



2024/2524

27.9.2024

**COMMISSION IMPLEMENTING DECISION (EU) 2024/2524**

**of 25 September 2024**

**amending Decision 2011/166/EU setting up the SHARE-ERIC**

*(notified under document C(2024) 6621)*

**(Only the Bulgarian, Croatian, Czech, Dutch, English, French, German, Greek, Hungarian, Italian, Polish, Slovenian and Swedish texts are authentic)**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) <sup>(1)</sup>, and in particular Article 11(1) thereof,

Whereas:

- (1) Regulation (EC) No 723/2009 has been incorporated in the Agreement on the European Economic Area (EEA) by Decision of the EEA Joint Committee No 72/2015 <sup>(2)</sup>.
- (2) The Survey of Health, Ageing and Retirement in Europe as a European Research Infrastructure Consortium (SHARE-ERIC) was set up by Commission Decision 2011/166/EU <sup>(3)</sup>.
- (3) The Statutes of the Survey of Health, Ageing and Retirement in Europe as a European Research Infrastructure Consortium (SHARE-ERIC) was amended by Commission Implementing Decision 2014/302/EU <sup>(4)</sup>.
- (4) SHARE-ERIC submitted on 18 April 2023 and on 15 January 2024 a proposal to the Commission to amend its Statutes in accordance with Article 11(1) of Regulation (EC) No 723/2009.
- (5) Some amendments, improving SHARE-ERIC governance and contributions, and updating some Annexes, entered into force in accordance with Article 11(4) of Regulation (EC) No 723/2009.
- (6) Some amendments extending the duration of SHARE-ERIC, introducing minor changes in the statutory seat as of 1 January 2025, in the tasks, in the Scientific Evaluation, Intellectual Property Rights and Dissemination policies, updating references to procurement and tax exemptions directives, require the Commission's approval.
- (7) The Commission has, pursuant to Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 20 of Regulation (EC) No 723/2009,

<sup>(1)</sup> OJ L 206, 8.8.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/723/oj>.

<sup>(2)</sup> Decision of the EEA Joint Committee No 72/2015 of 20 March 2015 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2016/755] (OJ L 129, 19.5.2016, p. 85, ELI: <http://data.europa.eu/eli/dec/2016/755/oj>).

<sup>(3)</sup> Commission Decision 2011/166/EU of 17 March 2011 setting up the SHARE-ERIC (OJ L 71, 18.3.2011, p. 20, ELI: <http://data.europa.eu/eli/dec/2011/166/oj>).

<sup>(4)</sup> Commission Implementing Decision 2014/302/EU of 27 May 2014 amending Decision 2011/166/EU setting up the SHARE-ERIC (OJ L 159, 28.5.2014, p. 52, ELI: [http://data.europa.eu/eli/dec\\_impl/2014/302/oj](http://data.europa.eu/eli/dec_impl/2014/302/oj)).

HAS ADOPTED THIS DECISION:

*Article 1*

The Statutes of the SHARE-ERIC annexed to Decision 2011/166/EU are amended in accordance with the Annex to this Decision.

*Article 2*

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Kingdom of Sweden, the State of Israel and the Swiss Confederation.

Done at Brussels, 25 September 2024.

*For the Commission*

Iliana IVANOVA

*Member of the Commission*

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## ANNEX

The Statutes of the SHARE-ERIC annexed to Decision 2011/166/EU are amended as follows:

(1) Article 2(1) is replaced by the following:

‘(1) The Statutory Seat of the Organisation shall be in Berlin, Germany.’

(2) Article 3(2) is replaced by the following:

‘(2) The current design of SHARE shall be continuously upgraded along the following 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.
- (b) expand SHARE to include all EU Member States.
- (c) increase sample size of SHARE in order to make the Survey usable also for within-country analyses. In general, the target sample size shall be 6 000 individuals aged 50 and older in each member country.
- (d) remain state-of-the-art in survey content and methodology.’

(3) Article 10 is replaced by the following:

*‘Article 10*

**Scientific Evaluation Policy**

(1) Every six years, a scientific evaluation of SHARE-ERIC activities and services shall take place. The evaluation shall be done by a panel of independent international external evaluators of the highest quality. This panel will produce and submit the evaluation report to the Council.

