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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2019/1851 of 28 May 2019 supplementing Regulation (EU) 2017/2402 of the European Parliament and of the Council with regard to regulatory technical standards on the homogeneity of the underlying exposures in securitisation ⁽¹⁾** 1
- ★ **Commission Implementing Regulation (EU) 2019/1852 of 30 October 2019 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ‘Gall del Penedès’ (PGI)** 6
- ★ **Commission Implementing Regulation (EU) 2019/1853 of 5 November 2019 amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq** 7

DECISIONS

- ★ **Commission Implementing Decision (EU) 2019/1854 of 29 October 2019 setting up the European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences — Euro-BioImaging European Research Infrastructure Consortium (Euro-BioImaging ERIC) (notified under document C(2019) 7612) ⁽¹⁾** 9
- ★ **Commission Implementing Decision (EU) 2019/1855 of 5 November 2019 amending Implementing Decision 2013/776/EU establishing the Education, Audiovisual and Culture Executive Agency** 14

⁽¹⁾ Text with EEA relevance.

EN

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.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2019/1851

of 28 May 2019

supplementing Regulation (EU) 2017/2402 of the European Parliament and of the Council with regard to regulatory technical standards on the homogeneity of the underlying exposures in securitisation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC, and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012 ⁽¹⁾, and in particular the third subparagraph of Article 20(14) and the third subparagraph of Article 24(21) thereof,

Whereas:

- (1) In order to achieve robust due diligence by investors, and to facilitate their assessment of underlying risks in accordance with the aims of Regulation (EU) 2017/2402, the underlying exposures of a securitisation should share similar risk profiles. It is therefore necessary to lay down uniform criteria to determine the homogeneity of a given pool of underlying exposures.
- (2) A pool of underlying exposures should only be considered homogenous where it contains exposures of a single asset type. Distinct asset types should therefore be identified so that exposures may be assigned accordingly. Market practice has already identified well established asset types to determine the homogeneity of a given pool of underlying exposures. However, in order to ensure that financial innovation is not limited and existing market practice is not hindered, particular pools of underlying exposures that do not correspond to one of those well-established asset types should also be allowed to be considered a single asset type on the basis of the internal methodologies and parameters consistently applied by the originator or sponsor. It is also possible that one exposure would allow for an assignment to more than one asset type. Notwithstanding, all underlying exposures in a particular securitisation should belong to the same asset type.
- (3) Underwriting standards are designed to measure and assess the credit risk associated with the underlying exposures to a securitisation and are therefore useful indicators of the homogeneity of those exposures. Accordingly, the application of similar underwriting standards should be used as an indicator that a pool of underlying exposures have similar risk profiles while the application of underwriting standards that are not similar may result in exposures with materially different risk profiles, even if such underwriting standards are all of a high quality.

⁽¹⁾ OJ L 347, 28.12.2017, p. 35.

