

STATUTES OF ACTRIS ERIC (22.9.2021)

PREAMBLE

WHEREAS the science of climate change and air quality requires understanding of spatial and temporal variability of short-lived atmospheric constituents;

WHEREAS deeper understanding of the driving forces of climate change and air pollution requires observation of the four-dimensional distribution of short-lived atmospheric constituents;

WHEREAS deeper understanding of the atmospheric variability of short-lived atmospheric constituents requires knowledge of the complex processes driving their interactions;

WHEREAS the science of climate change and air quality requires secured access to long-term observational data provided with adequate precision and geographical coverage;

WHEREAS improving knowledge and technologies for the science of climate change and air quality requires access to highly instrumented research platforms in natural and controlled atmospheres;

WHEREAS ACTRIS provides a unique expertise in metrology of aerosols, clouds and reactive trace gases, in the provision of data related to short-lived atmospheric constituents' variability and in the procedures for accessing this information;

WHEREAS ACTRIS data products are required for completeness of the Earth observation system for climate and air quality and contribute to resolve the uncertainties in climate and Earth system models toward the development of sustainable solutions for responding to environmental challenges;

WHEREAS ACTRIS intends to raise the level of technology used in the distributed research infrastructure and the quality of services offered to a very wide community of users, involving partners from the private sector;

WHEREAS ACTRIS also promotes the training of operators and users and enhances the linkage between research, education and innovation in the field of atmospheric and climate science;

THEREFORE

the members and observers listed in Annex I

HAVE AGREED AS FOLLOWS:

CHAPTER 1. ESSENTIAL ELEMENTS

Article 1. Name

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

Article 2. Tasks and activities

- 2.1 The goal of ACTRIS is to produce high-quality integrated datasets in the area of atmospheric sciences and provide services, including access to instrumented platforms, tailored for scientific and technological usage.
- 2.2 ACTRIS ERIC operates the distributed research infrastructure and coordinates the strategic and financial development and long-term operation of ACTRIS.
- 2.3 In pursuit of its purpose, and in accordance with the rules defined in these statutes, ACTRIS ERIC shall, in particular, carry out the following activities:
 - (a) coordinate and monitor adequate provision of data from the National Facilities;
 - (b) coordinate and monitor activities at the Central Facilities and their service development strategies;
 - (d) ensure open and timely access to ACTRIS data and data products through the Data Centre;
 - (e) operate physical and remote access to the Topical Centres, Data Centre and National Facilities;
 - (f) any other activity to fulfil its objectives.
- 2.4 ACTRIS ERIC shall also carry out other activities, such as:
 - (a) promoting ACTRIS to science communities, private sector and the general public;
 - (b) implementing societal and technological developments related to the tasks as defined in article 2.1 and 2.3;
 - (c) developing joint activities with user groups including industry;
 - (d) promoting knowledge transfer to industry, society and policy makers;
 - (e) harmonizing the ACTRIS implementation with national priorities and strategies;
 - (f) promoting the resources of ACTRIS for education and training purposes;
 - (g) collaborating and interoperating with other research infrastructures in related and complementary fields;
 - (h) fostering training, outreach and international cooperation;
 - (i) participating as a funded or funding partner in scientific research activities relevant for its tasks; and
 - (j) any other related action necessary to achieve its aim.

- 2.5 ACTRIS ERIC shall pursue its tasks on a non-economic basis. ACTRIS ERIC may carry out limited economic activities, provided they are closely related to its principal tasks and they do not jeopardise the achievement thereof. Any income generated by these limited economic activities shall be used by ACTRIS ERIC to enhance and strengthen its purposes.

Article 3. Location and statutory seat

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

Article 4. Working language

The working language of ACTRIS ERIC shall be English.

Article 5. Duration and the procedure for the winding-up

- 5.1 ACTRIS ERIC shall be established for an indefinite period of time, without prejudice to the provisions on the winding up of the ERIC.
- 5.2 The winding up of ACTRIS ERIC shall be decided by the General Assembly in accordance with Article 19.8.
- 5.3 Assets remaining after payment of ACTRIS ERIC debts shall be apportioned among the members, permanent observers and observers in proportion to their respective annual contribution to ACTRIS ERIC, unless otherwise agreed by the General Assembly.
- 5.4 Without undue delay and in any event within ten days of the closure of the winding-up procedure, ACTRIS ERIC shall notify the European Commission thereof.
- 5.5 ACTRIS ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in the Official Journal of the European Union.

Article 6. Liability and insurance

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

Article 7. Access policy

- 7.1 ACTRIS ERIC shall provide access to data, tools and services. Non-discriminatory prioritization shall be applied based on scientific merit, technical feasibility and/or other relevant criteria pertinent to the aim of ACTRIS.
- 7.2 Access shall be based on open access principles following criteria, procedures and modalities defined in the ACTRIS ERIC data policy and access and service policy documents approved by the General Assembly.

