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Contents

I *Legislative acts*

DIRECTIVES

- ★ **Directive 2011/17/EU of the European Parliament and of the Council of 9 March 2011 repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC regarding metrology ⁽¹⁾** 1

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 263/2011 of 17 March 2011 implementing Regulation (EC) No 458/2007 of the European Parliament and of the Council on the European system of integrated social protection statistics (ESSPROS) as regards the launch of full data collection for the ESSPROS module on net social protection benefits ⁽¹⁾** 4

Commission Implementing Regulation (EU) No 264/2011 of 17 March 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables 9

Commission Implementing Regulation (EU) No 265/2011 of 17 March 2011 fixing the export refunds on beef and veal 11

Price: EUR 3

(Continued overleaf)

(¹) Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Implementing Regulation (EU) No 266/2011 of 17 March 2011 fixing the export refunds on poultrymeat 15

Commission Implementing Regulation (EU) No 267/2011 of 17 March 2011 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95 17

DECISIONS

2011/165/EU:

★ **Council Decision of 14 March 2011 appointing four Hungarian members and six Hungarian alternate members of the Committee of the Regions** 19

2011/166/EU:

★ **Commission Decision of 17 March 2011 setting up the SHARE-ERIC** 20

I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2011/17/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 March 2011

repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC regarding metrology

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

and methods of metrological control⁽³⁾, which was recast by Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control⁽⁴⁾.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

(3) Council Directives 71/317/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to 5 to 50 kilogramme medium accuracy rectangular bar weights and 1 to 10 kilogramme medium accuracy cylindrical weights⁽⁵⁾, 71/347/EEC of 12 October 1971 on the approximation of the laws of the Member States relating to the measuring of the standard mass per storage volume of grain⁽⁶⁾, 71/349/EEC of 12 October 1971 on the approximation of the laws of the Member States relating to the calibration of the tanks of vessels⁽⁷⁾, 74/148/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to weights of from 1 mg to 50 kg of above-medium accuracy⁽⁸⁾, 75/33/EEC of 17 December 1974 on the approximation of the laws of the Member States relating to cold-water meters⁽⁹⁾, 76/765/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to alcoholometers and alcohol hydrometers⁽¹⁰⁾, 86/217/EEC of 26 May 1986 on the approximation of the laws of the Member States relating to tyre pressure gauges for motor vehicles⁽¹¹⁾, adopted on the basis of Directive 71/316/EEC, are technically outdated, do not reflect the state of the art in measurement technology or concern instruments which are not subject to technological development and which are increasingly less in use. Furthermore, national provisions are allowed to exist alongside Union provisions.

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

(1) Union policies on better regulation stress the importance of simplification of national and Union legislation as a crucial element in improving the competitiveness of enterprises and achieving the objectives of the Lisbon Agenda.

(2) A number of measuring instruments are covered by specific Directives adopted on the basis of Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for both measuring instruments

⁽¹⁾ OJ C 277, 17.11.2009, p. 49.

⁽²⁾ Position of the European Parliament of 15 December 2010 (not yet published in the Official Journal) and decision of the Council of 21 February 2011.

⁽³⁾ OJ L 202, 6.9.1971, p. 1.

⁽⁴⁾ OJ L 106, 28.4.2009, p. 7.

⁽⁵⁾ OJ L 202, 6.9.1971, p. 14.

⁽⁶⁾ OJ L 239, 25.10.1971, p. 1.

⁽⁷⁾ OJ L 239, 25.10.1971, p. 15.

⁽⁸⁾ OJ L 84, 28.3.1974, p. 3.

⁽⁹⁾ OJ L 14, 20.1.1975, p. 1.

⁽¹⁰⁾ OJ L 262, 27.9.1976, p. 143.

⁽¹¹⁾ OJ L 152, 6.6.1986, p. 48.

- (4) While Council Directive 76/766/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to alcohol tables ⁽¹⁾ provides for a total harmonisation, most of its content is included in the Union regulations on alcohol measurement of wines and spirit drinks, namely Commission Regulation (EEC) No 2676/90 of 17 September 1990 determining Community methods for the analysis of wines ⁽²⁾ and Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirit drinks ⁽³⁾. The international standards for alcohol tables are identical to those provided for in Directive 76/766/EEC and they can continue to be the basis for national regulation.
- (5) Technical progress and innovation with regard to measuring instruments covered by the Directives being repealed will be ensured in practice either by the voluntary application of the international and European standards which have been developed or by the application of national provisions laying down technical specifications based on such standards or, in line with the principles of better law-making, by including additional provisions in Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments ⁽⁴⁾. Furthermore, the free movement within the internal market of all products concerned by the Directives being repealed is ensured by the satisfactory application of Articles 34, 35 and 36 of the Treaty on the Functioning of the European Union and of the mutual recognition principle.
- (6) Nevertheless, with a view to the forthcoming review of Directive 2004/22/EC, it is appropriate to set the date of repeal for seven of the Directives sufficiently far in advance to enable the European Parliament and the Council to take a different view in the context of any revision of Directive 2004/22/EC.
- (7) Directive 71/349/EEC should be repealed.
- (8) While Directives 71/317/EEC, 71/347/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC should also be repealed as soon as possible, they should be repealed only after an assessment as to whether the measuring instruments falling within the scope of those Directives should be included within the scope of Directive 2004/22/EC. The Commission should carry out such an assessment in parallel with its report on the implementation of Directive 2004/22/EC. In the context of that assessment, the date set for the repeal of those Directives could be brought forward, with a view to ensuring consistency in the legislative action of the
- Union in the field of measuring instruments. In any event, repeal of those Directives should take effect not later than 1 December 2015.
- (9) The repeal of the Directives should not lead to any new barriers to the free movement of goods or to additional administrative burdens.
- (10) The repeal of the Directives should not affect existing EC pattern approvals and EC pattern approval certificates until the end of their validity.
- (11) In accordance with point 34 of the Interinstitutional Agreement on better law-making ⁽⁵⁾, Member States are encouraged to draw up, for themselves and in the interests of the Union, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Without prejudice to Article 6(1), Directive 71/349/EEC is repealed with effect from 1 July 2011.

Article 2

Subject to Article 4 and without prejudice to Article 6(2), Directives 71/347/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC are repealed with effect from 1 December 2015.

Article 3

Subject to Article 4 and without prejudice to Article 6(3), Directives 71/317/EEC and 74/148/EEC are repealed with effect from 1 December 2015.