- (4) The servicing of underlying exposures, including monitoring, collecting and administering cash receivables from the underlying exposures on the asset side of the SSPE, has a substantial impact on the cash flows expected from those underlying exposures and therefore facilitates cash flow projections and allows for statistically reliable assumptions by investors about payment and default characteristics. Irrespective of whether the servicing is administered by the originator, originators and third party or third parties, administering the servicing of the pool of underlying exposures by means of similar procedures, systems and governance should be a necessary condition for recognising the pool of underlying exposures as homogeneous. Underlying exposures in the pool should therefore be subject to servicing procedures that are similar enough to enable an investor to confidently assess the impact of servicing within similar parameters.
- (5) For certain asset types, investors may not be able to properly assess the underlying risks of the pool of the underlying exposures based only on the use of similar servicing and underwriting standards. Certain factors should therefore be applied to some asset types to ensure an accurate assessment of homogeneity. An originator or sponsor should therefore apply one or more relevant factors on a case-by-case basis, taking into account the type of securitisation (i. e. non-ABCP or ABCP securitisation), the characteristics specific to the particular pool of underlying exposures and whether investors are able to assess the underlying risks of the resulting pool on the basis of common methodologies and parameters. However, the asset types 'credit facilities to individuals for personal, family or household consumption purposes' and 'trade receivables' are deemed sufficiently homogeneous as asset types, provided that similar underwriting standards and servicing procedures are also applied. The application of additional requirements to those asset types in the form of homogeneity factors would lead to excessive concentrations in the securitised portfolios. The application of homogeneity factors should therefore not be required for those asset types.
- (6) Where the underlying exposures change their characteristics with respect to the homogeneity conditions, including the homogeneity factors, due to reasons outside of the control of the originator or the sponsor, and not due to error on the part of the originator, this should not be deemed to impact the homogeneity of the pool, as long as the exposures were otherwise compliant with the requirements of this Regulation at the time of origination of the securitisation and such change occurred after the origination of the securitisation. Given that the conditions for determining the homogeneity of underlying exposures are relevant to both ABCP and non-ABCP securitisations, uniform provisions should apply to both types of securitisations, irrespective of individual homogeneity factors which may be relevant only for certain asset types of ABCP or non-ABCP securitisations.
- (7) The provisions in this Regulation are closely linked since they deal with homogeneity for both ABCP and non-ABCP securitisations. To ensure coherence between those provisions, which should enter into force at the same time, and to facilitate a comprehensive view and compact access to them by persons subject to those obligations, it is appropriate to include both regulatory technical standards on homogeneity required by the Regulation (EU) 2017/2402 in a single Regulation. This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority to the Commission.
- (8) The European Banking Authority has worked in close cooperation with the European Securities and Markets Authority (ESMA) and the European Insurance and Occupational Pensions Authority (EIOPA) before submitting the draft technical standards on which this Regulation is based. It has also conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council⁽²⁾,

⁽²⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

HAS ADOPTED THIS REGULATION:

Article 1

Homogeneity of underlying exposures

For the purposes of Articles 20(8) and 24(15) of Regulation (EU) 2017/2402, underlying exposures shall be deemed to be homogeneous where all of the following conditions are met:

- (a) they correspond to one of the following asset types:
 - (i) residential loans that are either secured by one or more mortgages on residential immovable property or that are fully guaranteed by an eligible protection provider among those referred to in Article 201(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council^(*) and qualifying for the credit quality step 2 or above as set out in Part Three, Title II, Chapter 2 of that Regulation;
 - (ii) commercial loans that are secured by one or more mortgages on commercial immovable property, including offices or other commercial premises;
 - (iii) credit facilities provided to individuals for personal, family or household consumption purposes;
 - (iv) credit facilities, including loans and leases, provided to any type of enterprise or corporation;
 - (v) auto loans and leases;
 - (vi) credit card receivables;
 - (vii) trade receivables;
 - (viii) other underlying exposures that are considered by the originator or sponsor to constitute a distinct asset type on the basis of internal methodologies and parameters;
- (b) they are underwritten in accordance with standards that apply similar approaches for assessing associated credit risk;
- (c) they are serviced in accordance with similar procedures for monitoring, collecting and administering cash receivables on the asset side of the SSPE;
- (d) one or more of the homogeneity factors are applied in accordance with Article 2.

For the purposes of point (a) of this Article, where an underlying exposure corresponds to more than one asset type, that exposure shall be assigned to only one asset type in that securitisation.

Any changes to underlying exposures in a pool that is deemed to be homogenous pursuant to this Regulation shall not affect such homogeneity where such changes are due to reasons outside the control of the originator or sponsor.

Article 2

Homogeneity factors

1. The homogeneity factors for the asset type referred to in Article 1(a)(i) shall be the following:
 - (a) ranking of security rights, whereby the pool of underlying exposures consists of only one of the following:
 - (i) loans secured by first ranking security rights on a residential immovable property;
 - (ii) loans secured by lower and all prior ranking rights on a residential immovable property;
 - (iii) loans secured by lower ranking security rights on a residential immovable property;
 - (b) type of residential immovable property, whereby the pool consists of only one of the following types:
 - (i) income-producing properties;
 - (ii) non-income producing properties;
 - (c) jurisdiction, whereby the pool consists of exposures secured by residential immovable properties located in the same jurisdiction.