(2) The Scientific Evaluation Policy will be set out in the SHARE Bylaws to be adopted by the Council.’

(4) Article 11 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘(2) The SHARE-ERIC is the owner of the Survey and all of its data, including add-ons certified by SHARE, meta and para data, all address and link files, of all publications issued by SHARE-ERIC including its websites, and of all intellectual property rights emanating from setting up and conducting the Survey.’

(b) paragraph 3 is deleted.

(5) Article 12 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘(1) The SHARE-ERIC shall disseminate the collected data after data cleaning, imputation, and documentation according to Article 4(e) of the Council Regulation (EC) No 723/2009 on the Community legal framework for a European Research Infrastructure Consortium, after taking account of international and national data protection laws, without delay to the scientific community.’

(b) paragraph 3 is replaced by the following:

‘(3) Use and collection of the SHARE data is subject to European and national laws of data protection. With regard to the national data collection, processing and the subsequent dissemination of the data, SHARE-ERIC and the Scientific Partner Institutions act as “joint controllers” pursuant to Article 26 of the European General Data Protection Regulation. Use of the SHARE data by users who are not subject to Community legislation shall be conditional on signing a declaration of data confidentiality according to the form provided by the European Commission (Commission Implementing Decision (EU) 2021/914 of 4 June 2021 on standard contractual clauses for the transfer of personal data to third countries pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council).’

(6) Article 13 is amended as follows:

(a) paragraph 4 is replaced by the following:

‘(4) Tax exemptions based on Articles 143(1)(g) and 151(1)(b) of Council Directive 2006/112/EC (\*), and on Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011 (\*\*), shall apply to purchases of goods and services which are for the official use by the SHARE-ERIC, are procured and paid for by it and for which the amount of VAT to be reimbursed exceeds a total of EUR 25 per invoice. Procurement by individual members shall not benefit from these exemptions.

The first subparagraph shall not apply, however, so as to have the effect of distorting competition.

(\*) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1, ELI: <http://data.europa.eu/eli/dir/2006/112/oj>).

(\*\*) Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1, ELI: [http://data.europa.eu/eli/reg\\_impl/2011/282/oj](http://data.europa.eu/eli/reg_impl/2011/282/oj))’

(b) paragraph 5 is replaced by the following:

‘(5) Excise goods as defined in Points (b) and (c) of Article 1(1) of Council Directive 2020/262/EC (\*), may be granted an exemption from payment of excise duty in accordance with point (b) of Article 11(1) of that Directive provided that those excise goods are intended exclusively for official use by the SHARE-ERIC and are procured and paid for by it.

No exemption from payment of excise duties shall be granted for excise goods intended for the personal use of the SHARE-ERIC employees or of third parties.

(\*) Council Directive (EU) 2020/262 of 19 December 2019 laying down the general arrangements for excise duty (OJ L 58, 27.2.2020, p. 4, ELI: <http://data.europa.eu/eli/dir/2020/262/oj>).

(c) paragraph 6 is replaced by the following:

‘(6) Duties paid on energy products and electricity as defined in Article 1(1)(a) of Directive 2020/262/EC, may be refunded in accordance with Point (b) of Article 11(1) and Article 11(2) of that Directive, provided that those energy products and electricity are intended exclusively for official use by the SHARE-ERIC and are procured and paid for by it, and that the amount of the duty exceeds a total of EUR 25 per invoice.

No duty exemption shall be granted on energy products or electricity intended for the personal use of the SHARE-ERIC employees or of third parties.’

(7) Article 19 is replaced by the following:

‘Article 19

### **Duration of the Organisation**

(1) The Organisation is set up for an indefinite period of time.

(2) A Contracting Party may withdraw from the SHARE-ERIC by giving a written notice to the Chair twenty-four months in advance. The date of withdrawal shall coincide with the end of one SHARE Wave.

(3) A motion, specifying the procedure and timeframe, if approved by the Council by a two-thirds majority, can wind up 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 the Council Regulation (EC) No 723/2009 on the Community legal framework for a European Research Infrastructure Consortium. Without undue delay after the closure of the winding-up procedure, and in any event within 10 days after such closure, the ERIC shall notify the Commission thereof.’