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Contents

## II *Information*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

### **European Commission**

2018/C 423/01	Statutes of the European Plate Observing System — European Research Infrastructure Consortium (EPOS ERIC) .....	1
---------------	---	---

## IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

### **European Commission**

2018/C 423/02	Euro exchange rates .....	17
---------------	---------------------------	----

### **Court of Auditors**

2018/C 423/03	Special Report No 25/2018 — ‘Floods Directive: progress in assessing risks, while planning and implementation need to improve’ .....	18
---------------	--	----

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## NOTICES FROM MEMBER STATES

2018/C 423/04	Information communicated by Member States regarding closure of fisheries .....	19
2018/C 423/05	Information communicated by Member States regarding closure of fisheries .....	19
2018/C 423/06	Information communicated by Member States regarding closure of fisheries .....	20
2018/C 423/07	Information communicated by Member States regarding closure of fisheries .....	20

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## V *Announcements*

### PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

#### **European Commission**

2018/C 423/08	Prior notification of a concentration (Case M.9217 — Engie/EDPR/Repsol/Windplus) — Candidate case for simplified procedure <sup>(1)</sup> .....	21
2018/C 423/09	Prior notification of a concentration (Case M.9166 — Santander Group/Hyundai Motor Company Group/JV) — Candidate case for simplified procedure <sup>(1)</sup> .....	23
2018/C 423/10	Prior notification of a concentration (Case M.9152 — BC Partners/United Group) <sup>(1)</sup> .....	24

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<sup>(1)</sup> Text with EEA relevance.

## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

**Statutes of the European Plate Observing System — European Research Infrastructure Consortium  
(EPOS ERIC)**

(2018/C 423/01)

**Table of contents**

	<i>Page</i>
PREAMBLE .....	2
CHAPTER 1 — GENERAL PROVISIONS .....	2
Article 1 — Definitions .....	2
Article 2 — Name, seat, location and working language .....	3
Article 3 — Task and Activities .....	3
CHAPTER 2 — MEMBERSHIP .....	4
Article 4 — Membership and Representing Entity .....	4
Article 5 — Conditions for becoming a Member or an Observer .....	4
Article 6 — Withdrawal of a Member or an Observer/Termination of membership or observer status .....	4
CHAPTER 3 — RIGHTS AND OBLIGATIONS OF THE MEMBERS AND OBSERVERS .....	5
Article 7 — Members .....	5
Article 8 — Observers .....	5
Article 9 — Contributions .....	6
CHAPTER 4 — GOVERNANCE .....	6
Article 10 — General Assembly .....	6
Article 11 — External Advisory Boards .....	7
Article 12 — Executive Director .....	8
Article 13 — Service Coordination Committee .....	8
CHAPTER 5 — REPORTING TO THE COMMISSION .....	9
Article 14 — Reporting to the Commission .....	9
CHAPTER 6 — FINANCE, LIABILITY .....	9
Article 15 — Resources .....	9
Article 16 — Budgetary principles, accounts and audit .....	9
Article 17 — Tax and Excise Duty Exemptions .....	9
Article 18 — Liability and Insurance .....	10
CHAPTER 7 — POLICIES .....	10
Article 19 — Access Policy .....	10
Article 20 — Scientific Evaluation Policy .....	10
Article 21 — Dissemination Policy .....	10
Article 22 — Intellectual Property Rights Policy .....	10

Article 23 — Employment Policy .....	11
Article 24 — Procurement Policy .....	11
Article 25 — Data Policy .....	11
CHAPTER 8 — PROVISIONS ON DURATION, WINDING UP, DISPUTES AND SETTING-UP .....	11
Article 26 — Duration .....	11
Article 27 — Winding up .....	11
Article 28 — Applicable law .....	12
Article 29 — Disputes .....	12
Article 30 — Statutes updates and availability .....	12
Article 31 — Setting-up Provisions .....	12
ANNEX I — LIST OF MEMBERS, OBSERVERS AND THEIR REPRESENTING ENTITIES .....	13
ANNEX II — BUDGET CONTRIBUTIONS .....	14

#### PREAMBLE

The Kingdom of Belgium

The Kingdom of Denmark

The French Republic

The Italian Republic

The Kingdom of the Netherlands

The Kingdom of Norway

The Portuguese Republic

The Republic of Slovenia

The United Kingdom of Great Britain and Northern Ireland

Hereinafter referred to as 'the Founding Members'

and

The Hellenic Republic

Iceland

The Swiss Confederation

Hereinafter referred to as 'the Founding Observers',

HAVE AGREED AS FOLLOWS:

#### CHAPTER 1

#### GENERAL PROVISIONS

##### Article 1

#### Definitions

In these Statutes the following capitalised terms shall have the meaning provided hereafter:

EPOS: European Plate Observing System.

ECO: Executive Coordination Office, located at the Istituto Nazionale di Geofisica e Vulcanologia (Rome, Italy). It is the EPOS ERIC Headquarters representing the EPOS ERIC legal seat; it has the central role of coordinating the entire infrastructure including the operation of the integrated (ICS) and thematic (TCS) services.

ICS: Integrated Core Services; it represents the novel, single e-infrastructure that will allow discovery, access, download, processing, and analysis of multidisciplinary data, products, and services to different stakeholders, including but not limited to the EPOS scientific community.

