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

EUROPEAN COMMISSION

STATUTES OF ACTRIS ERIC

(2023/C 156/02)

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

Article 2

Tasks and activities

1. The goal of ACTRIS is to produce high-quality integrated datasets in the area of atmospheric sciences and provide services, including access to instrumented platforms, tailored for scientific and technological usage.
2. The principal task of ACTRIS ERIC is to establish and operate the distributed research infrastructure and coordinate the strategic and financial development and long-term operation of ACTRIS.
3. In pursuit of its principal task, and in accordance with the rules set out in these Statutes, ACTRIS ERIC shall carry out the following activities:
 - (a) coordinate and monitor adequate provision of data from the National Facilities;
 - (b) coordinate and monitor activities at the Central Facilities and their service development strategies;
 - (c) ensure open and timely access to ACTRIS data and data products through the Data Centre;
 - (d) operate physical and remote access to the Topical Centres, Data Centre and National Facilities.
4. ACTRIS ERIC may also carry out the following activities:
 - (a) promoting ACTRIS to science communities, private sector and the general public;
 - (b) implementing societal and technological developments related to the task and activities set out in Article 2(2) (3) of the Statutes;
 - (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 task; and
 - (j) any other related action necessary to achieve its task.

5. ACTRIS ERIC shall pursue its principal task on a non-economic basis. Without prejudice to State aid applicable rules, ACTRIS ERIC may carry out limited economic activities, provided they are closely related to its principal task and they do not jeopardise the achievement thereof. ACTRIS ERIC shall record the costs and revenues of its economic activities separately and shall charge market prices for them, or, if those cannot be ascertained, full costs plus a reasonable margin. Any income generated by those limited economic activities shall be used by ACTRIS ERIC to enhance and strengthen its task.

Article 3

Location and statutory seat

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

Article 4

Duration and winding-up

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

Article 5

Liability and insurance

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

Article 6

Access policy for users

1. ACTRIS ERIC shall provide effective 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 goal of ACTRIS.
2. Access shall be based on open access principles following criteria, procedures and modalities set out in the ACTRIS ERIC data policy and access and service policy documents approved by the General Assembly. Procedures and evaluation criteria shall be made publicly available on ACTRIS ERIC web portal. ACTRIS ERIC shall provide guidance to users including via its web portal to facilitate access to data, tools and services.

*Article 7***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, who cannot be members of the Scientific and Innovation Advisory Board, appointed by and reporting to the General Assembly.

*Article 8***Dissemination policy**

1. ACTRIS ERIC shall promote open science and innovation and encourage users to make their results publicly available. The use of ACTRIS data, services and infrastructure shall be acknowledged in publications and in any other documents. More details shall be provided in ACTRIS ERIC internal rules.

2. ACTRIS ERIC shall use various channels to reach the target audiences, including web portal, social media, newsletters, workshops, participation to conferences, articles in magazines and daily newspapers.

*Article 9***Intellectual property rights policy**

1. Subject to the terms of any contract between ACTRIS ERIC and the users, intellectual property rights created by users of ACTRIS ERIC shall be owned by those users.

2. ACTRIS data, as well as intellectual property rights and other knowledge that is produced and developed within ACTRIS, shall belong to the entity or to the person who has generated it. The use of ACTRIS data shall be granted to ACTRIS ERIC by the data providers in accordance with the conditions set out in the ACTRIS data policy and access and service policy documents.

3. ACTRIS data shall be available according to open science and open access principles set out in more detail in internal rules.

*Article 10***Employment policy**

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

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

*Article 11***Procurement policy**

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

CHAPTER 2

MEMBERSHIP AND OBSERVERSHIP*Article 12***Members, permanent observers, observers and representing entities**

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 as defined in Article 2(c) of Regulation (EC) No 723/2009¹;
- (c) Third countries, as defined in Article 2(b) of Regulation (EC) No 723/2009, other than associated countries;
- (d) intergovernmental organizations.