Article 8. Evaluation policy

The activities of ACTRIS ERIC shall be evaluated annually by the Scientific and Innovation Advisory Board. In addition, the services, operations and management of ACTRIS shall be evaluated at least every 5 years by independent external evaluators, appointed by and reporting to the General Assembly.

Article 9. Dissemination policy

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

Article 10. Intellectual property rights policy

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

Article 11. Employment policy

- 11.1 ACTRIS ERIC employment policy shall be governed by the laws of the country in which the staff are employed.

- 11.2 The selection procedures, recruitment and employment for ACTRIS ERIC shall be transparent, non-discriminatory and respect equal opportunities. Detailed rules of staff recruitment shall be set out in internal rules.

Article 12. Procurement policy

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

CHAPTER 2. MEMBERSHIP AND OBSERVERSHIP

Article 13. Members, permanent observers, observers and representing entities

- 13.1 The following entities may become members of ACTRIS ERIC with voting rights or may become permanent observers or observers without voting rights of ACTRIS ERIC:
- (a) Member States of the European Union;
 - (b) associated countries to the European Union;
 - (c) third countries other than associated countries;
 - (d) intergovernmental organizations.
- 13.2 Conditions for becoming a member, permanent observer or observer are set out in Article 14. Membership of ACTRIS ERIC must include at least one Member State of the European Union and at least two other countries that are either Member States or associated countries.
- 13.3 Under any circumstances, Member States and associated countries to the European Union shall jointly hold the majority of the voting rights in the General Assembly. The General Assembly shall ensure that ACTRIS ERIC complies at all times with this requirement.
- 13.4 Any member, permanent observer or observer referred to in paragraphs 13.1 (a) to (c) may be represented in the General Assembly by one or more public entities, including regions or private entities with a public service mission, of its own choosing and appointed according to its own rules and procedures. Such members, permanent observers or observers shall inform the Chair of the General Assembly of any changes to the representing entity, termination of its mandate, or of any changes to the specific rights and obligations delegated to the representing entity.
- 13.5 The members, permanent observers and observers of ACTRIS ERIC and their representing entities are listed in Annex I. Annex I shall be kept up to date by the chair of the General Assembly, or any person authorised by him/her.

- 13.6 In cases where ACTRIS ERIC deems it beneficial, it may also enter into an agreement with third parties, for example countries that cannot be a member, permanent observer or observer of an ERIC.

Article 14. Conditions for becoming a member, permanent observer or observer

- 14.1 Entities that have signed the official request to set up ACTRIS ERIC shall become members or observers by the decision of the Commission to set up ACTRIS ERIC in accordance with the Regulation (EC) No 723/2009.
- 14.2 Subject to Article 14.1, entities referred to in Article 13.1 willing to become members of ACTRIS ERIC shall submit a written application to the Chair of the General Assembly. That application shall describe how the entity will contribute to the ACTRIS ERIC tasks and activities described in Article 2 and how it will fulfil obligations referred to in Article 16.
- 14.3 Subject to Article 14.1, entities referred to in Article 13.1 who are willing to contribute to ACTRIS ERIC but are not in a position to join as members, may apply to be a permanent observer or an observer. Applicants shall submit a written application to the chair of the General Assembly. That application shall describe how the applicant will contribute to the ACTRIS ERIC tasks and activities described in Article 2 and how it will fulfil obligations referred to in Article 17.

Article 15. Withdrawal of a member, permanent observer or observer and termination of membership or observership

- 15.1 A member or permanent observer shall not withdraw during the first five years of ACTRIS ERIC.
- 15.2 After the first five years of the establishment of ACTRIS ERIC a member or a permanent observer may withdraw at the end of a financial year, provided that it notifies its withdrawal by sending an official request six months in advance to the chair of the General Assembly.
- 15.3 An observer may withdraw at the end of a financial year, provided that it notifies its withdrawal by sending an official request six months in advance to the chair of the General Assembly.
- 15.4 Members, permanent observers and observers shall fulfil all financial and other obligations before their withdrawal can become effective.
- 15.5 The General Assembly may terminate membership or observership if the following conditions are met:
- (a) a member, permanent observer or observer is in serious breach of one or more of its obligations under these statutes;
 - (b) a member, permanent observer or observer has failed to rectify such breach within six months after it has received notice of the breach in writing by the chair of the General Assembly.

- 15.6 The member, permanent observer or observer referred to in Article 15.5 above shall have the right to explain its position to the General Assembly before the General Assembly makes any decision on the issue.
- 15.7 The member, permanent observer or observer that withdraws or has its membership or observership terminated shall neither have the right to restitution nor reimbursement of any contributions made.
- 15.8 Without prejudice to Articles 15.1 – 15.3, members, permanent observers and observers that are third countries, other than associated countries or intergovernmental organisations, may withdraw from ACTRIS ERIC following changes in Council Regulation (EC) No 723/2009 that would materially affect their rights and obligations in relation to ACTRIS ERIC. Such changes are considered material where they imply increased fees (including annual contributions), amend voting shares, impose requirements contrary to national or intergovernmental laws not enacted in a period of 6 months prior to the change of the Council Regulation, remove the right to be represented in the General Assembly or other bodies set up by ACTRIS ERIC, or change their rights related to representation or use of ACTRIS services and facilities.