Article 4

By 30 April 2011, the Commission shall, on the basis of reports provided by the Member States, evaluate whether the measuring instruments falling within the scope of the Directives referred to in Articles 2 and 3 need to be included in the scope of Directive 2004/22/EC and whether the transitional measures and date set for repeal of those Directives need to be adjusted accordingly. The Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal to that effect.

⁽¹⁾ OJ L 262, 27.9.1976, p. 149.

⁽²⁾ OJ L 272, 3.10.1990, p. 1.

⁽³⁾ OJ L 333, 29.12.2000, p. 20.

⁽⁴⁾ OJ L 135, 30.4.2004, p. 1.

⁽⁵⁾ OJ C 321, 31.12.2003, p. 1.

Article 5

1. Member States shall adopt and publish, by 30 June 2011, the laws, regulations and administrative provisions necessary to comply with Article 1. They shall forthwith communicate to the Commission the text of those measures.

They shall apply those measures from 1 July 2011.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall adopt and publish, by 30 November 2015, the laws, regulations and administrative provisions necessary to comply with Articles 2 and 3. They shall forthwith communicate to the Commission the text of those measures.

They shall apply those measures from 1 December 2015.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 6

1. EC initial verifications carried out and calibration certificates issued until 30 June 2011 under Directive 71/349/EEC shall remain valid.

2. EC pattern approvals and EC pattern approval certificates issued until 30 November 2015 under the Directives 71/347/EEC, 75/33/EEC, 76/765/EEC and 86/217/EEC shall remain valid.

3. Weights in conformity with Directive 71/317/EEC and weights in conformity with Directive 74/148/EEC may be subject to EC initial verification in accordance with Articles 8, 9 and 10 of Directive 2009/34/EC until 30 November 2025.

Article 7

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 8

This Directive is addressed to the Member States.

Done at Strasbourg, 9 March 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
GYŐRI E.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 263/2011

of 17 March 2011

implementing Regulation (EC) No 458/2007 of the European Parliament and of the Council on the European system of integrated social protection statistics (ESSPROS) as regards the launch of full data collection for the ESSPROS module on net social protection benefits

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 458/2007 of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS) ⁽¹⁾, and in particular Articles 5(2) and 7(3) thereof,

Whereas:

(1) Regulation (EC) No 458/2007 established a methodological framework to be used for compiling statistics on a comparable basis for the benefits of the European Union and time limits for the transmission and dissemination of statistics compiled in accordance with the European system of integrated social protection statistics (hereinafter referred to as 'ESSPROS').

(2) Pursuant to Article 5(1) of Regulation (EC) No 458/2007, pilot data collection for the year 2005 was carried out in all Member States with a view to introducing a module on net social protection benefits.

(3) A synthesis of the national pilot data collection showed that the outcome of a very large majority of the pilot studies was positive, so the implementing measures needed to launch full data collection for the module on net social protection benefits should be adopted.

(4) The module on net social protection benefits should be obtained using the restricted approach, in order to have the same population of beneficiaries of the gross social protection benefits collected in the ESSPROS core system.

(5) Pursuant to Article 7(3) of Regulation (EC) No 458/2007, implementing measures relating to the first year for which full data shall be collected, and measures relating to the detailed classification of data covered, the definitions to be used and the rules on dissemination for the module on net social protection benefits should be adopted.

(6) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall submit data relating to the ESSPROS module on net social protection benefits to the Commission (Eurostat) annually. The reference period shall be the calendar year.

2. The deadline for the transmission of data for the year N, together with any revision of previous years' data, shall be 31 December of the year N + 2.

3. The first reference year for which full data shall be collected on net social protection benefit shall be 2010.

⁽¹⁾ OJ L 113, 30.4.2007, p. 3.

Article 2

1. The definitions to be applied to the module on net social protection benefits shall be as laid down in Annex I.

2. The detailed classifications to be used in the module on net social protection benefits shall be as laid down in Annex II.

3. The criteria for dissemination of the data relating to the module on net social benefits shall be as laid down in Annex III.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 March 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Definitions for the module on net social protection benefits

1. The definitions laid down in Article 2 of Regulation (EC) No 458/2007 shall apply.
2. The definitions laid down in point '1.3. Expenditure of social protection schemes' of Annex I to Commission Regulation (EC) No 10/2008 ⁽¹⁾ shall apply.
3. In addition, for the specific purpose of this Regulation the following definitions shall apply:
 - 3.1. 'net social protection benefits — restricted approach' means social benefits after the deduction of taxes and social contributions paid on cash social benefits by their recipient and after the addition of residual fiscal benefit, if any, according to the formula:

Net social benefits (restricted approach) = gross social protection benefits* (1-AITR-AISCR) + residual fiscal benefits

residual fiscal benefits should be introduced in the calculation of net social benefits only if they are not directly accounted for in AITR and/or AISCR;
 - 3.2. 'average itemised tax rate (AITR) for a benefit (or group of benefits)' means the sum of taxes paid on that benefit by recipients divided by the total income from that benefit (i.e. gross benefits received);
 - 3.3. 'average itemised social contribution rate (AISCR) for a benefit (or group of benefits)' means the sum of social contributions paid on that benefit by recipients, divided by the total income from that benefit (i.e. gross benefit received);
 - 3.4. 'residual fiscal benefit' means the part of the total value of a fiscal benefit that relates to relief on levies applied to social benefits (as opposed to the part that relates to relief on levies applied to all other forms of income).
4. The detailed definitions to be used for applying this Regulation are laid down in the ESSPROS Manual produced by the Commission in cooperation with Member States.

⁽¹⁾ OJ L 5, 9.1.2008, p. 3.

ANNEX II

Detailed classifications relating to the module on net social protection benefits

1. Social protection benefits are broken down into means-tested and non-means-tested benefits. The classification of social protection benefits gives further details depending on whether the benefit is provided in cash as a periodic payment or as a lump sum:
 - social protection benefits,
 - social protection benefits, non-means-tested,
 - cash benefits, non-means-tested,
 - periodic cash benefits, non-means-tested,
 - lump sum cash benefits, non-means-tested,
 - social protection benefits, means-tested,
 - cash benefits, means-tested,
 - periodic cash benefits, means-tested,
 - lump sum cash benefits, means-tested.
 2. Benefits are broken down by function, provided for in Article 2(b) of Regulation (EC) No 458/2007. This detailed classification is aggregated at the first level classification as follows:
 - sickness/health care,
 - disability,
 - old age,
 - survivors,
 - family/children,
 - unemployment,
 - housing,
 - social exclusion (not elsewhere classified).
-

ANNEX III

Criteria for dissemination of data relating to the module on net social protection benefits