2. Conditions for becoming a member, permanent observer or observer are set out in Article 13. 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.

3. Under any circumstances, Member States and associated countries 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.

4. Any member, permanent observer or observer referred to in paragraphs 12(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.

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.

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 13***Conditions for becoming a member, permanent observer or observer**

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.

2. Subject to Article 13(1), entities referred to in Article 12(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 15.

3. Subject to Article 13(1), entities referred to in Article 12(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 16.

*Article 14***Withdrawal of a member, permanent observer or observer and termination of membership or observership**

1. A member or permanent observer shall not withdraw during the first five years of ACTRIS ERIC.
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.
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.
4. Members, permanent observers and observers shall fulfil all financial and other obligations before their withdrawal can become effective.
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.
6. The member, permanent observer or observer referred to in Article 14(5) above shall have the right to explain its position to the General Assembly before the General Assembly makes any decision on the issue.
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.
8. Without prejudice to Articles 14(1) – 14(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 the applicable laws according to Article 31 of these statutes, 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 14(4), subject to a unanimous vote of the General Assembly.

Notwithstanding Articles 14(1) – 14(3), the affected member and permanent 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.

Notwithstanding Articles 14(1) – 14(3), the affected 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.

CHAPTER 3

RIGHTS AND OBLIGATIONS OF MEMBERS AND OBSERVERS*Article 15***Members**

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 12;
- (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).

2. Each member shall:

- (a) provide the annual contribution in accordance with Article 26;
- (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 16***Permanent observers and observers**

1. Rights of 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 12.

2. Each observer shall:

- (a) provide the annual contribution in accordance with Article 26;
- (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.

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.

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 15(1), 15(2) and 26, except the right to vote at the General Assembly.

Article 17

Suspension of rights of members, observers and permanent observers

1. If a member owes contributions according to Article 26 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.

2. If an observer or a permanent observer owes contributions according to Article 26 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 18

General Assembly

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.

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.

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.

4. An extra-ordinary meeting of the General Assembly is convened if requested by one third of members.

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.

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.

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.

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 26(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 of ACTRIS ERIC;
- (b) approval of internal financial rules.

Subject to Article 26(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 19

Director General

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.

2. The term for the Director General shall be five years. The General Assembly may renew the term once.

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 20***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 ACTRIS ERIC.

*Article 21***Scientific and Innovation Advisory Board**

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.
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 22***Ethical Advisory Board**

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.
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 23***Financial Committee**

1. The General Assembly shall establish a Financial Committee and appoint its members.
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.
3. The Financial Committee shall adopt its own rules of procedure which shall be approved by the General Assembly.

*Article 24***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 25***Financial resources**

The resources of ACTRIS ERIC shall include the following:

- (a) contributions of members, permanent observers and observers according to Article 26 and Annex II;
- (b) grants and donations; and
- (c) other resources within limits and under terms approved by the General Assembly.

*Article 26***Contributions**

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.
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 27***Budgetary principles, accounts and audit**

1. The financial year of ACTRIS ERIC shall begin on the 1st of January and end on the 31st of December of each year.
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.
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.
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 28***Tax and excise duty exemptions**

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.
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.

3. Purchases by staff members shall not be covered by the exemptions.

CHAPTER 6

MISCELLANEOUS

Article 29

Reporting to the European Commission

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.
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 30

Working language

The working language of ACTRIS ERIC shall be English.