TCS: Thematic Core Services; they are intended as a governance framework for each specific scientific community, linked technically to the ICS and strategically to the EPOS ERIC. They represent transnational governance frameworks where data, products, and services are provided to answer scientific questions.

EPOS Core Services: consist of both the Thematic Core Services (TCS) and Integrated Core Services (ICS).

ICS-C: Integrated Core Services Central Hub, the data and products integrating node that is built, run and maintained within the perimeter of EPOS ERIC.

ICS-D: Integrated Cores Services — Distributed, existing visualisation or computational resources (e.g. High Performance Computing National centres) used by ICS-C, and for which appropriate procurement policies are required.

#### Article 2

##### **Name, seat, location and working language**

1. The European Plate Observing System is set up as a European Research Infrastructure Consortium (ERIC) under Council Regulation (EC) No 723/2009<sup>(1)</sup>, named and hereinafter referred to as 'EPOS ERIC'.
2. EPOS shall be a distributed research infrastructure located in EPOS ERIC member countries, as well as in other countries where EPOS ERIC has concluded agreements.
3. EPOS ERIC shall have its statutory seat in Rome, Italy.
4. The working language of EPOS ERIC shall be English.

#### Article 3

##### **Task and Activities**

1. The principal task of EPOS ERIC shall be to establish and operate the distributed European Plate Observing System and to provide an effective governance framework to drive the integration and coordination of the Thematic Core Services (TCS) and build and provide governance for the Integrated Core Services (ICS).
2. EPOS ERIC shall carry out the following activities:
  - (a) implementing TCS for the diverse communities contributing to EPOS;
  - (b) ensuring TCS coordination within EPOS ERIC, covering legal, governance and financial aspects, and technical connection to ICS;
  - (c) developing the ICS to provide interoperability, data management and access to services;
  - (d) harmonising the EPOS implementation with national priorities and strategies;
  - (e) integrating EPOS in the global science community to enhance the EPOS services;
  - (f) ensuring full exploitation of the achievement of the new research infrastructure;
  - (g) fostering training, outreach and international cooperation;
  - (h) participating to EU funded projects;
  - (i) any other related action necessary to achieve its aim.
3. EPOS ERIC shall pursue its principal task on a non-economic basis. EPOS ERIC 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.
4. EPOS 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. These activities shall not be covered by tax exemptions.

<sup>(1)</sup> OJ L 206, 8.8.2009, p. 1.

## CHAPTER 2

**MEMBERSHIP***Article 4***Membership and Representing Entity**

1. The following entities may become members of EPOS ERIC or may become observers of EPOS ERIC without voting rights:
  - (a) Member States of the Union;
  - (b) associated countries;
  - (c) third countries other than associated countries;
  - (d) intergovernmental organisations.
2. Conditions for becoming a member or an observer are set out in Article 5 of the Statutes.
3. Membership of EPOS ERIC must include a Member State and two other countries that are either Member States or associated countries.
4. Member States and associated countries shall hold jointly the majority of the voting rights in the General Assembly. The General Assembly shall determine any modification of voting rights that are necessary to ensure that EPOS ERIC complies at all times with that requirement.
5. Any member or observer referred to in paragraph 1(a) to (c) may be represented by public entities or private entities with a public service mission, of its own choosing and appointed in accordance with its own rules and procedures. Each member or observer shall inform in writing the Chairperson of the General Assembly of any change of its representing entity, of the specific rights and obligations which have been delegated to it or of any other relevant change, if any.
6. The members and observers and their representing entities are listed in Annex I of the Statutes. Annex I shall be kept up to date by the Chairperson of the General Assembly, or any person authorised by him/her.

*Article 5***Conditions for becoming a Member or an Observer**

1. Entities referred to in Article 4(1) of the Statutes willing to become members of EPOS ERIC shall submit a written application to the Chairperson of the General Assembly. That application shall describe how the entity will contribute to EPOS ERIC task and activities described in Article 3 of the Statutes and how it will fulfil obligations referred to in Article 7 of the Statutes. The admission of the entities as members shall be subject to a three-quarter majority approval by the General Assembly in accordance with Article 10(9)(b) of the Statutes.
2. Entities referred to in Article 4(1) of the Statutes who are willing to contribute to EPOS ERIC, but are not yet in a position to join as members, may apply for observer status. Applicants shall submit a written application to the Chairperson of the General Assembly. That application shall describe how the applicant will contribute to EPOS ERIC task and activities described in Article 3 of the Statutes and how it will fulfil obligations referred to in Article 8 of the Statutes. The admission or re-admission of observers shall be subject to a three-quarter majority approval by the General Assembly in accordance with Article 10(9)(b) of the Statutes.

*Article 6***Withdrawal of a Member or an Observer/Termination of membership or observer status**

1. Within the first five years of the establishment of EPOS ERIC, no member may withdraw, unless it has reserved the right to do so by paying a higher annual contribution as set out in Annex II of the Statutes.
2. After the first five years of the establishment of EPOS ERIC, a member may withdraw at the end of a financial year, provided that it notifies its intention to withdraw by sending an official request six months in advance to the Chairperson of the General Assembly.
3. Observers may withdraw at the end of a financial year, provided that they notify their intention to withdraw by sending an official request six months in advance to the Chairperson of the General Assembly.