1. Eurostat shall publish information by Member State only after aggregation across schemes, at least on:
 - total net social protection benefits,
 - the proportion of social protection benefits liable to taxes and/or social contributions,
 - net social protection benefits by function,
 - means-tested versus non-means-tested.
 2. The Commission (Eurostat) shall, on demand, disseminate detailed data broken down by scheme and by Member State to specific users (national authorities compiling ESSPROS data, Commission departments and international institutions).
 3. If the Member State concerned agrees to full dissemination of the data, the specific users shall be authorised to publish data by scheme.
 4. If the Member State concerned does not agree to full dissemination, the specific users shall be authorised to publish data aggregated across schemes. Aggregation across schemes shall comply with the dissemination rules laid down by the Member State concerned.
-

COMMISSION IMPLEMENTING REGULATION (EU) No 264/2011**of 17 March 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 March 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	JO	71,2
	MA	53,2
	TN	51,7
	TR	81,8
	ZZ	64,5
0707 00 05	JO	110,6
	TR	150,7
	ZZ	130,7
0709 90 70	MA	42,5
	TR	110,9
	ZZ	76,7
0805 10 20	EG	57,6
	IL	71,1
	MA	53,7
	TN	45,3
	TR	73,3
	ZZ	60,2
0805 50 10	EG	67,3
	TR	49,4
	ZZ	58,4
0808 10 80	AR	96,2
	BR	84,2
	CA	103,1
	CL	97,4
	CN	119,2
	MK	50,2
	US	130,2
	ZZ	97,2
0808 20 50	AR	91,5
	CL	74,6
	CN	53,6
	US	79,9
	ZA	84,8
	ZZ	76,9

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 265/2011**of 17 March 2011****fixing the export refunds on beef and veal**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products⁽¹⁾, and in particular Article 164(2), and Article 170, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XV of Annex I to that Regulation and prices for those products on the Union market may be covered by an export refund.
- (2) Given the present situation on the market in beef and veal, export refunds should therefore be set in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167, 168 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that the refund may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products that are allowed to move freely in the Union and that bear the health mark as provided for in Article 5(1)(a) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽²⁾. Those products must also satisfy the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽³⁾ and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽⁴⁾.
- (5) The third subparagraph of Article 7(2) of Commission Regulation (EC) No 1359/2007 of 21 November 2007 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals⁽⁵⁾ provides for a reduction of the special refund if the quantity of cuts of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (6) The currently applicable refunds have been fixed by Commission Regulation (EU) No 1206/2010⁽⁶⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, and, in particular, shall be prepared in an approved establishment and comply with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

Article 2

In the case referred to in the third subparagraph of Article 7(2) of Regulation (EC) No 1359/2007, the rate of the refund on products falling within product code 0201 30 00 9100 shall be reduced by EUR 3,5/100 kg.

Article 3

Regulation (EU) No 1206/2010 is hereby repealed.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 55

⁽³⁾ OJ L 139, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 206.

⁽⁵⁾ OJ L 304, 22.11.2007, p. 21.

⁽⁶⁾ OJ L 333, 17.12.2010, p. 49.

Article 4

This Regulation shall enter into force on 18 March 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

ANNEX

Export refunds on beef and veal applicable from 18 March 2011

Product code	Destination	Unit of measurement	Refunds
0102 10 10 9140	B00	EUR/100 kg live weight	12,9
0102 10 30 9140	B00	EUR/100 kg live weight	12,9
0201 10 00 9110 ⁽¹⁾	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 10 00 9130 ⁽¹⁾	B02	EUR/100 kg net weight	24,4
	B03	EUR/100 kg net weight	14,4
0201 20 20 9110 ⁽¹⁾	B02	EUR/100 kg net weight	24,4
	B03	EUR/100 kg net weight	14,4
0201 20 30 9110 ⁽¹⁾	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 20 50 9110 ⁽¹⁾	B02	EUR/100 kg net weight	30,5
	B03	EUR/100 kg net weight	17,9
0201 20 50 9130 ⁽¹⁾	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 30 00 9050	US ⁽³⁾	EUR/100 kg net weight	3,3
	CA ⁽⁴⁾	EUR/100 kg net weight	3,3
0201 30 00 9060 ⁽⁶⁾	B02	EUR/100 kg net weight	11,3
	B03	EUR/100 kg net weight	3,8
0201 30 00 9100 ⁽²⁾ ⁽⁶⁾	B04	EUR/100 kg net weight	42,4
	B03	EUR/100 kg net weight	24,9
	EG	EUR/100 kg net weight	51,7
0201 30 00 9120 ⁽²⁾ ⁽⁶⁾	B04	EUR/100 kg net weight	25,4
	B03	EUR/100 kg net weight	15,0
	EG	EUR/100 kg net weight	31,0
0202 10 00 9100	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 30 9000	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 50 9900	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 90 9100	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 30 90 9100	US ⁽³⁾	EUR/100 kg net weight	3,3
	CA ⁽⁴⁾	EUR/100 kg net weight	3,3

Product code	Destination	Unit of measurement	Refunds
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	11,3
	B03	EUR/100 kg net weight	3,8
1602 50 31 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	11,6
1602 50 31 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	10,3
1602 50 95 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	11,6
1602 50 95 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	10,3

N.B.: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The destination codes are set out in Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19).

The other destinations are defined as follows:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Union).

B02: B04 and destination EG.

B03: Albania, Croatia, Bosnia-Herzegovina, Serbia, Kosovo (*), Montenegro, former Yugoslav Republic of Macedonia, stores and provisions (destinations referred to in Articles 33 and 42, and if appropriate in Article 41, of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

B04: Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong, Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte-d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroun, Central African Republic, Equatorial Guinea, Sao Tome Principe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

(* As defined by United Nations Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EC) No 433/2007 (OJ L 104, 21.4.2007, p. 3).

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Commission Regulation (EC) No 1359/2007 (OJ L 304, 22.11.2007, p. 21), and, if applicable, in Commission Regulation (EC) No 1741/2006 (OJ L 329, 25.11.2006, p. 7).

⁽³⁾ Carried out in accordance with Commission Regulation (EC) No 1643/2006 (OJ L 308, 8.11.2006, p. 7).

⁽⁴⁾ Carried out in accordance with Commission Regulation (EC) No 1041/2008 (OJ L 281, 24.10.2008, p. 3).

⁽⁵⁾ The refund is granted subject to compliance with the conditions laid down in Commission Regulation (EC) No 1731/2006 (OJ L 325, 24.11.2006, p. 12).

