without discrimination, regardless of whether or not they are based within the Union. The ACTRIS ERIC procurement policy shall respect the principles of transparency, non-discrimination and competition. Detailed rules on procurement procedures and criteria shall be set out in internal rules.