4. Members and observers shall fulfil all financial and other obligations before their withdrawal can become effective.
5. The General Assembly may terminate membership or observer status if the following conditions are met:
  - (a) the member or observer is in serious breach of one or more of its obligations under these Statutes;
  - (b) the member or observer has failed to rectify such breach within six months after it has received notice of the breach in writing by the Chairperson of the General Assembly.
6. The member or observer referred to in paragraph 5 shall have the right to explain its position to the General Assembly before the General Assembly makes any decision on the issue.
7. A member that withdraws or has its membership terminated shall neither have the right to restitution nor reimbursement of any contributions made, nor the right to make any legal claim to the assets of EPOS ERIC.
8. An entity shall automatically cease to be a member if it ceases to exist or no longer falls within any of categories set out under Article 4 of the Statutes.

### CHAPTER 3

#### RIGHTS AND OBLIGATIONS OF THE MEMBERS AND OBSERVERS

##### *Article 7*

##### **Members**

1. Rights of members shall include:
  - (a) the right to participate in and vote at the General Assembly;
  - (b) the right for its research community to participate in EPOS ERIC events, such as workshops, conferences, training courses;
  - (c) the right for its research community to have access to support from EPOS ERIC for developing relevant systems, processes and services;
  - (d) the right to appoint one or more representing entities in accordance with Article 4 of the Statutes.
2. Each member shall:
  - (a) provide the annual contribution in accordance with Article 9 of the Statutes;
  - (b) promote the adoption of relevant standards, within its relevant scientific communities;
  - (c) provide the necessary technical infrastructure to make access possible;
  - (d) promote uptake of services among researchers in the member, and gather user feedback and requirements;
  - (e) support centres in the member by facilitating integration into national and other relevant infrastructures.

##### *Article 8*

##### **Observers**

1. Rights of observers shall include:
  - (a) the right to attend the General Assembly without a vote;
  - (b) the right for its research community to participate in EPOS ERIC events, such as workshops, conferences, training courses;
  - (c) the right for its research community to have access to support from EPOS ERIC in developing relevant systems, processes and services;
  - (d) the right to appoint one representing entity in accordance with Article 4 of the Statutes.
2. Each observer shall:
  - (a) promote the adoption of relevant standards, within its relevant scientific communities;
  - (b) provide the necessary technical infrastructure to make access possible;

- (c) promote uptake of services among researchers in the observer, and gather user feedback and requirements;
- (d) support centres in the observer by facilitating integration into national and other relevant infrastructures.

3. An observer may be admitted for a maximum of three years. The General Assembly, on request of the observer, may extend that initial period once for a one-year extension. In exceptional cases the General Assembly may accept more than one extension of an observer status.

4. An entity that foresees a lasting participation in EPOS ERIC, but that for domestic reasons is not in a position to become a member, may in exceptional cases be granted the status of permanent observer. Permanent observers shall have the same rights and obligations as members as provided for in Article 7 paragraphs 1 and 2 of the Statutes, except the right to vote at the General Assembly.

#### *Article 9*

### **Contributions**

1. The annual contributions to EPOS ERIC and the methods for their calculation are specified in Annex II of the Statutes. Any changes affecting the members' or permanent observers' contributions shall be adopted by the General Assembly according to Article 10(9)(d) of the Statutes.

2. Members who have joined EPOS ERIC reserving the right to withdraw before the end of the first five years of the establishment of EPOS ERIC shall pay a higher annual contribution as set out in Annex II of the Statutes.

#### CHAPTER 4

### **GOVERNANCE**

#### *Article 10*

### **General Assembly**

1. The General Assembly shall be the governing body of EPOS ERIC and shall be composed of representatives of the members and observers of EPOS ERIC.

2. Each member shall nominate up to two official representatives. Each observer shall nominate one official representative with non-voting rights. Additionally, each member and observer may bring experts. Each delegation may consist of up to four persons.

3. A member may be represented by another member if notified in writing to the Chairperson prior to any meeting of the General Assembly. A member cannot represent more than one other member.

4. The general principle of one member one vote is adopted, providing that the nominal membership fee is paid according to Annex II of the Statutes; deviations from the nominal membership fee are handled by scaling votes with the provided membership fee as specified in Annex II of the Statutes.

5. The General Assembly shall meet at least twice a year, and shall be responsible for the overall direction and supervision of EPOS ERIC. Meetings of the General Assembly shall be quorate if two-thirds of the Members are represented at the meeting. The General Assembly shall:

- (a) appoint, suspend, dismiss the Executive Director of EPOS ERIC;
- (b) appoint the members of the external advisory boards;
- (c) adopt the annual budget;
- (d) approve the admission of new members/observers, extension of observer status, and withdrawal of members or observers;
- (e) adopt the EPOS ERIC Implementing Rules;
- (f) adopt decisions on contributions;
- (g) create advisory bodies if deemed necessary;
- (h) decide on the service validation process;
- (i) decide on any other matters that are necessary to fulfil the task of EPOS ERIC.