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Commission Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

COMMISSION IMPLEMENTING REGULATION (EU) No 266/2011
of 17 March 2011
fixing the export refunds on poultrymeat

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products⁽¹⁾, and in particular Article 164(2) and Article 170, in conjunction with Article 4, thereof

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products referred to in Part XX of Annex I to that Regulation and prices in the Union for those products may be covered by an export refund.
- (2) In view of the current situation on the market in poultrymeat, export refunds should be fixed in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that refunds may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products which are authorised to move freely in the Union and bear the identification mark provided for in Article 5(1)(b) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽²⁾. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽³⁾.

- (5) The currently applicable refunds have been fixed by Commission Regulation (EU) No 1207/2010⁽⁴⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements under Regulations (EC) No 852/2004 and (EC) No 853/2004 and, in particular, shall be prepared in an approved establishment and comply with the identification marking conditions laid down in Section I of Annex II to Regulation (EC) No 853/2004.

Article 2

Regulation (EU) No 1207/2010 is hereby repealed.

Article 3

This Regulation shall enter into force on 18 March 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 March 2011.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 55.

⁽³⁾ OJ L 139, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 333, 17.12.2010, p. 53.

ANNEX

Export refunds on poultrymeat applicable from 18 March 2011

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	0,24
0105 11 19 9000	A02	EUR/100 pcs	0,24
0105 11 91 9000	A02	EUR/100 pcs	0,24
0105 11 99 9000	A02	EUR/100 pcs	0,24
0105 12 00 9000	A02	EUR/100 pcs	0,47
0105 19 20 9000	A02	EUR/100 pcs	0,47
0207 12 10 9900	V03	EUR/100 kg	32,50
0207 12 90 9190	V03	EUR/100 kg	32,50
0207 12 90 9990	V03	EUR/100 kg	32,50

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The other destinations are defined as follows:

V03: A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

COMMISSION IMPLEMENTING REGULATION (EU) No 267/2011**of 17 March 2011****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143 thereof,Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices for poultrymeat and egg products and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin. The representative prices should therefore be published.

- (3) In view of the situation on the market, this amendment should be applied as soon as possible.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

**to the Commission Regulation of 17 March 2011 fixing representative prices in the poultrymeat and egg sectors
and for egg albumin, and amending Regulation (EC) No 1484/95**

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	140,8	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	135,2	0	BR
		121,1	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	218,9	24	BR
		248,4	16	AR
		319,1	0	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	179,2	10	BR
0207 25 10	Turkeys, not cut in pieces, presented as “80 % turkeys”, frozen	208,9	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	276,6	6	BR
		390,3	0	CL
0408 91 80	Eggs, not in shell, dried	337,0	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	281,9	1	BR
3502 11 90	Egg albumin, dried	602,6	0	AR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). The code “ZZ” represents “other origins”.

DECISIONS

COUNCIL DECISION

of 14 March 2011

appointing four Hungarian members and six Hungarian alternate members of the Committee of the Regions

(2011/165/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Hungarian Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) Four members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Ferenc BENKŐ, Mr Attila JÓSZAI, Mr György IPKOVICH and Mr András SZALAY. Four alternate members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr László BÁKONYI, Ms Károlyné KOCSIS, Mr Zoltán NAGY and Mr József PAIZS. Two alternate members' seats will become vacant following the appointment of Mr István BÓKA and Mr Attila KISS as members of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as members:

- Mr István BÓKA, *Balatonfüred város polgármestere,*
- Mr Attila KISS, *Hajdúböszörmény város polgármestere,*
- Mr Sándor KOVÁCS, *Jász-Nagykun-Szolnok Megyei Közgyűlés elnöke,*
- Mr Jenő MANNINGER, *Zala Megyei Közgyűlés elnöke.*

and

(b) as alternate members:

- Mr Zoltán HORVÁTH, *Baranya Megyei Közgyűlés alelnöke,*
- Mr Ferenc KOVÁCS, *Vas Megyei Közgyűlés elnöke,*
- Mr Ferenc TEMERINI, *Soltvadkert, önkormányzati képviselő,*
- Mr Attila TILKI, *Fehérgyarmat város polgármestere,*
- Mr Botond VÁNTSA, *Szigetszentmiklós, önkormányzati képviselő,*
- Mr Tamás VARGHA, *Fejér Megyei Közgyűlés elnöke.*

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 14 March 2011.

For the Council
The President
FAZEKAS S.

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COMMISSION DECISION
of 17 March 2011
setting up the SHARE-ERIC
(2011/166/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾,

Whereas:

- (1) Regulation (EC) No 723/2009 empowers the Commission to set up European Research Infrastructure Consortia (hereinafter referred to as 'ERICs').
- (2) The Czech Republic, the Federal Republic of Germany, the Kingdom of the Netherlands and the Republic of Austria have on 14 December 2010 requested the Commission to set up the Survey of Health, Ageing and Retirement in Europe as a European Research Infrastructure Consortium (SHARE-ERIC), the Kingdom of Belgium has joined this request on 21 January 2011, and Switzerland has requested to be included as observer in the SHARE-ERIC.
- (3) The Kingdom of the Netherlands has provided a declaration recognising SHARE-ERIC as international body in the sense of Articles 143(g) and 151(1)(b) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽²⁾ and an international organisation in the sense of the second indent of Article 23(1) of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽³⁾ as of its setting up.
- (4) The Commission, in response to its obligations set out in Article 5(2) of Regulation (EC) No 723/2009 has assessed the application and concluded that it meets the requirements set out in Regulation (EC) No 723/2009.
- (5) In accordance with Article 6(1) and Article 20 of Regulation (EC) No 723/2009 the committee set up under Article 20 of that Regulation has been consulted for its opinion on the setting-up of the SHARE-ERIC and has delivered a favourable opinion.

- (6) SHARE-ERIC is expected to become an important asset to other major European research and innovation initiatives on population ageing such as the proposed Joint Programming Initiative more years — better lives, The Ambient Assisted Living Joint Programme and the European Innovation Partnership on Active and Healthy Ageing,

HAS ADOPTED THIS DECISION:

Sole Article

Establishment of the SHARE-ERIC

1. A European Research Infrastructure Consortium for the Survey of Health, Ageing and Retirement in Europe named SHARE-ERIC is hereby set up according to Regulation (EC) No 723/2009.

SHARE-ERIC shall have legal personality as of the date this Decision takes effect and it shall enjoy, in each of the Member States, the most extensive legal capacity accorded to legal entities under the law of that Member State. It may, in particular, acquire, own and dispose of movable, immovable and intellectual property, conclude contracts and be a party to legal proceedings.