^(*) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

2. The homogeneity factors for the asset type referred to in Article 1(a)(ii) shall be the following:
 - (a) ranking of security rights, whereby the pool consists of only one of the following types of underlying exposures:
 - (i) loans secured by first ranking security rights on a commercial immovable property;
 - (ii) loans secured by lower and all prior ranking rights on a commercial immovable property;
 - (iii) loans secured by lower ranking security rights on a commercial immovable property;
 - (b) type of immovable commercial property, whereby the pool consists of only one of the following types:
 - (i) office buildings;
 - (ii) retail space;
 - (iii) hospitals;
 - (iv) storage facilities;
 - (v) hotels;
 - (vi) industrial properties;
 - (vii) other specific type of commercial immovable properties;
 - (c) jurisdiction, whereby the pool consists of underlying exposures secured by properties located in the same jurisdiction.
3. The homogeneity factors for the asset type referred to in Article 1(a)(iv) shall be the following:
 - (a) type of obligor, whereby the pool consists of only one of the following types of obligors:
 - (i) micro-, small- and medium-sized enterprises;
 - (ii) other types of enterprises and corporates;
 - (b) jurisdiction, whereby the pool consists of only one of the following types of underlying exposures:
 - (i) exposures secured by immovable property located in the same jurisdiction;
 - (ii) exposures to obligors with residence in the same jurisdiction.
4. The homogeneity factors for the asset type referred to in Article 1(a)(v) shall be the following:
 - (a) type of obligor, whereby the pool consists of underlying exposures with only one of the following types of obligors:
 - (i) individuals;
 - (ii) micro-, small- and medium-sized enterprises;
 - (iii) other types of enterprises and corporates;
 - (iv) public sector entities;
 - (v) financial institutions;
 - (b) jurisdiction, whereby the pool consists of underlying exposures to obligors with residence in the same jurisdiction.
5. The homogeneity factors for the asset type referred to in Article 1(a)(vi) shall be the following:
 - (a) type of obligor, whereby the pool consists of underlying exposures with only one of the following types of obligors:
 - (i) individuals;
 - (ii) micro-, small- and medium-sized enterprises;
 - (iii) other types of enterprises and corporates;
 - (iv) public sector entities;
 - (v) financial institutions;
 - (b) jurisdiction, whereby the pool consists of underlying exposures to obligors with residence in the same jurisdiction.

6. The homogeneity factors for the asset type referred to in Article 1(a)(viii) shall be any of the following:
- (a) type of obligor;
 - (b) ranking of security rights;
 - (c) type of immovable property;
 - (d) jurisdiction.

Article 3

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, 28 May 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1852**of 30 October 2019****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ‘Gall del Penedès’ (PGI)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Spain’s application for the approval of amendments to the specification for the protected geographical indication ‘Gall del Penedès’, registered under Commission Implementing Regulation (EU) 2016/929 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name ‘Gall del Penedès’ (PGI) are hereby approved.*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, 30 October 2019.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2016/929 of 1 June 2016 entering a name in the register of protected designations of origin and protected geographical indications (Gall del Penedès (PGI)) (OJ L 155, 14.6.2016, p. 7).

⁽³⁾ OJ C 217, 28.6.2019, p. 10.

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1853**of 5 November 2019****amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 ⁽¹⁾, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 1210/2003 lists public bodies, corporations and agencies and natural and legal persons, bodies and entities of the previous government of Iraq covered by the freezing of funds and economic resources that were located outside Iraq on 22 May 2003 under that Regulation.
- (2) On 30 October 2019, the Sanctions Committee of the United Nations Security Council decided to remove two entries from the list of persons or entities to whom the freezing of funds and economic resources should apply.
- (3) Annex III to Regulation (EC) No 1210/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1210/2003 is amended as set out in the Annex to this Regulation.

*Article 2*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, 5 November 2019.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 169, 8.7.2003, p. 6.