6. The General Assembly shall elect a Chairperson and two Vice-Chairpersons amongst the representatives by two-third majority of the votes for a two-year term, renewable once. The Vice-Chairpersons shall substitute the Chairperson in his/her absence and in case of conflict of interest.
7. The meetings of the General Assembly shall be convened by the Chairperson. A meeting of the General Assembly may be requested by either at least half of the members, or the Chairperson and Vice-Chairpersons of the General Assembly or the Executive Director of EPOS ERIC.
8. The General Assembly shall use their best efforts to achieve consensus on all decisions. Failing consensus, a simple majority of the votes cast shall suffice to pass a decision, except for decisions referred to in paragraphs 9 and 10.
9. The following decisions shall require three-quarter majority of the votes cast:
  - (a) proposals for amending these Statutes;
  - (b) approval of new members and observers and renewal of an observer status;
  - (c) termination of membership or observer status (entity/ies subjected to termination shall not vote);
  - (d) adoption of decisions on contributions as provided for in Article 9 of the Statutes and on resources as provided for in Article 15 of the Statutes.
10. The following decisions shall require two-third majority of the votes cast:
  - (a) adoption of the Implementing Rules;
  - (b) adoption of the annual activity and financial report and the annual work plan of EPOS ERIC;
  - (c) adoption of the annual budget, including the report on budgetary and financial management;
  - (d) appointment, suspension or dismissal of the Executive Director;
  - (e) election of Chairperson and Vice-Chairperson/s of the General Assembly;
  - (f) establishment and appointment of any subsidiary bodies;
  - (g) extension of EPOS ERIC duration;
  - (h) termination of EPOS ERIC.

#### Article 11

#### External Advisory Boards

1. The General Assembly shall establish, with a majority of two-thirds, a Scientific Board, an Ethics Board, and any other board or committee to advise, control and evaluate the activities governed by EPOS ERIC and the results achieved.
2. The Scientific Board shall:
  - (a) monitor scientific quality of EPOS ERIC activities;
  - (b) give feedback to the General Assembly and provide recommendations to develop EPOS ERIC activities;
  - (c) meet and give their recommendations annually to the General Assembly.

The Scientific Board shall consist of top-level scientists. The number of members of the Scientific Board shall be decided by the General Assembly. This number shall not be less than 5 and not more than 10. The members of the Scientific Board shall be appointed by the General Assembly for a term of 3 years. The General Assembly may reappoint them once for the same duration on proposal from the Executive Director. The Chair of the Scientific Board shall be elected among its members. The Rules of Procedure of the Scientific Board shall be adopted by the General Assembly.
3. The Ethics Board shall:
  - (a) monitor that ethical principles and related legislation are respected within EPOS ERIC activities;
  - (b) give feedback to the General Assembly and provide recommendations on these issues to EPOS ERIC;
  - (c) meet and give their recommendations annually to the General Assembly.

The Ethics Board shall consist of known experts on ethics issues. The number of members of the Ethics Board shall be decided by the General Assembly. This number shall not be less than 3 and not more than 6.

The members of the Ethics Board shall be appointed by the General Assembly for a term of 3 years. The General Assembly may reappoint them once for the same duration on proposal from the Executive Director. The Chair of the Ethics Board shall be elected among its members. The Rules of Procedure of the Ethics Board shall be adopted by the General Assembly.

#### *Article 12*

##### **Executive Director**

1. The General Assembly shall appoint the Executive Director in accordance with the approved procedure. The term for the Executive Director shall be three years, renewable once for an identical period.
2. The Executive Director shall be the legal representative of EPOS ERIC.
3. The Executive Director shall:
  - (a) prepare the Implementing Rules to be adopted by the General Assembly;
  - (b) carry out the day-to-day management of EPOS ERIC with due diligence and in accordance with these Statutes, the Implementing Rules, the instructions and resolutions of the General Assembly and with applicable legal requirements;
  - (c) appoint the Executive Coordination Office and its members, in accordance with Article 23 of the Statutes;
  - (d) be responsible for the implementation of the decisions by the General Assembly;
  - (e) prepare and submit strategic, technical, scientific, legal, budgetary and administrative decisions to the General Assembly;
  - (f) prepare the annual activity and financial report to the General Assembly.
4. The Executive Director shall be located at the statutory seat of EPOS ERIC and shall be responsible for managing the Executive Coordination Office and its activities in accordance with budget and rules adopted by the General Assembly.

#### *Article 13*

##### **Service Coordination Committee**

1. The Service Coordination Committee shall assist the Executive Director in the implementation of his/her tasks.
2. The Service Coordination Committee shall consist of one representative from each EPOS Core Services and shall be appointed by the Executive Director upon a set of candidates proposed by each Core Services. Members of the Service Coordination Committee cannot be official representatives of a member or an observer in the General Assembly or members of the External Advisory Boards.
3. The meetings of the Service Coordination Committee shall be convened by the Executive Director at least twice a year. An extraordinary meeting of the Service Coordination Committee may be requested by at least half of the members.
4. The Executive Director shall consult the Service Coordination Committee for all general matters including drawing up proposals for the General Assembly in establishing and modifying annual working plans to ensure consistence, coherence and stability of the operation of the research infrastructure.
5. The Service Coordination Committee shall adopt its own rules of procedure, which shall be approved by the General Assembly.

## CHAPTER 5

**REPORTING TO THE COMMISSION***Article 14***Reporting to the Commission**

1. EPOS ERIC shall produce an annual activity report, containing in particular the scientific, operational and financial aspects of its activities. The report shall be approved by the General Assembly and transmitted to the Commission and relevant public authorities within six months from the end of the corresponding financial year. This report shall be made publicly available.
2. EPOS ERIC shall inform the Commission of any circumstances which threaten to seriously jeopardise the achievement of EPOS ERIC tasks or hinder EPOS ERIC from fulfilling requirements laid down in Regulation (EC) No 723/2009.