2. The statutes of SHARE-ERIC, as agreed between its members, are annexed to this Decision. Their amendment is subject to the provisions in the statutes and to Article 11 of Regulation (EC) No 723/2009. The Statutes shall be publicly available on the website of the ERIC and at its statutory seat.

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

4. It shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 March 2011.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

⁽²⁾ OJ L 347, 11.12.2006, p. 1.

⁽³⁾ OJ L 76, 23.3.1992, p. 1.

ANNEX

STATUTES OF THE SHARE-ERIC**Concerning the Building Up and Operation of the Survey of Health, Ageing and Retirement in Europe (SHARE)****Content**

- Article 1: Establishment of a SHARE-ERIC
- Article 2: Statutory Seat and Working Language
- Article 3: Tasks
- Article 4: Principles
- Article 5: Organs of the Organisation and Scientific Partner Institutions
- Article 6: The Council
- Article 7: The Management Board
- Article 8: Coverage
- Article 9: Contributions
- Article 10: Liability and Insurance
- Article 11: Intellectual Property
- Article 12: Dissemination and Use of the SHARE Data
- Article 13: Procurement and Tax Exemptions
- Article 14: Employment
- Article 15: Amendments
- Article 16: Accession
- Article 17: Duration of the Organisation
- Article 18: Availability of these Statutes
- Annex 1: Scientific Partner Institutions and Country Team Leaders
- Annex 2: Scientific Monitoring Board
- Annex 3: Estimated Survey and Operating Costs
- Annex 4: Restricted Procurement Procedure

The Republic of Austria

The Kingdom of Belgium

The Czech Republic

The Federal Republic of Germany

The Kingdom of the Netherlands

Hereinafter referred to as 'the Contracting Parties',

DESIRING to further strengthen Europe's and the Contracting Party countries' position in research in the world, and to intensify scientific cooperation across disciplinary and national boundaries;

CONSIDERING a report by the European Commission to the European Council of 2001(Council Document 6997/01) which identifies population ageing and its social and economic challenges to growth and prosperity to be among the most pressing challenges of the 21st century in Europe, which points out serious infrastructure gaps in understanding individual and population ageing, and which then calls to 'examine the possibility of establishing, in cooperation with Member States, a European Longitudinal Ageing Survey' in order to foster European research on ageing;

BUILDING on the current prototype of a Survey of Health, Ageing and Retirement in Europe (SHARE) which has been selected by the ESFRI roadmap process to be upgraded as one of the central research infrastructures of the European Research Area;

RECOGNISING that this new interdisciplinary, international, and longitudinal survey with unprecedented quality regarding coherence, breadth and international comparability will in the future be of great significance in many different fields of fundamental and applied sciences such as demography, economics, epidemiology, gerontology, biology, medicine, psychology, public health, health policy, sociology and statistics;

RECOGNISING that evidence-based public policy making requires an up-to-date data infrastructure;

EXPECTING other countries to participate in the activities undertaken together under the following Statutes;

HAVE AGREED AS FOLLOWS:

Article 1

Establishment of a SHARE-ERIC

- (1) There shall be a distributed European Research Infrastructure called the Survey of Health, Ageing and Retirement in Europe (SHARE).
- (2) SHARE shall have the legal form of a European Research Infrastructure Consortium (ERIC) incorporated under the provision of Regulation (EC) No 723/2009 and be named 'SHARE-ERIC' (hereafter also referred to as 'the Organisation').

Article 2

Statutory Seat and Working Language

- (1) The Statutory Seat of the Organisation shall be in Tilburg, the Netherlands.
- (2) The Contracting Parties agree to initiate, as soon as the necessary declaration according to Article 5(1)(d) of Regulation (EC) No 723/2009 is provided by the German authorities, an amendment of the Statutes in order to transfer the Statutory Seat to Germany. Such amendment shall not enter into force before the end of Phase I as defined in Article 8.
- (3) The working language of the Organisation shall be English.

Article 3

Tasks

- (1) SHARE-ERIC shall build an infrastructure of micro data of households and individuals necessary to understand individual and societal ageing (hereinafter also referred to as 'the Survey'). Its main tasks are:
 - (a) to design a core survey instrument which captures the essential information on the economic, health, and family/social conditions of life of individuals aged 50 and older and their partners;
 - (b) to administer this survey instrument every two years to a panel of respondents in each participating countries and to maintain contact to all panel members between panel waves;
 - (c) to assemble the collected information in a user-friendly data base accessible to all scientific researchers subject to applicable data confidentiality restrictions and to maintain this data base including basic data cleaning, imputation, and documentation.
- (2) The current prototype of SHARE shall be upgraded along three dimensions:
 - (a) prolong SHARE over time in order to generate a genuine panel that follows individuals as they age and react to the changes in the social and economic environment. The upgrade will add seven further waves every two years in three phases as defined in Article 8;
 - (b) expand SHARE to include all EU Member States;
 - (c) increase sample size of SHARE in order to make the Survey usable also for with-in-country analyses. In general, the target sample size shall be 6 000 individuals aged 50 and older in each member country.
- (3) The SHARE-ERIC shall pursue its tasks on a non-economic basis.

Article 4

Principles

- (1) SHARE shall be designed by researchers for researchers. Excellence in research is paramount to all other considerations. The scientific excellence of SHARE shall be monitored by an independent Scientific Monitoring Board (Annex 2).
- (2) SHARE shall be a supranational survey. Cross-national comparability within SHARE shall govern all design decisions. In addition, comparability with its sister surveys, notably the U.S. Health and Retirement Study and the English Longitudinal Study of Ageing, shall inform the design decisions of SHARE. Topics with supranational research potential shall have priority over topics applicable to single countries.
- (3) SHARE shall integrate economics, health, and social science. Topics with interdisciplinary research potential shall have priority over topics applicable to single disciplines.
- (4) SHARE shall be a longitudinal survey, following individuals as they age. Topics with longitudinal research potential shall have priority over topics applicable to single points in time.

(5) Research based on SHARE shall facilitate evidence-based EU policies, such as the Europe 2020 Innovation Union Initiative, to help meeting the challenges of population ageing in all countries of the EU.

Article 5

Organs of the Organisation and Scientific Partner Institutions

(1) The organs of the Organisation shall be the General Assembly, hereinafter referred to as 'the Council' (Article 6), and the Management Board (Article 7).