ANNEX

In Annex III to Regulation (EC) No 1210/2003, the following entries are deleted:

- '183. STATE ORGANISATION FOR IRRIGATION PROJECTS (alias GENERAL ESTABLISHMENT FOR IRRIGATION PROJECTS). Addresses: (a) Northgate, Karanteena, P.O. Box 148, Baghdad, Iraq; (b) Al-Muadham, near Engineering College, P.O. Box 14186, Baghdad, Iraq.
 184. STATE ORGANISATION FOR LAND RECLAMATION (alias (a) GENERAL ESTABLISHMENT FOR PLANTATION AND DEVELOPMENT OF THE RECLAIMED LANDS, (b) GENERAL ESTABLISHMENT FOR EXECUTION OF LAND RECLAMATION CONTRACTS, (c) GENERAL ESTABLISHMENT FOR LAND RECLAMATION OF CENTRAL AND NORTHERN AREAS, (d) GENERAL ESTABLISHMENT FOR LAND RECLAMATION OF SOUTHERN AREAS). Addresses: (a) Amiriya, Abu Gharib, P.O. Box 6161, Baghdad, Iraq; (b) P.O. Box 6061, Aamrlya 7, Nisan, Iraq; (c) P.O. Box 609, Al-Sadoon St., Baghdad, Iraq; (d) P.O. Box 27, Wasit Province, Kut, Iraq.'
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DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2019/1854

of 29 October 2019

setting up the European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences — Euro-BioImaging European Research Infrastructure Consortium (Euro-BioImaging ERIC)

(notified under document C(2019) 7612)

(Only the Bulgarian, Czech, Danish, Dutch, English, Finnish, French, German, Hungarian, Italian, Portuguese 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 point (a) of Article 6(1) thereof,

Whereas:

- (1) Bulgaria, Czechia, Denmark, France, Israel, Italy, Hungary, the Netherlands, Austria, Norway, Portugal, Finland, Sweden, the United Kingdom and the European Molecular Biology Laboratory submitted to the Commission an application to set up the European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences — Euro-BioImaging European Research Infrastructure Consortium (Euro-BioImaging ERIC) ('the application'). Belgium has made known its decision to participate in Euro-BioImaging ERIC initially as an observer. The applicants have agreed that Finland would be the host Member State of Euro-BioImaging ERIC.
- (2) 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⁾.
- (3) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement, or failing that, and subject to European Council Decision (EU) 2019/584 ⁽³⁾, on 1 November 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (4) After its withdrawal from the Union, and without prejudice to the provisions of a withdrawal agreement, the United Kingdom will be considered a third country within the meaning of point (b) of Article 2 of Regulation (EC) No 723/2009.
- (5) 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.

⁽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).

⁽³⁾ European Council Decision (EU) 2019/584 taken in agreement with the United Kingdom of 11 April 2019 extending the period under Article 50(3) TEU (OJ L 101, 11.4.2019, p. 1).

- (6) 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 European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences — Euro-BioImaging European Research Infrastructure Consortium (Euro-BioImaging ERIC) is set up.
2. The essential elements of the Statutes of Euro-BioImaging ERIC are set out in the Annex.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the French Republic, the State of Israel, the Italian Republic, Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Kingdom of Norway, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland and the European Molecular Biology Laboratory.

Done at Brussels, 29 October 2019.

For the Commission
Carlos MOEDAS
Member of the Commission

ANNEX

ESSENTIAL ELEMENTS OF THE STATUTES OF EURO-BIOIMAGING ERIC

The following Articles and paragraphs of the Articles of the Statutes of Euro-BioImaging-ERIC provide for the essential elements in accordance with 6(3) of Council Regulation (EC) No 723/2009.

1. Tasks and activities (Article 1 of the Statutes of Euro-BioImaging ERIC)

- (1) Euro-BioImaging ERIC's principal task shall be to establish and operate a distributed research imaging infrastructure across Europe that provides open access to innovative biological and medical imaging technologies for researchers. Euro-BioImaging ERIC aims as well to provide expert, image data and training services for performing cutting-edge research using imaging technologies.
- (2) In pursuit of its principal task, and in accordance with the provisions of these Statutes and in execution of the five-year Euro-BioImaging Strategic Plan, Euro-BioImaging ERIC shall, in particular, carry out the following activities:
 - (a) open physical access to imaging infrastructure;
 - (b) advanced expertise and services for technology users;
 - (c) training for technology users, facility staff and technology experts;
 - (d) data analysis and storage support for user-generated image data;
 - (e) open virtual access to image analysis software and image data repositories of public interest;
 - (f) high-quality standards for image acquisition, training and data management;
 - (g) European-level coordination and integration activities for the scientific imaging communities;
 - (h) any other activity necessary to fulfil its principal task.
- (3) Euro-BioImaging ERIC may also carry out other activities, such as:
 - (a) promotion of Euro-BioImaging ERIC;
 - (b) implementation of technological developments related to the services;
 - (c) joint development activities through a coordinated, long-term development programme involving collaboration among Euro-BioImaging Nodes and user groups including industry;
 - (d) knowledge transfer to industry and policy makers;
 - (e) promoting the resources of Euro-BioImaging ERIC for education and training purposes;
 - (f) collaborating and interoperating with research infrastructures in related and complementary fields.
- (4) Euro-BioImaging ERIC shall pursue its principal task on a non-economic basis. Euro-BioImaging ERIC may carry out limited ancillary economic activities, either directly or indirectly, provided that those activities are compatible with the principal task of Euro-BioImaging ERIC and with the activities necessary for achieving that task and that they do not jeopardise the achievement thereof. Any income generated by those limited ancillary economic activities shall be used by Euro-BioImaging ERIC to further its purposes.