## CHAPTER 6

**FINANCE, LIABILITY***Article 15***Resources**

The resources of EPOS ERIC shall consist of the following:

- (a) financial contributions of members and permanent observers according to Annex II of the Statutes, hereafter termed membership fees;
- (b) host contributions of members and permanent observers;
- (c) in-kind contributions according to the EPOS ERIC Implementing Rules;
- (d) additional voluntary contributions according to the EPOS ERIC Implementing Rules;
- (e) grants within limits and under terms approved by the General Assembly;
- (f) other resources within limits and under terms approved by the General Assembly.

*Article 16***Budgetary principles, accounts and audit**

1. The financial year of EPOS ERIC shall be the calendar year.
2. The accounts of EPOS ERIC shall be accompanied by a report — laid down by the Executive Director — on budgetary and financial management of the financial year.
3. EPOS ERIC shall be subject to the requirements of the law of the country where it has its statutory seat as regards preparation, filing, auditing and publication of accounts.

*Article 17***Tax and Excise Duty Exemptions**

1. VAT exemptions based on Articles 143(1)(g) and 151(1)(b) of Council Directive 2006/112/EC <sup>(1)</sup> and in accordance with Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011 <sup>(2)</sup>, shall be limited to purchases by EPOS ERIC and by members of EPOS ERIC which are for the official and exclusive use by EPOS ERIC provided that such purchase is made solely for the non-economic activities of EPOS ERIC in line with its activities.
2. VAT exemptions shall be limited to purchases exceeding the value of EUR 300.
3. Excise Duty exemptions based on Article 12 of Council Directive 2008/118/EC <sup>(3)</sup>, shall be limited to purchases by EPOS ERIC which are for the official and exclusive use by EPOS ERIC provided that such purchase is made solely for the non-economic activities of EPOS ERIC in line with its activities and that the purchase exceeds the value of EUR 300.

<sup>(1)</sup> OJ L 347, 11.12.2006, p. 1.

<sup>(2)</sup> OJ L 77, 23.3.2011, p. 1.

<sup>(3)</sup> OJ L 9, 14.1.2009, p. 12.

*Article 18***Liability and Insurance**

1. EPOS ERIC shall be liable for its debts.
2. The members are not jointly liable for the debts of EPOS ERIC. The members' and permanent observers' financial liability for the debts of EPOS ERIC shall be limited to their respective contribution provided to the EPOS ERIC as specified in Article 9 of the Statutes.
3. EPOS ERIC shall take appropriate insurance to cover the risks specific to the construction and operation of EPOS ERIC.

## CHAPTER 7

**POLICIES***Article 19***Access Policy**

1. EPOS ERIC data access policy shall follow the best international practices with respect to public data, such as those established by the European Union and shall recognise the rights of the owners of data.
2. EPOS ERIC shall be a facilitator of research and shall, as a general rule, encourage open access following the FAIR principles to research data, data products, services and software, as well as research facilities.
3. Where there are differences in policies relating to data sharing and physical access rules, EPOS ERIC will encourage a culture of openness and sharing within public research communities and within members, observers and beyond. Access shall be based on open access principles following criteria, procedure, and modalities defined in the EPOS ERIC Implementing Rules.
4. Procedures and evaluation criteria shall be made publicly available on the EPOS ERIC website.

*Article 20***Scientific Evaluation Policy**

The activities of EPOS ERIC shall be evaluated every 5 years by an independent panel of international external evaluators of the highest quality, appointed by and reporting to the General Assembly; the panel shall carry out scientific evaluations of the activities of EPOS ERIC.

*Article 21***Dissemination Policy**

1. EPOS ERIC shall encourage researchers to make their results publicly available also through EPOS ERIC.
2. EPOS ERIC shall use multiple channels to reach the target audiences, including web portal, newsletter, workshops, presence in conferences, articles in magazines and news media.

*Article 22***Intellectual Property Rights Policy**

1. The term 'Intellectual Property' (IP) shall be understood in accordance with Article 2 of the Convention Establishing the World Intellectual Property Organisation signed on 14 July 1967.
2. The intellectual property rights of EPOS ERIC data and other knowledge produced and developed within the activities of EPOS ERIC shall belong to the entity/ies or to the person/s that/who has generated it.
3. The exchange and integration of intellectual property between members or representing entities shall be subject to the Implementing Rules approved by the General Assembly. The Implementing Rules shall also address terms of confidentiality of the exchanged data.
4. Intellectual property generated as a result of activities funded exclusively by EPOS ERIC shall be the property of EPOS ERIC.
5. EPOS ERIC shall comply with applicable legislation on data and privacy protection.

*Article 23***Employment Policy**

1. EPOS ERIC employment policy shall be governed by the laws of the country in which staff is employed and habitually carries out its work.
2. The selection procedures, recruitment and employment for EPOS ERIC staff positions shall be transparent, non-discriminatory and respect equal opportunities. All positions in EPOS ERIC shall be announced publicly.

*Article 24***Procurement Policy**

1. EPOS ERIC shall treat procurement candidates and tenderers equally and without discrimination. EPOS 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 the Implementing Rules.
2. Procurement by members and observers concerning EPOS ERIC activities shall be done in such a way that due consideration is given to EPOS ERIC needs, technical requirements and specifications issued by the relevant bodies.