The liabilities and effects of withdrawal from ACTRIS ERIC, shall be initially decided in accordance with Article 15.4, subject to a unanimous vote of the General Assembly. Where the General Assembly is unable to unanimously agree the liabilities and effects, these - and any other - liabilities shall be determined, by an independent arbitrator agreed by the withdrawing member, permanent observer or observer and ACTRIS ERIC, in accordance with Article 6.2.

Notwithstanding Articles 15.1 - 15.3, the affected member, permanent observer or observer shall (within 6 months of the relevant change to the ERIC Regulations) provide at least three months' notice to the General Assembly of its withdrawal to take effect any time after five years after the entry into force of these statutes.

CHAPTER 3. RIGHTS AND OBLIGATIONS OF MEMBERS AND OBSERVERS

Article 16. Members

- 16.1 Without prejudice to other rights set out in these statutes, internal policies or applicable laws, each member has a right to:
- (a) participate and vote at the General Assembly;
 - (b) participate in ACTRIS ERIC events and activities;
 - (c) have access to support from ACTRIS ERIC and the Topical Centres of the distributed research infrastructure for its National Facilities;
 - (d) appoint representing entities in accordance with Article 13;
 - (e) elect and be elected for the governance bodies of ACTRIS ERIC through its delegates in the General Assembly;
 - (f) host a Central Facility unit, and lead a Central Facility;
 - (g) purchase goods and services to be provided in-kind for the official and exclusive use of ACTRIS ERIC which are solely for the non-economic activities of ACTRIS ERIC (and accounted as such in the ACTRIS ERIC accounts).
- 16.2 Each member shall:

- (a) provide the annual contribution in accordance with Article 27;
- (b) empower its representatives with the full authority to vote on all issues raised during a meeting of the General Assembly;
- (c) commit to achieve ACTRIS ERIC tasks and activities as defined in Article 2;
- (d) encourage the adoption of ACTRIS standards within its national ACTRIS scientific communities;
- (e) run National Facilities of enough quality to provide services to ACTRIS.

Article 17. Permanent observers and observers

- 17.1 Rights of permanent observers and observers shall include the right to:
- (a) attend the General Assembly without a vote;
 - (b) participate in the ACTRIS ERIC events and activities;
 - (c) have access to support from ACTRIS ERIC and the Topical Centres of the distributed research infrastructure for its National Facilities;
 - (d) appoint representing entities in accordance with Article 13.
- 17.2 Each permanent observer and observer shall:
- (a) provide the annual contribution in accordance with Article 27;
 - (b) commit to achieve ACTRIS ERIC tasks and activities as defined in Article 2;
 - (c) encourage the adoption of ACTRIS standards within its national ACTRIS scientific communities;
 - (d) provide the necessary technical infrastructure to make access possible.
- 17.3 An observer shall be admitted for a maximum of three years with the possibility of two one year extensions based on the General Assembly approval.
- 17.4 An observer that foresees a lasting participation in the consortium but is not in a position to become a member, may be granted the status of a permanent observer based on the General Assembly approval. Permanent observers have the same rights and obligations as members as stated in article 16.1, 16.2 and 27, except the right to vote at the General Assembly.

Article 18. Suspension of rights of members, observers and permanent observers

- 18.1 If a member owes contributions according to Article 27 equalling or exceeding the amount of the contributions due from that member for the preceding year, its voting rights in the General Assembly shall be automatically suspended until contributions have been paid.
- 18.2 If an observer or a permanent observer owes contributions according to Article 27 equalling or exceeding the amount of the contributions due from that observer or permanent observer for the preceding year, its right to attend the General Assembly meetings shall be automatically suspended until contributions have been paid.

CHAPTER 4. GOVERNANCE

Article 19. General Assembly

- 19.1 The General Assembly shall be the governing body of ACTRIS ERIC and shall be composed of delegates of the members, permanent observers and observers. Each member, permanent observer or observer shall be represented by up to two delegates. Delegates shall be appointed by a member, permanent observer or observer. The General Assembly shall meet at least once a year and be responsible for the overall direction and supervision of ACTRIS ERIC. The General Assembly shall elect a chair and a vice-chair for a period of two years, renewable twice. Each member, permanent observer or observer shall inform without undue delay the chair of the General Assembly in writing of any appointment or termination of appointment of its delegates. Delegates may be accompanied by up to two experts with the sole aim of advising delegates. Experts shall not express opinions during meetings unless invited to do so by the chair. The General Assembly shall adopt its own internal rules.
- 19.2 Each member shall have one vote that shall be supplemented with one additional vote for a member contributing to at least one ACTRIS Central Facility and with one further vote for contributing to more than three different ACTRIS Central Facilities. Permanent observers and observers shall attend the General Assembly meetings without the right to vote.
- 19.3 The General Assembly shall be convened and chaired by the chair. In his or her absence the General Assembly shall be chaired by the vice-chair.
- 19.4 An extra-ordinary meeting of the General Assembly is convened if requested by one third of members.
- 19.5 A member may represent a maximum of one other member. The member that is being represented shall inform the chair in writing prior to any meeting of the General Assembly.
- 19.6 Decisions can also be made in a written procedure. The terms of written procedure are laid down in the internal rules adopted by the General Assembly.
- 19.7 A quorum of two-thirds of both members and votes shall be required for having a valid meeting. If the quorum is not met, a second meeting shall be convened as soon as possible following a new