(2) Upon proposition of the Management Board and in view of the Principles laid down in Article 4, each Contracting Party shall select a research institution which is responsible for carrying out the scientific tasks of the SHARE-ERIC in its country (hereinafter referred to as 'Scientific Partner Institution').

(3) If the Principles laid down in Article 4 are violated by one of the Scientific Partner Institutions, the Contracting Party may replace the Scientific Partner Institution upon proposition of the Management Board.

(4) The Management Board shall seek the advice of the Scientific Monitoring Board (Annex 2) when proposing or replacing a Scientific Partner Institution.

(5) The current Scientific Partner Institutions are listed in Annex 1.

Article 6

The Council

(1) Each Contracting Party shall be represented in the Council by up to two delegates. Delegates to the Council shall be appointed and have their appointments terminated by the Contracting Party. Each Contracting Party shall inform the Chairperson of the Council in writing of any appointment or termination of appointments of its delegates to the Council without undue delay.

(2) Each Contracting Party has one single vote in the Council. Decisions shall be taken by simple majority voting unless otherwise determined in these Statutes. In case of a tie, the vote of the Host Country shall break that tie.

(3) The Council shall elect a Chairperson and a Vice-Chairperson from the delegations of the Contracting Parties for a period of two years. With their election the Chairperson and Vice-Chairperson become *supra partes* and leave their delegations. The Contracting Parties affected by these departures appoint another delegate to represent them in the Council.

(4) The Council meets at least once a year. Meetings of the Council shall be convened by the Chairperson of the Council. Meetings of the Council shall also be convened at the request of at least two Contracting Parties. Extraordinary meetings of the Council may also be convened at the request of the Coordinator (Article 7) if it is required in the interest of the Organisation.

(5) The Council receives and approves the annual report, the financial statement and the annual spending plan submitted by the Management Board. The Council shall review at least annually the actual and forecasted survey and operating costs. The Council acting unanimously may approve a modification of the contribution to those other common costs in the annual spending plan that are not covered by any other funding source (Article 9(5)).

(6) The Council receives and acknowledges the annual activity plan which contains the broad scientific aims of SHARE, the survey emphasis of the next wave, the certification process and the survey and dissemination schedule. Every two years, it receives a report by the Scientific Monitoring Board.

(7) The Council elects with a qualified vote (at least two-thirds of the Contracting Parties) the Coordinator, the Area Coordinators and other members of the Management Board according to Article 7 upon nomination by the Scientific Partner Institutions.

(8) Countries that have committed to SHARE-ERIC through signing the Memorandum of Understanding on Preparing the Survey of Health, Ageing and Retirement in Europe (15 July 2009) may become non-voting members of the Council as observers until they have acceded to SHARE-ERIC according to Article 16.

Article 7

The Management Board

(1) The Management Board is composed of up to six members, including:

- (a) the Director of SHARE (herein referred to as 'the Coordinator');
- (b) three Area Coordinators representing the three scientific areas of SHARE (economics, health, and social/family networks);
- (c) if appropriate, other scientists representing an important scientific field or an important operational centre of SHARE.

(2) Members of the Management Board must be internationally reputable researchers with experience in research on ageing and/or survey management.

- (3) The Management Board proposes all strategic and budgetary decisions to the Council. It is responsible for all financial and governance processes which maintain scientific integrity, cross-national comparability, and an overall balance of the SHARE survey design. Specifically, it is accountable for the SHARE-ERIC's finances and deliverables, and for observing legal requirements such as data confidentiality and safety regulations at the European level.
- (4) The Management Board provides an annual report on the state of the Survey to the Council, proposes an annual spending and activity plan to the Council, and prepares the financial statement.
- (5) The Coordinator leads the Management Board and is the legal representative of the SHARE-ERIC. The Coordinator is responsible for implementing the Survey and for maintaining the same high methodological standards in all participating countries.
- (6) The Area Coordinators are responsible for the scientific excellence of the Survey in their respective scientific areas. Specifically, they are responsible for the questionnaire design in their respective areas and for the integrity of the data delivered to the scientific public.
- (7) The Management Board shall seek advice of outside experts and establish a Board of scientists who give advice in all scientific matters (the 'Scientific Monitoring Board'). Such Board shall be independent from the Organisation (Annex 2).
- (8) Relations between the Management Board and the Scientific Partner Institutions shall be governed by a consortium agreement.

Article 8

Coverage

- (1) The Organisation shall cover a survey period of seven panel waves divided into three phases:
 - (a) During Phase I the Organisation shall conduct an initial full-scale survey wave in 2010 and 2011 based on the design developed in the preparatory phase.
 - (b) During Phase II the Organisation shall conduct three additional full-scale survey waves in years 2012/13, 2014/15 and 2016/17, update the design to maintain state-of-the-art, and disseminate the data.
 - (c) Upon successful scientific evaluation, the Organisation shall conduct during Phase III another three full-scale survey waves in years 2018/19, 2020/21 and 2022/23, update the design to maintain state-of-the-art, and disseminate the data.

Article 9

Contributions

- (1) Contributions by the Contracting Parties shall cover the costs of running the seven waves of the Survey in each country plus coordination and common costs such as the costs for updating the design, disseminating the data associated with the seven waves of data collection, and budgets for the Coordinator, the Area Coordinators, and the Scientific Monitoring Board.
- (2) Contributions by the Contracting Parties shall cover four types of costs: (A) survey costs in each country, (B) operating costs to run the survey in each country, (C) coordination costs, and (D) other common costs to the extent that these costs are not covered by other funding sources. A table showing preliminary estimates of these costs during Phase I is attached as Annex 3.
- (3) Each Contracting Party shall make available to the SHARE-ERIC, either directly or through the Scientific Partner Institution for which it is responsible, funds covering the Country's share of the survey costs (Column A of the preliminary estimates in Annex 3).
- (4) Each Contracting Party shall make available to the Scientific Partner Institution for which it is responsible funds covering the Country's share of the operating costs (Column B of the preliminary estimates in Annex 3).
- (5) The Federal Republic of Germany shall finance the coordination costs of the Survey (Column C of the preliminary estimates in Annex 3).
- (6) Each Contracting Party shall make contributions to the SHARE-ERIC for the part of the other common costs of the Survey that is not covered by any other funding source. Each Contracting Party's share shall be in proportion to the gross national income per capita most recently reported by Eurostat with the proviso that no Contracting Party's share shall be smaller than 0,5 times and larger than 1,5 times the average share. The composition of the other common costs shall be detailed in the annual spending plan (Column D of the preliminary estimates in Annex 3).
- (7) The SHARE-ERIC or the Scientific Partner Institutions, as a consortium, may react to calls from the European Commission, the U.S. National Institute on Aging, and other supranational and national funding organisations providing funds for the project as a whole, among those parts or all of the common costs mentioned in Column D, Annex 3.

