



Historical Archives of the European Union

Framework Partnership Agreement

SG-FPA-2023-1



FRAMEWORK PARTNERSHIP AGREEMENT

FOR THE MANAGEMENT OF THE HISTORICAL ARCHIVES OF THE EUROPEAN UNION¹

This Agreement ('the Agreement') is concluded between the following parties:

on the one part,

The **European Union** ("EU"), represented by the European Commission ("European Commission") represented for the purposes of signature of this Framework agreement by **Ilze JUHANSONE**, Secretary-General,

and

on the other part,

"the partner"

European University Institute (EUI)
Via dei Roccettini 9
I-50016 San Domenico Di Fiesole (FI)
Italy

represented for the purposes of signature of this Framework agreement by **Marco DEL PANTA**, Secretary-General.

All provisions referring to the 'coordinator' or the 'beneficiaries' will be considered as referring to the partner.

The parties referred to above have agreed to enter into this Agreement.

By signing this Agreement and the accession forms, the beneficiaries accept the framework partnership and agree to implement it and the grants entered into in accordance with the framework partnership agreement and the grant agreements and with all the obligations and the terms and conditions they set out.

¹ Council Regulation No 354/1983 concerning the opening to the public of the historical archives of the EU

This Agreement is composed of:

Preamble

Terms and Conditions

Annex 1 Action Plan

PREAMBLE

The European University Institute was established in 1972 by a convention signed by the founding members of the European Communities. It offers a unique European academic research hub with one of the world's largest doctoral and postdoctoral programmes in the fields of Political and Social Science, History, Law and Economics, as well as the Schuman Centre for Applied Research and the School of Transnational Governance.

The European Union and the European University Institute in Florence (EUI) have been partners in the management of the historical archives of the European Union since 1984. This mutually beneficial cooperation was embedded in EU law by way of Council Regulation 2015/496, amending Council Regulation 354/83 (hereinafter: the Archives Regulation).

Under the amended Archives Regulation all EU institutions², with the exception of the Court of Justice of the EU and the European Central Bank, shall deposit their historical archives at the EUI once these archives have been opened to the public³.

The Archives Regulation provides that, on behalf of the depositing institutions, the Commission shall conclude a framework partnership agreement with the EUI. It furthermore provides that the framework partnership agreement shall include detailed provisions on the mutual roles and responsibilities of the institutions and the EUI for the management of historical archives of the Union, including their deposit, preservation, access and public consultation.⁴

The purpose of the deposit of the EU historical archives at the EUI is to preserve and provide access to the EU archives from a single location, to promote their consultation, to stimulate research and to promote public interest in the history of European integration and the European institutions.

The partnership with the European University Institute aims to:

- bring the historical archives of the EU institutions together at a single location where they can be made available for public consultation;
- ensure the fullest and most effective public access to the historical archives of the European Union;
- give a new impetus to the preservation and dissemination of the memory of the EU institutions by adding value to, and promoting public consultation and knowledge of these archives;
- valorise the EU historical archives for public information and education purposes towards young learners and the interested public of all ages;
- leverage the unique position of the EUI as a European research institute to promote the EU historical archives within the European research landscape;
- prioritise online digital access by digitising paper archives, publishing inventories and

² In article 1.1 of the Archives Regulation, "institutions" are defined as "*each institution of the European Community and of the European Atomic Energy Community, as well as the European Economic and Social Committee, the Committee of Regions, agencies and similar bodies set up by the legislator*".

³ The Court of Justice of the EU nevertheless deposits its historical archives at the EUI on a voluntary basis since 2014.

⁴ OJ L43, 15.2.83, p.1.

digital archives through the EUI's digital archives management system and via the Archives Portal Europe;

- promote the parallel acquisition by the EUI of private archives as a complement to institutional archives in order to achieve the greatest possible comprehension of the history of the construction of Europe;
- obtain synergies in the work of the EU institutions and the EUI and raise efficiency in the management of the historical archives of the EU
- increase inter-institutional cooperation, harmonisation and standardisation of archival processes, based on the mutual roles and responsibilities for these archives.