invitation, with the same agenda. In the second meeting, the quorum shall be considered as met if 50 % of the members and votes are present.

19.8 In particular the General Assembly shall:

Decide by unanimous vote of members present in the meeting on amendment of the statutes of ACTRIS ERIC.

Subject to Article 27.2 decisions on the following matters require (a) a 2/3 majority of the votes of members present in the meeting and (b) a 60 % majority of the annual Membership contributions paid for the most recent full financial year:

- (a) approval of the financial plan;
- (b) approval of internal financial rules.

Subject to Article 27.2 decisions on the following matters require a 2/3 majority of the votes of members present in the meeting:

- (a) approval of the annual work plans and budget;
- (b) approval of internal rules other than internal financial rules;
- (c) members' and permanent observers' contributions;
- (d) voluntary liquidation and winding up of ACTRIS ERIC.
- (e) approval of the past annual accounts and activity report;
- (f) appointment of the chair and the vice-chair;
- (g) appointment and dismissal of the Director General;
- (h) approval of new members, permanent observers and observers, and the renewal of an observership;
- (i) termination of a membership or an observership by the General Assembly, excluding the vote of the concerned member;
- (j) establishment and elimination of additional advisory bodies, not regulated by these statutes, as well as committees and working groups.

Decide by simple majority:

Any other matter.

Article 20. Director General

20.1 The Director General shall be appointed by the General Assembly according to a procedure adopted by the General Assembly. The Director General shall be employed by ACTRIS ERIC. The Director General shall be the legal representative of ACTRIS ERIC. The Director General shall be responsible for the implementation of the decisions by the General Assembly and ensure the scientific and strategic development of ACTRIS meets the expectations on socio-economic impact, technology development and innovation. The Director General shall actively contribute to community building and fostering external relations and strategic partnerships as well as overseeing and coordinating the ACTRIS activities. The Director General shall represent ACTRIS ERIC in any litigation.

- 20.2 The term for the Director General shall be five years. The General Assembly may renew the term once.
- 20.3 The Director General shall be based at the statutory seat of ACTRIS ERIC and shall be responsible for managing the ACTRIS ERIC staff and activities in accordance with the ACTRIS ERIC budget and internal rules.

Article 21. Head Office

The Head Office shall be the central hub of ACTRIS, coordinating ACTRIS operations and enabling ACTRIS services. The Head Office supports work of the General Assembly, and the advisory bodies and committees of the ACTRIS ERIC.

Article 22. Scientific and Innovation Advisory Board

- 22.1 The General Assembly shall establish an independent external Scientific and Innovation Advisory Board. The members of the Scientific and Innovation Advisory Board shall be appointed by the General Assembly.
- 22.2 The Scientific and Innovation Advisory Board shall:
- (a) Monitor scientific and operative quality of ACTRIS ERIC and the distributed research infrastructure activities;
 - (b) Give feedback and make recommendations to develop ACTRIS ERIC and the distributed research infrastructure activities;
 - (c) Meet and give recommendations at least annually to the General Assembly.

Article 23. Ethical Advisory Board

- 23.1 The General Assembly shall establish an independent Ethical Advisory Board. The members of the Ethical Advisory Board shall be appointed by the General Assembly.
- 23.2 The Ethical Advisory Board shall:
- (a) Give feedback and make recommendations to develop the ethical aspects of ACTRIS ERIC and the distributed research infrastructure activities;
 - (b) Meet and give recommendations when needed to the General Assembly and the Director General.

Article 24. Financial Committee

- 24.1 The General Assembly shall establish a Financial Committee and appoint its members.
- 24.2 The Financial Committee shall:
- (a) Support the General Assembly on matters related to the management of financial planning;
 - (b) Meet and give their recommendations when needed to the General Assembly.

24.3 The Financial Committee shall adopt its own rules of procedure which shall be approved by the General Assembly.

Article 25. Other bodies, committees and working groups

The ACTRIS ERIC can establish further bodies, committees and working groups, if deemed necessary, and define their assignment and mandate.

CHAPTER 5. FINANCE AND CONTRIBUTIONS

Article 26. Financial resources

The resources of ACTRIS ERIC shall include the following:

- (a) contributions of members, permanent observers and observers according to Article 27 and Annex II;
- (b) grants and donations; and
- (c) other resources within limits and under terms approved by the General Assembly.