2. Statutory seat (Article 2 of the Statutes of Euro-BioImaging ERIC)

- (1) Euro-BioImaging ERIC shall be a distributed research infrastructure with its statutory seat located in Finland.
- (2) European Molecular Biology Laboratory shall host the community-specific section for biological imaging and manage image data (Bio-Hub) and Italy shall host the community-specific section for medical imaging and manage image data (Med-Hub).
- (3) The statutory seat, the Bio-Hub and the Med-Hub shall form the Euro-BioImaging Hub.

- (4) Euro-BioImaging ERIC shall be linked through service level agreements to Euro-BioImaging Nodes located in or at Euro-BioImaging ERIC members.

3. Name (Article 3 of the Statutes of Euro-BioImaging ERIC)

A European research infrastructure called 'the European Research Infrastructure for Imaging Technologies in Biological and Biomedical Sciences' is set up as a European Research Infrastructure Consortium (ERIC) under Regulation (EC) No 723/2009 and named 'Euro-BioImaging European Research Infrastructure Consortium' or 'Euro-BioImaging ERIC'.

4. Duration and the procedure for the winding-up (Article 4 of the Statutes of Euro-BioImaging ERIC)

- (1) Euro-BioImaging ERIC shall exist for an indefinite period, but may be wound up in accordance with the procedure laid down in paragraphs 2 to 3.
- (2) The winding-up of Euro-BioImaging ERIC shall be decided by the Euro-BioImaging Board by a two-thirds majority.
- (3) Assets remaining after payment of Euro-BioImaging ERIC debts shall be apportioned among the Euro-BioImaging ERIC Members and Observers in proportion to their accumulated contribution to Euro-BioImaging ERIC, unless otherwise agreed by the Euro-BioImaging Board.

5. Liability (Article 5 of the Statutes of Euro-BioImaging ERIC)

- (1) Euro-BioImaging ERIC shall be liable for its debts. Euro-BioImaging ERIC shall not be liable for liabilities arising in Euro-BioImaging Nodes.
- (2) The Euro-BioImaging ERIC Members' financial liability for the debts of Euro-BioImaging ERIC shall be limited to their respective contributions.
- (3) Euro-BioImaging ERIC shall take appropriate insurance to cover the risks specific to the operation of the Euro-BioImaging ERIC.

6. Access policy for users (Article 6 of the Statutes of Euro-BioImaging ERIC)

- (1) Effective access to Euro-BioImaging ERIC services, including physical access to all imaging technologies, training and expertise, shall be provided based on the scientific merit and technical feasibility of the proposed user research project.
- (2) The Euro-BioImaging Board shall approve access rules governing the procedures and criteria for the access to Euro-BioImaging ERIC services, taking into account the principles of the European Charter for Access to Research Infrastructures.
- (3) Image data administered by Euro-BioImaging ERIC shall, as far as legally permitted, be available and openly accessible to any researchers, scientific institutions and other stakeholders, in line with the FAIR principles. Use and collection of data shall be subject to the relevant statutory provisions on data privacy.

7. Scientific evaluation policy (Article 7 of the Statutes of Euro-BioImaging ERIC)

The activities of Euro-BioImaging ERIC shall be evaluated annually by the Euro-BioImaging Scientific Advisory Board.