TERMS AND CONDITIONS

TABLE OF CONTENTS

FRAMEWORK PARTNERSHIP AGREEMENT 3

PREAMBLE..... 5

TERMS AND CONDITIONS 7

DATA SHEET 8

CHAPTER 1 GENERAL 9

ARTICLE 1 — SUBJECT OF THE AGREEMENT 9

ARTICLE 2 — DEFINITIONS..... 9

CHAPTER 2 FRAMEWORK PARTNERSHIP 10

ARTICLE 3 — FRAMEWORK PARTNERSHIP..... 10

3.1 Framework partnership — Action plan 10

3.2 Award of grants — Grant agreements 10

ARTICLE 4 — DURATION AND STARTING DATE..... 10

CHAPTER 3 FRAMEWORK PARTNERSHIP IMPLEMENTATION..... 11

ARTICLE 5 — CONSORTIUM: BENEFICIARIES AND OTHER PARTICIPANTS 11

ARTICLE 6 — PROPER IMPLEMENTATION OF THE FRAMEWORK PARTNERSHIP..... 11

CHAPTER 4 SUSPENSION AND TERMINATION..... 11

ARTICLE 7 — FRAMEWORK PARTNERSHIP SUSPENSION..... 11

ARTICLE 8 — FRAMEWORK PARTNERSHIP OR BENEFICIARY TERMINATION 12

8.1 Termination of the Agreement 12

8.2 Beneficiary termination 12

CHAPTER 5 FINAL PROVISIONS 12

ARTICLE 9 — COMMUNICATION BETWEEN THE PARTIES 12

ARTICLE 10 — AMENDMENTS 12

ARTICLE 11 — ACCESSION AND ADDITION OF NEW BENEFICIARIES 12

ARTICLE 12 — TRANSFER OF THE AGREEMENT..... 13

ARTICLE 13 — APPLICABLE LAW AND SETTLEMENT OF DISPUTES 13

ARTICLE 14 — ENTRY INTO FORCE..... 13

ANNEX 1 ACTIONS PLANNED UNDER THE PARTNERSHIP, ROLES AND RESPONSIBILITIES..... 15

DATA SHEET

N.A.

CHAPTER 1 GENERAL

ARTICLE 1 — SUBJECT OF THE AGREEMENT

This Framework agreement is concluded in accordance with Council Regulation 354/83 as part of a long-term cooperation between the Commission and the partner ("the partnership") with the aim to contribute to the objectives of the Union policy regarding the management of the EU Historical Archives as referred to in the Preamble.

This Agreement establishes a long-term cooperation ('framework partnership') for the award of EU grants.

ARTICLE 2 — DEFINITIONS

For the purpose of this Agreement, the following definitions apply:

Actions — The projects carried out in the specific grants awarded under the framework partnership.

Grants — The specific grants awarded under the framework partnership.

Participants — Entities participating in the framework partnership as beneficiaries, affiliated entities or associated partners.

Beneficiaries (BEN) — The signatories of this Agreement (either directly or through an accession form).

Affiliated entities (AE) — Entities affiliated to a beneficiary within the meaning of Article 187 of EU Financial Regulation 2018/1046⁵ which participate in the actions under the framework partnership with similar rights and obligations as the beneficiaries (obligation to implement action tasks and right to charge costs and claim contributions).

Associated partners (AP) — Entities which participate in the actions under the framework partnership, but without the right to charge costs or claim contributions.

⁵ For the definition, see Article 187 Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ('EU Financial Regulation') (OJ L 193, 30.7.2018, p. 1): "**affiliated entities** [are]:

- (a) entities that form a sole beneficiary (i.e. where an entity is formed of several entities that satisfy the criteria for being awarded a grant, including where the entity is specifically established for the purpose of implementing an action to be financed by a grant);
- (b) entities that satisfy the eligibility criteria and that do not fall within one of the situations referred to in Article 136(1) and 141(1) and that have a link with the beneficiary, in particular a legal or capital link, which is neither limited to the action nor established for the sole purpose of its implementation".

CHAPTER 2 FRAMEWORK PARTNERSHIP

ARTICLE 3 — FRAMEWORK PARTNERSHIP

3.1 Framework partnership — Action plan

The framework partnership is awarded to the European University Institute (EUI) ('framework partnership').

The objectives and activities to be implemented under the framework partnership are set out in the 'action plan' in Annex 1.

3.2 Award of grants — Grant agreements

The granting authority may award grants for the activities set out in the action plan.

The partner must submit each year an annual action programme which must be jointly agreed by the parties. The annual action programme must be in line with the action plan set out in Annex I and serves as a basis for the award of any specific grants during the year in question.

The Framework agreement applies to any specific grant awarded for implementation of the partnership and to the respective specific grant agreements ("Specific agreements") concluded between the parties.

If the granting authority decides to award a grant to the beneficiaries, it will propose to conclude a grant agreement to be signed by the authorised representative of the parties. Grant agreements must be signed before the date when the framework partnership agreement expires. Where the actions are carried out after the above-mentioned date, the terms of the framework partnership agreement continue to apply to the implementation of the grant agreements governed by the framework partnership agreement.