Article 27. Contributions

27.1 Contribution of members, permanent observers and observers shall be calculated in accordance with the basic rules and principles laid down in Annex II, which are further detailed in the ACTRIS ERIC internal financial rules.

27.2 Any change to the contributions must be approved by the member(s) or permanent observer(s) affected by the change before it can be approved by the General Assembly.

Article 28. Budgetary principles, accounts and audit

28.1 The financial year of ACTRIS ERIC shall begin on the 1st of January and end on the 31st of December of each year.

28.2 ACTRIS 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. More detailed rules shall be provided in the ACTRIS ERIC internal financial rules.

28.3 The accounts of ACTRIS ERIC shall be accompanied by a report on budgetary and financial management of the financial year. Annual report and annual budget shall be provided to the General Assembly.

28.4 Donations, gifts and any other income from members, permanent observers, observers or third parties can be received after approval by the General Assembly.

Article 29. Tax and excise duty exemptions

- 29.1 VAT exemptions based on Articles 143(1)(g) and 151(1)(b) of Council Directive 2006/112/EC and in accordance with Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011, shall be applied to purchases of goods and services by ACTRIS ERIC and by members of the ERIC, as defined in Article 9(1) of Council Regulation (EC) No 723/2009 of June 25, 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC), and in the meaning of chapters 2 and 3 of the statutes which are for the official and exclusive use by ACTRIS ERIC, provided that such purchase is made solely for the non-economic activities of ACTRIS ERIC in line with its activities. VAT exemptions shall be limited to purchases exceeding the value of EUR 300.
- 29.2 Excise duty exemptions based on Article 11 of Council Directive (EU) 2020/262 shall be limited to purchases by ACTRIS ERIC which are for the official and exclusive use by ACTRIS ERIC, provided that such purchase is made solely for the non-economic activities of ACTRIS ERIC in line with its activities and that the purchase exceeds the value of EUR 300.
- 29.3 Purchases by staff members shall not be covered by the exemptions.

CHAPTER 6. MISCELLANEOUS

Article 30. Reporting to the European Commission

- 30.1 ACTRIS 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 European Commission and relevant public authorities within six months from the end of the corresponding financial year. This report shall be made publicly available on the ACTRIS ERIC website.
- 30.2 ACTRIS ERIC shall inform the European Commission of any circumstances which threaten to seriously jeopardise the achievement of the ACTRIS ERIC tasks or hinder ACTRIS ERIC from fulfilling requirements laid down in Regulation (EC) No 723/2009.

Article 31. Applicable law

The internal functioning of ACTRIS ERIC shall be governed:

- (a) by Union law, in particular Regulation (EC) No 723/2009 and the decisions referred to in Articles 6(1)(a) and 11(1) of the Regulation;
- (b) by the law of the state where ACTRIS ERIC has its statutory seat in the case of matters not, or only partly, regulated by acts referred to in point a); and
- (c) by these statutes and their implementing rules.

Article 32. Disputes

- 32.1 The members, permanent observers and observers of ACTRIS ERIC shall endeavour to settle disputes amicably.
- 32.2 The Court of Justice of the European Union shall have jurisdiction over litigation among the members, observers and permanent observers in relation to ACTRIS ERIC, between the members, observers and permanent observers and ACTRIS ERIC and over any litigation to which the Union is a party.
- 32.3 Union legislation on jurisdiction shall apply to disputes between ACTRIS ERIC and third parties. In cases not covered by Union legislation, the law of the state where ACTRIS ERIC has its statutory seat shall determine the competent jurisdiction for the resolution of such disputes.

Article 33. Statutes updates and availability

The statutes shall be kept up to date and publicly available on the ACTRIS ERIC website and at the statutory seat.

Article 34. Setting-up provisions

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

ANNEX I. LIST OF MEMBERS, PERMANENT OBSERVERS, OBSERVERS AND THEIR REPRESENTING ENTITIES

| Members | Representing entities |
|-----------------------------|---|
| Republic of Austria | Federal Ministry of Education, Science and Research (Bundesministerium für Bildung, Wissenschaft und Forsc |
| Kingdom of Belgium | Service public de programmation Politique scientifique (BELSPO) – Autorité fédérale Departement Economie, Wetenscap en Innovatie (EWI) – Vlaamse overheid Service public de Wallonie – Direction Générale opérationnelle de l’Economie, de l’Emploi & de la Recherche (EER) – Région wallonne |
| Republic of Bulgaria | National Research Infrastructure for Observing Atmospheric Aerosols, Clouds and Gas Pollutants Integrated within the Pan-European Infrastructure ACTRIS – ACTRIS BG |
| Republic of Cyprus | |
| Czech Republic | Ministry of Education, Youth and Sports |
| Kingdom of Denmark | |
| Republic of Finland | Ministry of Education and Culture Ministry of Transport and Communications |
| Federal Republic of Germany | Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) |
| Italian Republic | National Research Council (CNR) |
| Kingdom of Norway | Norwegian Institute for Air Research – NILU |
| Observers | Representing entities |
| Swiss Confederation | Federal Office for the Environment (FOEN) |

ANNEX II. MEMBERS', PERMANENT OBSERVERS' AND OBSERVERS' CONTRIBUTIONS FOR OPERATIONS

Preface

Resourcing of the ACTRIS National Facilities is organized nationally, and their funding shall not be considered as Host premium or Membership contributions to ACTRIS ERIC or Host contributions to the Central Facilities that are not part of ACTRIS ERIC.