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) (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

1. The members, permanent observers and observers of ACTRIS ERIC shall endeavour to settle disputes amicably.
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.
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**

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.
 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.
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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 Forschung)
Kingdom of 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 (EER) – Région wallonne
Republic of Bulgaria	Ministry of Education and Science
Republic of Cyprus	Deputy Ministry of Research, Innovation and Digital Policy
Czech Republic	Ministry of Education, Youth and Sports
Kingdom of Denmark	Danish Agency for Higher Education and Science
Republic of Finland	Ministry of Education and Culture Ministry of Transport and Communications
French Republic	Centre national de la recherche scientifique (CNRS)
Federal Republic of Germany	Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection
Italian Republic	National Research Council (CNR)
Kingdom of Norway	Research Council of Norway
Republic of Poland	Ministry of Education and Science
Romania	Ministerul Cercetării, Inovării și Digitalizării (RO), Ministry of Research, Innovation and Digitalization (EN)
Kingdom of Spain	Ministry of Science and Innovation
Kingdom of Sweden	Swedish Research Council (VR)
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. Observers' annual contributions shall consist of Membership contributions only.
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 shall be provided as established by Principle 6 and may be transferred either fully or in part to ACTRIS ERIC to be forwarded 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 Membership 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)

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

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

Where

- Abbreviations: MC=Membership contributions, HO=Head Office, DC=Data Centre, TC=Topical Centre, GNI=Gross National Income.
- 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	1 475 320	2 069 497	2 421 496	2 720 060	3 088 263
Host premium contribution	889 400	924 400	951 400	993 400	1 067 400
TOTAL	2 364 720	2 993 897	3 372 896	3 713 460	4 155 663

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
Membership contributions redistributed to the Central Facilities, not part of ACTRIS ERIC	1 127 512	1 706 296	2 049 557	2 329 059	2 667 270
TOTAL	2 364 720	2 993 897	3 372 896	3 713 460	4 155 663

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	51 000	76 742	83 486	96 865	107 141
BELGIUM	Membership contribution	86 227	110 044	120 199	128 664	140 113
BULGARIA	Membership contribution	48 581	61 336	66 783	72 739	80 954
CYPRUS	Membership contribution	66 946	78 713	83 726	89 401	96 941
CZECH REPUBLIC	Membership contribution	57 901	83 624	90 523	103 485	113 181
DENMARK	Membership contribution	43 568	57 853	63 477	70 246	93 649
FINLAND	Host premium contribution, HO	700 000	700 000	700 000	700 000	700 000
	Host premium contribution, DC	7 200	7 200	7 200	7 200	7 200
	Membership contribution	83 769	109 163	153 669	180 067	211 134

FRANCE	<i>Host premium contribution, DC</i>	34 500	34 500	34 500	34 500	34 500
	Membership contribution	210 698	262 706	294 487	315 407	347 968
GERMANY	Membership contribution	220 163	360 321	416 454	505 778	605 431
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	128 645	248 588	297 000	320 619	344 335
NORWAY	<i>Host premium contribution, DC</i>	23 700	23 700	23 700	23 700	23 700
	Membership contribution	66 247	81 318	87 587	95 014	104 688
POLAND	Membership contribution	74 690	101 707	121 326	142 714	169 500
ROMANIA	Membership contribution	82 255	99 041	134 294	147 967	158 643
SPAIN	Membership contribution	145 271	175 830	190 798	204 847	223 905
SWEDEN	Membership contribution	58 425	75 352	123 895	138 371	149 300
SWITZERLAND	Membership contribution	50 935	87 161	93 793	107 876	141 380
Membership contribution total		1 475 320	2 069 497	2 421 496	2 720 060	3 088 263
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 of the Central Facilities that are not part of ACTRIS ERIC (non-ERIC part of the Data Centre and Topical Centres). These host contributions are not part of ACTRIS ERIC revenue and expenditure presented in Table 1

Country	Contributing to	2021	2022	2023	2024	2025
AUSTRIA	CIS, CREGARS	437 000	520 000	402 000	432 000	319 000
BELGIUM	CREGARS	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, CREGARS	2 644 000	2 261 000	2 430 000	2 144 000	1 915 000

GERMANY	CAIS-ECAC, CARS, CIS, CCRES, CiGas, CREGARS	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
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
Host contribution total		14 708 000	15 000 000	11 352 000	11 048 000	9 308 000

(*) 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 research services and other 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/remote 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).