*Article 10***Liability and Insurance**

- (1) The financial liability of the members for the debts of the ERIC shall be limited to their respective contributions provided to the SHARE-ERIC and agreed upon in the annual spending plans.
- (2) The SHARE-ERIC shall take appropriate measures to insure the risks specific to building up and operating a survey.

*Article 11***Intellectual Property**

- (1) In accordance with the objects of the present Statutes the term 'Intellectual Property' will be understood according to Article 2 of the Convention Establishing the World Intellectual Property Organisation signed on 14 July 1967.
- (2) The SHARE-ERIC is the owner of the Survey and of all intellectual property rights emanating from setting up the Survey.
- (3) With respect to questions of Intellectual Property, the relations between the Contracting Parties will be governed by the national legislation of the Contracting Parties.

*Article 12***Dissemination and Use of the SHARE Data**

- (1) The SHARE-ERIC shall disseminate the collected data after data cleaning, imputation, and documentation without delay to the scientific community.
- (2) Use of the SHARE data shall be free of charge to the entire scientific community. The Management Board shall set up a Users' Council representing the interest of the scientific user community taking into account the advice of the Scientific Monitoring Board.
- (3) Use and collection of the SHARE data is subject to European and national laws of data privacy. Use of the SHARE data by users who are not subject to EU legislation shall be conditional on signing a declaration of data confidentiality according to the form provided by the European Commission (OJ L 6, 10.1.2002, p. 52).

*Article 13***Procurement and Tax Exemptions**

- (1) The SHARE-ERIC shall treat procurement candidates and tenderers equally and in a non-discriminatory way, independent of whether or not they are based in the European Union. All procurement shall follow the principles of transparency, non-discrimination and competition.
- (2) In general, procurement by the SHARE-ERIC shall be subject to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽¹⁾, with the thresholds amended by Commission Regulation (EC) No 1422/2007⁽²⁾ or any further amendments, and the national procurement regulations which apply.
- (3) For the procurement of survey research and survey development services where the benefits accrue to the entire scientific community and which are wholly remunerated by the SHARE-ERIC, Article 16(f) of Directive 2004/18/EC shall be applied through a restricted procedure (Annex 4). In such restricted procedures, negotiated procedures with publication of a contract notice and in the competitive dialogue procedure, contracting authorities may limit the number of suitable candidates they will invite to tender, to negotiate or to conduct a dialogue with, provided a sufficient number of suitable candidates is available.
- (4) Tax exemptions following from Directive 2006/112/EC shall be limited to the value added taxes for such survey research and survey development goods and services which are for official use, exceed the value of EUR 250, benefit the entire scientific community, and are wholly remunerated by the SHARE-ERIC. No further limits apply.

*Article 14***Employment**

- (1) The SHARE-ERIC is an equal opportunity employer. Employment contracts shall follow the national laws of the country in which the staff is employed.
- (2) Subject to the requirements of national legislation, each Contracting Party shall within its jurisdiction facilitate the movement and residence of nationals of the Contracting Party countries involved in the tasks of the SHARE-ERIC and of the family members of such nationals.

⁽¹⁾ OJ L 134, 30.4.2004, p. 114.

⁽²⁾ OJ L 317, 5.12.2007, p. 34.

*Article 15***Amendments**

(1) The Council shall have the power to change these Statutes and its annexes by a qualified vote. A two thirds majority shall be required to amend any of these articles and annexes. The date of any amendments shall be recorded in these Statutes.

(2) The Statutes of the SHARE-ERIC shall at all times comply with Regulation (EC) No 723/2009 on the Community legal framework for a European Research Infrastructure and all other applicable European Laws and Regulations.

*Article 16***Accession**

(1) After the entry into force of these Statutes, any Government may accede thereto with the consent of two thirds of the Contracting Parties in the Council upon the conditions negotiated. The conditions of accession shall be the subject of an agreement between the Contracting Parties and the acceding Government or group of Governments.

(2) Upon proposition of the Management Board and in view of the Principles laid down in Article 4, the accessing Contracting Party shall select a research institution which is responsible for carrying out the scientific tasks of the SHARE-ERIC in this country.

(3) The Management Board shall seek the advice of the Scientific Monitoring Board when proposing a Scientific Partner Institution.

*Article 17***Duration of the Organisation**

(1) The Organisation is set up for a period up to 31 December 2024. It shall include Phases I, II and III as defined in Article 8.

(2) A Contracting Party may withdraw from the Organisation after Phase I or Phase II.

(3) A motion, specifying the procedure and timeframe, if approved by the Council by a two thirds majority, can wind up the Organisation, in particular if the decision not to pursue the Phase III is taken by the Organisation.

(4) The European Commission shall be notified of any such decision within 10 days of it being made, pursuant with Article 16 of Regulation (EC) No 723/2009.

*Article 18***Availability of these Statutes**

These Statutes shall be made publicly available through the SHARE-ERIC website, pursuant with Article 10 of Regulation (EC) No 723/2009.

ANNEX 1

SCIENTIFIC PARTNER INSTITUTIONS AND COUNTRY TEAM LEADERS

Country	Participating Organisations	Short description
Austria	University of Linz, Dept. of Economics	The Department of Economics at the University of Linz directs the Austrian participation in the SHARE project. Its research focus being is labour economics, public economics and problems of pension reform as well environmental economics. It will be represented by the Rudolf Winter-Ebmer, Professor of Economics and specialist in empirical labour economics.
Belgium	University of Antwerp, CSP	CSP's principal objective has been to study the adequacy of social policies. Its research is mainly based on large-scale socioeconomic surveys of households. Karel van den Bosch, senior researcher, will lead the Belgian country team.
Belgium	University of Liège, CREPP	CREPP's main fields of specialisation are social security, retirement behaviour, and well-being among the elderly and intergenerational transfers. Sergio Perelman is in charge of the SHARE project coordination in the Belgian French speaking community.
Czech Rep.	CERGE-EI, Prague	CERGE-EI is fully accredited in both the United States and the Czech Republic. Its main expertise is in social, economic and political transition in the Central and Eastern European countries and in the former Soviet Union region. Radim Bohacek will lead the Czech country team.
Germany	University of Mannheim, Mannheim Res. Inst. for the Economics of Aging (MEA)	MEA is a world-renowned centre of excellence for the economics of ageing. Research areas are savings, social insurance and public policy; macroeconomic implications of population ageing; and public health. MEA is represented by Axel Börsch-Supan, director, who has coordinated the SHARE family of projects.
The Netherlands	University of Tilburg, Netspar	Netspar is a scientific Network for studies on Pensions, Aging and Retirement connected to the Faculty of Economics and Business Administration of Tilburg University. Its general director, Frank van der Duyn Schouten, will lead the Dutch SHARE country team.