The countries hosting the Central Facility units shall be responsible for financing their construction, according to their national arrangements.

The operations of the Central Facilities that are part of ACTRIS ERIC are partially funded through the Host premium contributions by the Host Countries and partially through the Membership contributions of the ACTRIS ERIC members, permanent observers and observers, as described below.

The operations of the Central Facilities that are not part of ACTRIS ERIC are partially funded through the Host contributions by the Central Facility Host Countries and partially by ACTRIS ERIC through reallocation of the Membership contributions, as described below.

ACTRIS budget and activities will be adjusted to match the revenue.

Principles of contributions

1. Members' and permanent observers' annual contributions shall consist of Membership contributions and, where applicable, Host contributions and Host premium contributions.
2. Membership contributions are cash contributions to ACTRIS ERIC from all members, permanent observers and observers that shall be used by ACTRIS ERIC to contribute to funding the Central Facilities' annual operation costs.
3. Host premium contribution is the support provided by ACTRIS ERIC members and permanent observers for the functioning of the Central Facilities that are part of ACTRIS ERIC, hosted in their own country.
4. Host contribution is the support provided by ACTRIS ERIC members and permanent observers for the functioning of Central Facilities that are not part of ACTRIS ERIC, hosted in their own Country. Host contributions can be provided fully or in part as cash contributions to ACTRIS ERIC to be forwarded by ACTRIS ERIC to the respective institutions, in their own country.
5. The level of Host contributions and Host premium contributions is agreed to be approximately 70% of the Central Facility costs. The maximum Host contribution or Host premium contribution of the Central Facilities cannot exceed 70 % of its annual budget and it shall not account for less than 50%.
6. The Host contributions and Host premium contributions can be provided in cash or in-kind. Rules for the in cash and in-kind contributions will be defined in internal rules.

7. The quota of each Central Facility's annual operation costs that is not covered by the Host contribution or Host premium contribution shall be funded by ACTRIS ERIC through the Membership contributions from ACTRIS ERIC members, permanent observers and observers.
8. The Membership contributions shall be provided in cash only.
9. The Membership contributions to ACTRIS ERIC shall be made in Euros.
10. The annual contributions for permanent observers and observers are based on the same principles as for members.
11. Members, permanent observers and observers joining ACTRIS ERIC will pay the pro rata annual contribution for the year of entry, based on the month of joining ACTRIS ERIC.
12. The annual contributions for intergovernmental organizations are decided by the General Assembly at the moment of accepting their application, as member or observer.
13. Membership contributions consist of:
 - a) *General support* to sustain the operations of the Head Office and Data Centre, for the part not covered by the Host contributions or Host premium contributions.
 - b) *Operation support* to sustain the operations of the Topical Centres for the part not covered by the Host contribution or Host premium contribution.

Annual Membership contributions are calculated according to the following equation, and detailed in the Internal Financial Rules:

The equation for the general support and operation support part:

For each country Member/Observer i (from 1 to N)

Membership contribution (i) = General support part (i) + Operation support part (i)

$$1. \text{ General support part (i)} = (MC \text{ part HO} + MC \text{ part DC}) * \left(0.5 \frac{GNI(i)}{\sum_{i=1}^N GNI(i)} + 0.5 \frac{1}{N}\right)$$

$$2. \text{ Operation support part (i)} = \sum_{j=1}^6 (0.35 * MC \text{ part TC}_j) * \left(0.5 \frac{GNI(i)}{\sum_{i=1}^N GNI(i)} + 0.5 \frac{1}{N}\right) + \sum_{j=1}^6 \left(0.65 * \frac{MC \text{ part TC}_j}{Capacity \text{ TC}_j} * Nr_{i,j}\right)$$

Where:

- MC part HO/DC/TC = 30% of HO/DC/TC operating cost
- Capacity TC is the maximum capacity declared by the TC, expressed as the maximum number of NFs to which operational support can be provided
- $Nr_{i,j}$ is the number of National Facilities in the country i (from 1 to N) that will get operational support from the Topical Centre j (from 1 to 6).

First 5-year financial commitments

For the first five-year period of ACTRIS ERIC, the indicative plan for ACTRIS ERIC revenue and expenditure is shown below (Table 1).

For the first five years, Membership contributions are calculated, according to the equation above, based on the costs for ramping up of the operations of the Central Facilities, and the plan of the members,

permanent observers and observers to bring National Facilities in ACTRIS. Membership contributions to be paid by the members, permanent observers and observers are calculated for the first 5-year period and are shown in Table 2.