8. Dissemination policy (Article 8 of the Statutes of Euro-BioImaging ERIC)

- (1) Euro-BioImaging ERIC shall be a facilitator of research and shall as a general rule encourage access as open as possible to research data, subject to the conditions established in the Euro-BioImaging ERIC dissemination policy.
- (2) Euro-BioImaging ERIC shall request researchers to make their research results publicly available and offer to make results available through Euro-BioImaging ERIC. The use of Euro-BioImaging ERIC services or infrastructure, or both, shall be acknowledged in publications.

- (3) Euro-BioImaging ERIC shall use several channels to reach the target audiences, including web portal, newsletter, workshops, presence in conferences, articles in magazines and daily newspapers.

9. Intellectual property rights policy (Article 9 of the Statutes of Euro-BioImaging ERIC)

- (1) Subject to the terms of any contract between Euro-BioImaging ERIC and the users, intellectual property rights created by users of the Euro-BioImaging ERIC shall be owned by those users.
- (2) Euro-BioImaging ERIC may own intellectual property rights entirely or partly created, obtained or developed by Euro-BioImaging ERIC under the conditions established in the Euro-BioImaging intellectual property rights policy.

10. Employment policy (Article 10 of the Statutes of Euro-BioImaging ERIC)

The selection procedures, recruitment and employment for the Euro-BioImaging Hub office shall be transparent, non-discriminatory and respect equal opportunities.

11. Procurement policy (Article 11 of the Statutes of Euro-BioImaging ERIC)

Euro-BioImaging ERIC shall treat procurement candidates and tenders equally and without discrimination. Euro-BioImaging 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 procurement policy.

COMMISSION IMPLEMENTING DECISION (EU) 2019/1855**of 5 November 2019****amending Implementing Decision 2013/776/EU establishing the Education, Audiovisual and Culture Executive Agency**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' ⁽²⁾ adopted under Regulation (EU) No 231/2014 of the European Parliament and of the Council ⁽³⁾ provides for an action plan to, inter alia, enhance cooperation in education, youth, and sport, including work to protect the Western Balkans cultural heritage, to fight the illicit traffic in cultural goods, and promote its cultural and creative industries, including cooperation in culture, audiovisual policies.
- (2) By Commission Implementing Decision 2013/776/EU ⁽⁴⁾ the Education, Audiovisual and Culture Executive Agency ('the Agency') was entrusted with the management of the Creative Europe programme. Providing funding to enable participation in the same type of actions as those under programmes already being managed by the Agency is an effective and efficient way to reach the groups targeted by the international cooperation instruments. Such actions continue to be funded by international cooperation instruments, however the implementation modalities are the same as in the programmes managed by the Agency.
- (3) The Agency has demonstrated an effective approach to managing Union programmes. Over several years it has built up competence, skills and capacity in the management of the programmes delegated to it.
- (4) The Joint Communication to the European Parliament and the Council: 'Towards an EU Strategy For International Cultural Relations' ⁽⁵⁾ highlighted the role of people-to-people contacts as part of the EU public and cultural diplomacy and explicitly referred to the programmes managed by EACEA.
- (5) The cost-benefit analyses carried out in accordance with Article 3(1) of Regulation (EC) No 58/2003 highlighted both the quantitative savings and qualitative advantages of delegating to the Agency the management of funding which is intended to enable participation in such actions. In addition, this delegation has no financial impact on the administrative budget of the Agency.

⁽¹⁾ OJ L 11, 16.1.2003, p. 1.

⁽²⁾ COM(2018) 65 final.

⁽³⁾ Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) (OJ L 77, 15.3.2014, p. 11).

⁽⁴⁾ Commission Implementing Decision 2013/776/EU of 18 December 2013 establishing the 'Education, Audiovisual and Culture Executive Agency' and repealing Decision 2009/336/EC (OJ L 343, 19.12.2013, p. 46).

⁽⁵⁾ JOIN/2016/029 Final.