ANNEX 2

SCIENTIFIC MONITORING BOARD*Article 1***Establishment**

The Management Board will constitute an advisory board of at least six eminent, independent and experienced scientists (hereinafter referred to as 'the Scientific Monitoring Board') to provide an external advising role for the benefit of the Survey so as to check the quality of the work of the research consortium and to provide periodic advice to the Council and the research consortium.

*Article 2***Independence**

The Scientific Monitoring Board shall be independent from the SHARE-ERIC.

*Article 3***Tasks**

- (1) The main task of the Scientific Monitoring Board is to monitor the scientific quality of SHARE. It should give feedback to the Management Board and the research consortium at least once per year.
- (2) Every two years, the Scientific Monitoring Board shall issue a written report to the Council of the SHARE-ERIC. This report shall also assess the services offered to the users of the SHARE data.
- (3) Initially and after about three years, the Scientific Monitoring Board shall set up a thorough review of the scientific strategy of SHARE, thereby exploring innovative fields and modes of data collection.

*Article 4***Members**

- (1) The members of the Scientific Monitoring Board select new members as they feel appropriate to sufficiently represent all scientific areas covered by SHARE.
- (2) At least one member shall be an investigator of the English Longitudinal Study of Ageing to ensure close cooperation with this survey and to give additional advice and guidance from their experience.
- (3) At least one member shall be an investigator of the U.S. Health and Retirement Study to ensure close cooperation with this survey and to give additional advice and guidance from their experience.
- (4) The current chairperson of the Scientific Monitoring Board is Arie Kapteyn.
- (5) The other current members and the fields they are representing are

Orazio Attanasio (income, consumption, savings)

Lisa Berkman (social epidemiology and biomarkers)

Nicholas Christakis (medical sociology and administrative data)

Mick Couper (survey methods, data dissemination methods, and new technology)

Michael Hurd (savings and health, data access and quality; harmonisation with HRS)

Daniel McFadden (survey methodology)

Norbert Schwarz (survey psychology and data access methodology)

Andrew Steptoe (biomarkers, harmonisation with ELSA)

*Article 5***Budget**

- (1) The chairperson of the Scientific Monitoring Board receives a budget according to Article 9(1) of the Statutes of the SHARE-ERIC for travel expenses and honoraria of Board's members. The Chairperson of the Scientific Monitoring Board has full discretion how to spend the budget.
 - (2) The current annual budget is EUR 30 000. The technical administration of the budget obliges to the staff of the Management Board.
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ANNEX 3

PRELIMINARY COST ESTIMATES DURING PHASE I (WAVE 4)

This Annex gives preliminary cost estimates for running wave 4 of SHARE in 2010 and 2011, i.e., during Phase I according to Article 8(1). The cost categories refer to Article 9 ('Contributions'). This Annex is not the annual spending plan required by Article 6(5) but serves as a starting point for such a plan which will be set up by the Management Board once the SHARE-ERIC is established.

(A): Preliminary estimates of survey cost estimates have been generated by the SHARE management team based on the 2006 and 2008 survey costs. For new countries, preliminary estimates are based on the costs in comparable countries.

(B): Preliminary estimates of operating costs are based on two full-time-equivalent staff in each country with salaries according to the EU Marie-Curie-Programme and estimates of travel, subsistence and overhead costs in each country based on the 2006 and 2008 waves.

Preliminary operating cost estimates for Austria, the Czech Republic, France, Germany and Poland were supplied by these countries. Their estimated operating costs may involve more or less personnel than assumed in the estimates provided by the SHARE management.

(C): Coordination costs for Germany have been estimated based on the 2006 and 2008 waves.

(D): The countries' contribution to all other common costs have been estimated based on the 2006 and 2008 waves and allocated to each country according to Article 9(5). They may, however, be substantially lower or even zero if other funding organisations such as the European Commission or the U.S. National Institute on Aging contribute to these costs via grants or separate contracts.

Estimated costs for wave 4 (2010-11) by country and source*(in thousand EUR)*

	(A) Survey costs for a sample of 6 000 individuals	(B) Operating costs (staff, travel, and overheads)	(C) Coordination costs	(D) Maximum share of other common costs	Total
Austria	1 006	322		109	1 438
Belgium	778	318		99	1 194
Czechia	338	167		71	576
Denmark	892	409		105	1 406
Estonia	460	243		59	761
France	1 024	327		97	1 448
Germany	784	314	1 887	102	3 087
Greece	602	285		84	971
Hungary	460	243		55	758
Ireland	1 024	339		126	1 490
Israel	602	285		79	966
Italy	782	322		88	1 191
Luxembourg	1 556	358		145	2 059
Netherlands	794	314		117	1 224
Poland	453	226		50	730
Portugal	602	285		66	953
Slovenia	460	243		79	781

(in thousand EUR)

	(A) Survey costs for a sample of 6 000 individuals	(B) Operating costs (staff, travel, and overheads)	(C) Coordination costs	(D) Maximum share of other common costs	Total
Spain	786	300		91	1 177
Sweden	1 024	339		107	1 471
Switzerland	1 556	358		122	2 036
TOTAL	15 983	5 997	1 887	1 851	25 719

ANNEX 4

RESTRICTED PROCUREMENT PROCEDURE

The following restricted procurement procedure shall be applied to all survey research and survey development services where the benefits accrue to the entire scientific community and which are wholly remunerated by the SHARE-ERIC.

Survey research and survey development services include those research and development services that are necessary to maintain and advance the state of the art in survey technology. They include, but are not confined to, the development of survey software, research on survey methodology, and the development of innovative interview techniques and their application in the field.

The description of the services to be procured shall be made publicly available in a contract notice before the beginning of the procurement process. The contracting parties shall indicate in such notice the objective and non-discriminatory criteria or rules they intend to apply, the minimum number of candidates they intend to invite and, where appropriate, the maximum number.

Competition can be limited to three potential providers. If there are three or less providers in the market for the services to be contracted, all providers in the market must be included in the competition.

The selection among bidders shall be based on the lowest offer price and the highest service quality. Service quality shall be defined by the description in (1).

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