The estimated annual Host premium contributions towards ACTRIS ERIC for the first five-year period are shown in Table 2. The indicative Host contributions towards the Central Facilities, not part of ACTRIS ERIC are shown in Table 3.

At least one year before the end of the initial 5-year period, the General Assembly will start the decision process on the subsequent financial plan and the Membership contributions.

Table 1. The plan for ACTRIS ERIC revenue and expenditure for the first 5 years

| ACTRIS ERIC REVENUES | 2021 | 2022 | 2023 | 2024 | 2025 |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|
| Membership contribution | 1 768 604 | 2 505 489 | 2 854 794 | 3 202 090 | 3 619 454 |
| Host premium contribution | 889 400 | 924 400 | 951 400 | 993 400 | 1 067 400 |
| TOTAL | 2 658 004 | 3 429 889 | 3 806 194 | 4 195 490 | 4 686 854 |

| ACTRIS ERIC EXPENDITURES | 2021 | 2022 | 2023 | 2024 | 2025 |
|---|------------------|------------------|------------------|------------------|------------------|
| Head Office | 1 158 895 | 1 209 290 | 1 241 027 | 1 302 089 | 1 402 081 |
| Data Centre, ERIC part | 78 312 | 78 312 | 82 312 | 82 312 | 86 312 |
| Central Facilities, not part of ACTRIS ERIC | 1 420 796 | 2 142 287 | 2 482 856 | 2 811 088 | 3 198 461 |
| TOTAL | 2 658 004 | 3 429 889 | 3 806 194 | 4 195 490 | 4 686 854 |

Table 2. Estimated annual membership contributions and host premium contributions towards ACTRIS ERIC for the first five years.

| Country | Contribution | 2021 | 2022 | 2023 | 2024 | 2025 |
|--|--------------------------------------|------------------|------------------|------------------|------------------|------------------|
| AUSTRIA | Membership contribution | 53 471 | 79 825 | 86 761 | 100 957 | 111 613 |
| BELGIUM | Membership contribution | 88 552 | 113 180 | 123 585 | 132 412 | 144 359 |
| BULGARIA | Membership contribution | 50 799 | 64 034 | 69 689 | 75 955 | 84 597 |
| CYPRUS | Membership contribution | 69 296 | 81 338 | 86 497 | 92 467 | 100 416 |
| CZECH REPUBLIC | Membership contribution | 60 527 | 86 665 | 93 697 | 107 466 | 117 526 |
| DENMARK | Membership contribution | 45 697 | 60 680 | 66 579 | 73 680 | 97 539 |
| FINLAND | <i>Host premium contribution, HO</i> | 700 000 | 700 000 | 700 000 | 700 000 | 700 000 |
| | <i>Host premium contribution, DC</i> | 7 200 | 7 200 | 7 200 | 7 200 | 7 200 |
| | Membership contribution | 86 743 | 115 292 | 160 219 | 187 877 | 219 908 |
| FRANCE | <i>Host premium contribution, DC</i> | 34 500 | 34 500 | 34 500 | 34 500 | 34 500 |
| | Membership contribution | 216 515 | 268 696 | 300 678 | 322 259 | 355 732 |
| GERMANY | Membership contribution | 225 921 | 367 818 | 424 191 | 516 214 | 616 959 |
| GREECE | Membership contribution | 82 760 | 129 575 | 147 220 | 160 869 | 170 630 |
| ITALY | <i>Host premium contribution, HO</i> | 111 000 | 146 000 | 169 000 | 211 000 | 281 000 |
| | <i>Host premium contribution, DC</i> | 13 000 | 13 000 | 17 000 | 17 000 | 21 000 |
| | Membership contribution | 132 456 | 253 847 | 302 553 | 327 232 | 351 663 |
| NETHERLANDS | Membership contribution | 65 066 | 121 396 | 130 010 | 140 380 | 154 574 |
| NORWAY | <i>Host premium contribution, DC</i> | 23 700 | 23 700 | 23 700 | 23 700 | 23 700 |
| | Membership contribution | 76 478 | 91 730 | 98 128 | 105 888 | 116 023 |
| POLAND | Membership contribution | 77 430 | 105 346 | 125 318 | 147 132 | 174 506 |
| ROMANIA | Membership contribution | 84 999 | 102 189 | 137 640 | 152 137 | 163 203 |
| SPAIN | Membership contribution | 150 352 | 180 596 | 195 592 | 210 153 | 229 916 |
| SWITZERLAND | Membership contribution | 53 254 | 90 340 | 97 171 | 112 083 | 145 982 |
| UNITED KINGDOM | Membership contribution | 148 287 | 192 943 | 209 266 | 236 929 | 264 311 |
| Membership contribution total | | 1 768 604 | 2 505 489 | 2 854 795 | 3 202 090 | 3 619 454 |
| Host premium contribution total | | 889 400 | 924 400 | 951 400 | 993 400 | 1 067 400 |