*Article 25***Data Policy**

1. EPOS ERIC is in favour and encourages open source and open access principles.
2. EPOS ERIC shall provide guidance to users to ensure that research involving material made accessible through EPOS ERIC shall be undertaken within a framework that recognises the rights of data owners and privacy of individuals.
3. EPOS ERIC shall ensure that users agree to the terms and conditions governing the access to data and services and that suitable security arrangements are in place regarding internal storage and handling.
4. EPOS ERIC shall define arrangements for investigating allegations of security breaches and confidentiality disclosures regarding research data.

## CHAPTER 8

**PROVISIONS ON DURATION, WINDING UP, DISPUTES AND SETTING-UP***Article 26***Duration**

EPOS ERIC shall be established for an initial period of 20 years. That period may be extended by a two-third majority decision of the General Assembly.

*Article 27***Winding up**

1. The winding up of EPOS ERIC shall be decided by the General Assembly in accordance with Article 10 of the Statutes.
2. Without undue delay and in any event within 10 days after adoption of the decision to wind up EPOS ERIC, EPOS ERIC shall notify the European Commission about the decision.
3. Assets remaining after payment of EPOS ERIC debts shall be apportioned among the members in proportion to their accumulated annual contribution to EPOS ERIC as specified in Article 9 of the Statutes.
4. Without undue delay and in any event within 10 days of the closure of the winding up procedure, EPOS ERIC shall notify the Commission thereof.
5. EPOS 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*.

*Article 28***Applicable law**

The internal functioning of EPOS ERIC shall be governed by:

- (a) Union law, in particular Regulation (EC) No 723/2009 amended by Council Regulation (EU) No 1261/2013 <sup>(1)</sup>, and the decisions referred to in Articles 6(1)(a) and 11(1) of the Regulation;
- (b) the law of the state where EPOS ERIC has its statutory seat in the case of matters not, or only partly, regulated by acts referred to in point (a);
- (c) these Statutes and their Implementing Rules.

*Article 29***Disputes**

1. The Court of Justice of the European Union shall have jurisdiction over litigation among the members in relation to EPOS ERIC, between members and EPOS ERIC and over any litigation to which the Union is a party.
2. Union legislation on jurisdiction shall apply to disputes between EPOS ERIC and third parties. In cases not covered by Union legislation, the law of the State where EPOS ERIC has its statutory seat shall determine the competent jurisdiction for the resolution of such disputes.

*Article 30***Statutes updates and availability**

1. Proposals for amendments of the Statutes shall be adopted by the General Assembly in accordance with Article 10(9)(a) of the Statutes and submitted to the Commission in accordance with Article 11 of the Regulation. In case modifications approved by the General Assembly only consist of updating the annexes to these Statutes, such updates shall be made by the Executive Director.
2. The Statutes shall be kept up to date and made publicly available on the website of EPOS ERIC and at its statutory seat. 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 the Regulation and the procedure followed for its adoption.

*Article 31***Setting-up Provisions**

1. A first meeting of the General Assembly shall be called by the State where EPOS ERIC has its statutory seat as soon as possible after the Commission decision setting up EPOS ERIC takes effect.
2. Before the first meeting is held and no later than forty-five calendar days after the Commission decision setting up EPOS ERIC takes effect, the relevant State shall notify the members, permanent observers and observers of any specific urgent legal action that needs to be taken on behalf of EPOS ERIC. Unless a member or a permanent observer objects within five working days after being notified, the legal action shall be carried out by a person duly authorised by the relevant State.

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<sup>(1)</sup> OJ L 326, 6.12.2013, p. 1.

## ANNEX I

**LIST OF MEMBERS, OBSERVERS AND THEIR REPRESENTING ENTITIES**

Country or Intergovernmental Organisation	Representing Entity
Italy	Istituto Nazionale di Geofisica e Vulcanologia (INGV)
Belgium	— Service public de programmation Politique scientifique (BELSPO) — Autorité fédérale — Departement Economie, Wetenschap en Innovatie (EWI) — Vlaamse overheid — Service public de Wallonie — Direction générale opérationnelle de l'Economie, de l'Emploi & de la Recherche (DGO6) — Région wallonne
Denmark	Danish Agency for Science and Higher Education (DAFSHE)
France	Centre National de la Recherche Scientifique (CNRS)
Norway	Research Council of Norway (RCN)
Portugal	Fundação para a Ciência e a Tecnologia (FCT)
Slovenia	Ministry of Education Science and Sport (MIZS)
The Netherlands	Nederlandse Organisatie voor Wetenschappelijk Onderzoek (NWO)
United Kingdom	United Kingdom Research and Innovation (UKRI)

**Permanent Observers**

Country or Intergovernmental Organisation	Representing Entity

**Observers**

Country or Intergovernmental Organisation	Representing Entity
Greece	National Observatory of Athens (NOA)
Switzerland	Swiss Seismological Service (SED)/ETH Zurich
Iceland	The Icelandic Meteorological Office (IMO)

## ANNEX II

**BUDGET CONTRIBUTIONS**

1. The overall budget for EPOS ERIC operations is composed of the following parts:

$$\text{EPOS ERIC budget} = \text{ECO} + \text{ICS-C} + \text{STF} + \text{ICS-D} + \text{TCS}$$

where the individual costs are for:

- ECO: Executive Coordination Office
- ICS-C: Integrated Core Services Central Hub
- STF: Steering Funds for strategic activities
- ICS-D: ICS distributed infrastructure
- TCS: Thematic Core Services operational costs

2. The Nominal annual Total Membership Fee (NTMF) covered in cash by EPOS ERIC members and permanent observers is:

$$\text{NTMF} = \text{ECO} - \text{HP}_{\text{ECO}} + \text{ICS-C} - \text{HP}_{\text{ICS-C}} + \text{STF} + \text{ICS-D} + \beta(\text{TCS})$$

where:

- $\text{HP}_{\text{ECO}}$  is the Host Premium for the ECO and  $\text{HP}_{\text{ICS-C}}$  is the Host Premium for the ICS-C (in total EUR 2 276 000 per year)
- $\beta$  (TCS) is the fraction of the Thematic Core Services operation costs (TCS) covered through EPOS ERIC

3. The nominal membership fee ( $\text{nmf}_i$ , Table 1) of each member and permanent observer to EPOS ERIC is calculated in euro and on the basis of the following method:

$$\text{nmf}_i = 0,5 \frac{\text{NTMF}}{\text{NN}} + 0,5 \text{NTMF} \frac{\text{GDP}_i}{\sum_{j=1}^{\text{NN}} \text{GDP}_j}$$

where:

- $\text{GDP}_i$  is the gross domestic product, in Euro, for the country  $i$
- NN is the total number of EPOS ERIC members and permanent observers
- NTMF here is estimated in EUR 4,4 million per year at 2017 prices

The minimum membership fee is set to EUR 50 000/year. Additional contributions above the nominal membership fee are possible.

Should any member decide to withdraw before the end of the first 5-year period (Article 6 of the Statutes), its annual contribution will be increased by 30 %.

4. During the first 5-year period of EPOS ERIC, when the contributions will be as set in Table 1, those countries contributing above or below the nominal membership fee will have their voting rights scaled by the ratio between the contributed membership fee ( $\text{mf}_i$ , Table 1) and the nominal membership fee ( $\text{nmf}_i$ , Table 1), the latter capped at EUR 200 000/year for the sole purpose of calculating the voting rights. Full voting rights correspond to 1 (one) vote. Table 1 indicates the annual contributed membership fees and the votes for each member.



Table 1

**Membership fees per country <sup>(1)</sup>**

Member/ Permanent Observer	GDP (in billion EUR)	GDP (%)	Membership fee (in thousand EUR/year)		Votes
			Nominal ( <i>mfi</i> )	Contributed	
Albania	10	0,1	64		
Austria	340	2,0	108		
Belgium	410	2,5	117	80	0,7
Bulgaria	46	0,3	69		
Croatia	44	0,3	69		
Cyprus	18	0,1	65		
Czech Republic	167	1,0	85	85	1
Denmark	266	1,6	98	50	0,5
Estonia	20	0,1	66		
Finland	209	1,3	91	90	1
France	2 181	13,1	350	200	1
Germany	3 033	18,2	462	200	1
Greece	176	1,1	86		
Hungary	110	0,7	77		
Iceland	15	0,1	65		
Ireland	256	1,5	97	97	1
Italy	1 642	9,8	279	200	1
Latvia	24	0,1	66		
Lithuania	37	0,2	68		
Luxembourg	51	0,3	70		
Macedonia	9	0,1	64		
Montenegro	4	0,0	63		
The Netherlands	677	4,1	152	152	1
Norway	348	2,1	110	109	1
Poland	430	2,6	121	119	1
Portugal	180	1,1	87	80	0,9
Romania	160	1,0	84	84	1

Member/ Permanent Observer	GDP (in billion EUR)	GDP (%)	Membership fee (in thousand EUR/year)		Votes
			Nominal ( <i>mfi</i> )	Contributed	
Serbia	34	0,2	67		
Slovakia	79	0,5	73		
Slovenia	39	0,2	68	50	0,7
Spain	1 076	6,4	205	100	0,5
Sweden	447	2,7	122		
Switzerland	605	3,6	144	142	
Turkey	645	3,9	148		
United Kingdom	2 577	15,4	402	200	1
<b>TOTAL</b>	<b>16 363</b>	<b>100,0</b>	<b>4 400</b>		

(<sup>1</sup>) Based on calculations using the GDP at current prices for 2015 from the AMECO macroeconomic database.

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

Euro exchange rates <sup>(1)</sup>

22 November 2018

(2018/C 423/02)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1403	CAD	Canadian dollar	1,5074
JPY	Japanese yen	128,80	HKD	Hong Kong dollar	8,9299
DKK	Danish krone	7,4616	NZD	New Zealand dollar	1,6744
GBP	Pound sterling	0,88598	SGD	Singapore dollar	1,5652
SEK	Swedish krona	10,3035	KRW	South Korean won	1 287,51
CHF	Swiss franc	1,1351	ZAR	South African rand	15,7042
ISK	Iceland króna	141,20	CNY	Chinese yuan renminbi	7,9052
NOK	Norwegian krone	9,7398	HRK	Croatian kuna	7,4285
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 584,00
CZK	Czech koruna	25,990	MYR	Malaysian ringgit	4,7801
HUF	Hungarian forint	321,52	PHP	Philippine peso	59,749
PLN	Polish zloty	4,3004	RUB	Russian rouble	74,7458
RON	Romanian leu	4,6593	THB	Thai baht	37,607
TRY	Turkish lira	6,0336	BRL	Brazilian real	4,3368
AUD	Australian dollar	1,5721	MXN	Mexican peso	23,0660
			INR	Indian rupee	80,6045

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

# COURT OF AUDITORS

## **Special Report No 25/2018**

### **'Floods Directive: progress in assessing risks, while planning and implementation need to improve'**

(2018/C 423/03)

The European Court of Auditors hereby informs you that Special Report No 25/2018 'Floods Directive: progress in assessing risks, while planning and implementation need to improve' has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors' website (<http://eca.europa.eu>).