- (6) The activities being carried out by the Agency are in line with its current mandate and mission. They represent a continuation of its existing activities by simply widening calls to enable participation of beneficiaries targeted by the international cooperation instruments. Conversely, an in-house arrangement would be disruptive as the activities envisaged for delegation have never been managed internally by the parent directorates-general, which lack the capacity to manage them in-house.
- (7) Therefore, the responsibility for implementing funding from the international cooperation instruments to enable participation in the same actions as those under its already entrusted programmes should be conferred on the Agency and Implementing Decision 2013/776/EU should therefore be amended accordingly.
- (8) In the first subparagraph of Article 3(1), point (e) specifies that the Agency is entrusted with 'projects in the field of higher education' under the external cooperation instruments. In order to be consistent with enabling the Agency to manage participation of the international cooperation instruments in education, training, youth and sport and support to the culture and audiovisual sectors, this text should be amended.
- (9) The measures provided for by this Implementing Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2013/776/EU is amended as follows:

1. In recital 10, indent:

— 'projects in the field of higher education falling under external cooperation instruments (...)'

to be replaced by the following:

— 'projects in the field of education, audiovisual, culture, citizenship and youth falling under external cooperation instruments (...)'.

2. In the first subparagraph of Article 3(1), point (e) to be replaced by the following:

'(e) Projects in the field of education, audiovisual, culture, citizenship and youth under the following external cooperation instruments:

— Regulation of the European Parliament and of the Council on the Instrument for Pre-accession Assistance (IPA II) (*),

— Regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument (**),

— Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation (***),

— Regulation of the European Parliament and of the Council establishing a Partnership Instrument for cooperation with third countries (****),

— Council Regulation on the implementation of the 11th European Development Fund (*****);

(*) Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) (OJ L 77, 15.3.2014, p. 11).

(**) Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

(***) Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financial instrument for development cooperation for the period 2014-2020 (OJ L 77, 15.3.2014, p. 44).

(****) Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries (OJ L 77, 15.3.2014, p. 77).

(*****) Council Regulation (EU) 2015/322 of 2 March 2015 on the implementation of the 11th European Development Fund (OJ L 58, 3.3.2015, p. 1).

Article 2

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

Done at Brussels, 5 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

COST BENEFIT ANALYSIS**Quantitative analysis**

As part of the 4th Interim Evaluation of the Agency a retrospective analysis of the evaluation period has shown clear realised cost savings made thanks to delegation to the Agency.

The overall actual costs of the executive agency delegation ⁽¹⁾ constituted EUR 146,0 million in 2015-2017. These costs were much lower than the estimated costs of the in-house scenario. In 2015-2017 the actual cost savings deriving from cost difference of the executive agency scenario and the in-house scenario constituted EUR 57,1 million (or 28,1 % of the estimated costs under the in-house scenario). Comparing the savings initially estimated with the actual savings from the delegation of tasks to EACEA, it has been found that the actual savings during 2015-2017 period were 6,5 % higher compared to the initial estimates (EUR 57,1 million compared to EUR 53,6 million). As forecast in the *ex ante* CBA, savings of the executive agency scenario primarily resulted from a higher share of lower cost external personnel (CAs) employed within the executive agency and lower overall number of staff.

Qualitative analysis

The funding by the international cooperation instruments to enable participation in education, youth, cultural and audiovisual policies takes advantage of a number of important synergies. By adopting an existing framework of actions and an existing infrastructure of modalities to reach the target beneficiaries, maximum leverage is made of the existing actions already managed by the Agency. Delegation to the Agency takes advantage of the long-developed expertise and in particular economies of scale, which would not be available via an in-house solution. Even without the considerable cost savings described above due to the cost of personnel, their greater experience in the subject matter enables the international cooperation instruments to reach operational objectives in a manner that would not be possible if the Commission carried out these actions in-house.

SIMPLIFIED FINANCIAL STATEMENT

Operational Commitment Appropriations managed by the Agency (EUR 000)	2019	2020
Current situation	829 111	881 151
International cooperation instruments contributing to youth, cultural and audiovisual policies	10 500	10 500
Total	839 611	891 651
Percentage	1,3 %	1,2 %
Staff (Head count) at the Agency	2019	2020
Current situation (no change)	438	438
Administrative budget ceiling of the Agency (EU-28)	2019	2020
Current situation (no change)	48 574	47 549

⁽¹⁾ Including cost of coordination and monitoring by the Commission and costs covered from EEA/EFTA, third countries' and EDF contributions.

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