Table 3. Indicated annual host contributions, both to the implementation and to operational activities that are not part of ACTRIS ERIC.

| Country | Contributing to | 2021 | 2022 | 2023 | 2024 | 2025 |
|--------------------------------|---|-------------------|-------------------|-------------------|-------------------|------------------|
| AUSTRIA | CIS, GREGARS | 437 000 | 520 000 | 402 000 | 432 000 | 319 000 |
| BELGIUM | GREGARS | 651 000 | 731 000 | 580 000 | 561 000 | 527 000 |
| CZECH REPUBLIC | CAIS-ECAC | 115 000 | 102 000 | 106 000 | 106 000 | 95 000 |
| FINLAND | DC, CAIS-ECAC, CCRES, CiGAS | 1 714 000 | 788 000 | 772 000 | 802 000 | 833 000 |
| FRANCE | DC, CAIS-ECAC, CARS, CCRES, CiGAS, GREGARS | 2 644 000 | 2 261 000 | 2 430 000 | 2 144 000 | 1 915 000 |
| GERMANY | CAIS-ECAC, CARS, CIS, CCRES, CiGAS, GREGARS | 4 610 000 | 5 214 000 | 4 219 000 | 4 544 000 | 3 052 000 |
| ITALY | HO*, DC, CAIS-ECAC, CARS | 2 675 000 | 3 497 000 | 940 000 | 956 000 | 1 198 000 |
| NETHERLANDS | CCRES, GREGARS | 447 000 | 1 148 000 | 445 000 | 427 000 | 358 000 |
| NORWAY | DC | 1 256 000 | 1 116 000 | 1 119 000 | 709 000 | 585 000 |
| ROMANIA | CARS | 105 000 | 255 000 | 265 000 | 272 000 | 282 000 |
| SPAIN | DC, CARS | 380 000 | 400 000 | 407 000 | 414 000 | 398 000 |
| SWITZERLAND | CiGAS | 121 000 | 116 000 | 112 000 | 108 000 | 104 000 |
| UNITED KINGDOM | CIS, CCRES | 311 000 | 194 000 | 162 000 | 227 000 | 141 000 |
| Host contribution total | | 15 466 000 | 16 342 000 | 11 959 000 | 11 702 000 | 9 807 000 |

* The Host contribution of Italy includes the contributions for the implementation of the HO Unit in 2021-2022.

ANNEX III. DEFINITIONS

For the purposes of these statutes, the following definitions shall apply:

“ACTRIS” means Aerosol, Clouds and Trace Gases Research Infrastructure which produces high-quality data documenting short-lived atmospheric constituents and processes leading to their variability in natural and controlled atmospheres and integrates, harmonizes and distributes datasets, activities and services provided by Central Facilities and National Facilities.

“ACTRIS data” is defined in ACTRIS data policy as accepted and amended by the decisions of the General Assembly.

“ACTRIS ERIC” means Aerosol, Clouds and Trace Gases Research Infrastructure set up as a European Research Infrastructure Consortium (ERIC) under Regulation (EC) No 723/20092.

“Central Facility” means a European level ACTRIS component, Head Office, Data Centre or Topical Centre, that offers ACTRIS data or other ACTRIS services to users as well as operation support to National Facilities.

“Contributing to a Central Facility” means that a country is contributing to a Central Facility if it hosts part of the Central Facility or contributes to the activities of this part. The contribution to a Central Facility requires contributing to the finances of the Central Facility through Host Contributions.

“Cooperation Agreement” means an agreement between ACTRIS ERIC and a National Facility or between ACTRIS ERIC and a Central Facility which is not included in ACTRIS ERIC.

“Data Centre” means the Central Facility responsible for ACTRIS data curation, preservation, and distribution of data, value-added products and tools, and hosting the ACTRIS data portal.

“Head Office” means the Central Facility responsible for coordinating and representing ACTRIS as well as for facilitating access to ACTRIS services.

“Host Country” means any country where the Central Facility unit is located and operated.

“Host contribution” means support provided by members or permanent observers for the functioning of the Central Facilities that are not part of ACTRIS ERIC, hosted in their own country.

“Host premium contribution” means the support provided by ACTRIS ERIC members and permanent observers for the functioning of the Central Facilities that are part of ACTRIS ERIC, hosted in their own country.

“Intellectual Property” means what is said in article 2 of the Convention Establishing the World Intellectual Property Organisation on 14 July 1967 and as amended on 28 September 1979.

“Membership contribution” means the amount of money the countries pay in order to join ACTRIS ERIC as members, permanent observers or observers.

“National Facility” means an observational or exploratory platform which has a contractual relationship with ACTRIS ERIC and which provides data and/or physical access to its premises.

“Topical Centre” means a Central Facility, which is either included in ACTRIS ERIC or has a contractual relationship with ACTRIS ERIC, offering services and operation support for quality assurance/quality control of measurements and data (including training, calibration, quality assurance/quality control tools, and development of standard operation and evaluation procedures).