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## NOTICES FROM MEMBER STATES

**Information communicated by Member States regarding closure of fisheries**

(2018/C 423/04)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	27.9.2018
Duration	27.9.2018-31.12.2018
Member State	Spain
Stock or Group of stocks	POK/56-14
Species	Saithe ( <i>Pollachius virens</i> )
Zone	6; Union and international waters of 5b, 12 and 14
Type(s) of fishing vessels	—
Reference number	26/TQ120

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

**Information communicated by Member States regarding closure of fisheries**

(2018/C 423/05)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	27.9.2018
Duration	27.9.2018-31.12.2018
Member State	Spain
Stock or Group of stocks	RJU/8-C.
Species	Undulate ray ( <i>Raja undulata</i> )
Zone	Union waters of 8
Type(s) of fishing vessels	—
Reference number	27/TQ120

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

**Information communicated by Member States regarding closure of fisheries**

(2018/C 423/06)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	27.9.2018
Duration	27.9.2018-31.12.2018
Member State	Spain
Stock or Group of stocks	RJU/9-C.
Species	Undulate ray ( <i>Raja undulata</i> )
Zone	Union waters of 9
Type(s) of fishing vessels	—
Reference number	28/TQ120

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

**Information communicated by Member States regarding closure of fisheries**

(2018/C 423/07)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	28.9.2018
Duration	28.9.2018-31.12.2018
Member State	Denmark
Stock or Group of stocks	LIN/03A.
Species	Ling ( <i>Molva molva</i> )
Zone	Union waters of 3a
Type(s) of fishing vessels	—
Reference number	29/TQ120

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

EUROPEAN COMMISSION

**Prior notification of a concentration**

**(Case M.9217 — Engie/EDPR/Repsol/Windplus)**

**Candidate case for simplified procedure**

**(Text with EEA relevance)**

(2018/C 423/08)

1. On 16 November 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- Engie S.A. ('Engie', France),
- EDP Renewables, SGPS, S.A. ('EDPR', Portugal), controlled by EDP -Energias de Portugal S.A. ('EDP', Portugal),
- Repsol Nuevas Energías S.A. ('Repsol', Spain), controlled by Repsol S.A. (Spain),
- Windplus S.A. ('Windplus', Portugal), currently controlled by EDPR and Repsol.

Engie, EDPR and Repsol acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of Windplus.

The concentration is accomplished by way of contract of management or any other means.

2. The business activities of the undertakings concerned are:

- Engie is an international energy company active throughout the entire value chain,
- EDPR is active in the generation of renewable energy and is ultimately controlled by EDP, a utility company active in the generation, distribution and supply of electricity in Portugal and Spain,
- Repsol develops a business related to renewable energy and is controlled by Repsol S.A., an integrated energy company in the oil and gas industry,
- Windplus developed and builds an offshore wind project to be active in the generation and wholesale supply of electricity in Portugal.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9217 — Engie/EDPR/Repsol/Windplus

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

European Commission  
Directorate-General for Competition  
Merger Registry  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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**Prior notification of a concentration**  
**(Case M.9166 — Santander Group/Hyundai Motor Company Group/JV)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2018/C 423/09)

1. On 14 November 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- Santander Consumer Bank AG ('SCB', Spain), solely controlled by Santander Banco Santander, S.A. ('Santander', Spain),
- Hyundai Capital Services Inc. ('HCS', South Korea), solely controlled by Hyundai Motor Company ('HCM', South Korea).

The proposed concentration consists of the acquisition of joint control by Santander, through its subsidiary SCB, and HCM, through its subsidiary HCS, over a newly created joint venture (the 'JV').

The Transaction is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Santander is active in retail banking, asset management, corporate and investment banking, treasury and insurance. Santander operates across Europe, as well as in the United States, Latin America, and Asia,
- HCM is a manufacturer of motor vehicles. HCM also offers financial services through its subsidiary HCS,
- the JV will offer automotive financing services related to Hyundai and Kia-branded motor vehicles in Europe, as well as related services, such as insurance.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9166 — Santander Group/Hyundai Motor Company Group/JV

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

**Prior notification of a concentration**  
**(Case M.9152 — BC Partners/United Group)**  
**(Text with EEA relevance)**  
(2018/C 423/10)

1. On 16 November 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- BC European Capital Management X Limited, ultimately advised by BC Partners LLP (United Kingdom),
- United Group BV (The Netherlands).

BC Partners LLP acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of United Group BV.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for BC Partners LLP: private equity fund,
- for United Group BV: provider of telecommunications and media services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9152 — BC Partners/United Group

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').



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