Signature of the Framework agreement does not give rise to any obligation of the Commission to award specific grants. It does not affect the partner's participation in other calls for proposals for the purposes of award of grants outside the scope of the Action plan set out in Annex I.

The following type of grant agreement is available under this framework partnership:

- EU Historical Archives SG – MGA

For all grant agreements entered into under the framework partnership agreement, the beneficiaries commit to accept the grants and agree to implement the actions under their own responsibility and in accordance with the framework partnership and grant agreements, with all the obligations and conditions they set out.

ARTICLE 4 — DURATION AND STARTING DATE

The framework partnership agreement enters into force on the date on which the last party signs it. The Framework agreement is concluded for a period of five years starting from the date of its entry into force

All grant agreements under the framework partnership must be signed before the end of the framework partnership.

CHAPTER 3 FRAMEWORK PARTNERSHIP IMPLEMENTATION

ARTICLE 5 — CONSORTIUM: BENEFICIARIES AND OTHER PARTICIPANTS

The framework partnership consortium is made up of the beneficiaries set out in the Preamble and the following:

- affiliated entities:
 - None

Only participants that are part of the framework partnership consortium can apply for grants, but not all participants in the framework partnership consortium must participate in all grants.

ARTICLE 6 — PROPER IMPLEMENTATION OF THE FRAMEWORK PARTNERSHIP

The beneficiaries must respect the objectives of the framework partnership and implement it as described in Annex 1 and endeavour to achieve those objectives also in the implementation of the grants awarded under the partnership.

The beneficiaries must maintain relations of mutual co-operation and regular and transparent exchanges of information with the granting authority on:

- the implementation and follow-up of the action plan and the grants and
- other matters of common interest related to the framework partnership.

CHAPTER 4 SUSPENSION AND TERMINATION

ARTICLE 7 — FRAMEWORK PARTNERSHIP SUSPENSION

Any of the parties may request the suspension of the framework partnership on duly justified grounds.

The party suspending the Agreement must submit a request for **amendment** (see Article 10), with:

- the reasons why
- the date the suspension takes effect; this date may be before the date of the submission of the amendment request and
- the expected date of resumption.

The suspension will **take effect** on the day specified in the amendment.

Once circumstances allow for implementation to resume, the coordinator must immediately request another **amendment** of the Agreement to set the suspension end date, to set the resumption date (one day after suspension end date), extend the duration of the partnership and make other changes necessary to adapt the partnership to the new situation (see Article 10) — unless the partnership has been terminated (see Article 8). The suspension will be **lifted** with effect from the suspension end date set out in the amendment. This date may be before the date of the submission of the amendment request.

ARTICLE 8 — FRAMEWORK PARTNERSHIP OR BENEFICIARY TERMINATION

8.1 Termination of the Agreement

Any of the parties may request the termination of the framework partnership on duly justified grounds.

The party terminating the Agreement must submit a request for **amendment** (see Article 10), with:

- the reasons why and
- the date the termination takes effect ('termination date'); this date must be after the date of the submission of the amendment request.

The termination will **take effect** on the termination date specified in the amendment.

Termination does not release the parties from their obligations under the ongoing grant agreements under the framework partnership, unless they have also been terminated.

Neither party may claim damages due to termination by the other party.

8.2 Beneficiary termination

The parties may terminate the participation of one or more beneficiaries in the framework partnership on the same grounds and according to the same procedures as those set out in the grant agreements.

The coordinator must then also submit a request for amendment (see Article 10) to adapt Annex 1 and, if necessary, addition of one or more new beneficiaries (see Article 11).

If the request for amendment is rejected by the granting authority, the framework partnership agreement may be terminated.

Termination of the participation does not release the beneficiary concerned from its obligations under the ongoing grant agreements under the framework partnership. It cannot however participate in new grants signed after the date on which the termination takes effect.

CHAPTER 5 FINAL PROVISIONS

ARTICLE 9 — COMMUNICATION BETWEEN THE PARTIES

Communications must be made following the same rules and procedures as those set out in the grant agreements.

ARTICLE 10 — AMENDMENTS

The parties may request amendments under the same conditions and procedures as those set out in the grant agreements.

ARTICLE 11 — ACCESSION AND ADDITION OF NEW BENEFICIARIES

N.A.

ARTICLE 12 — TRANSFER OF THE AGREEMENT

N.A.

ARTICLE 13 — APPLICABLE LAW AND SETTLEMENT OF DISPUTES

For applicable law and settlement of disputes, the same rules and procedures apply as those set out in the grant agreements.

ARTICLE 14 — ENTRY INTO FORCE

The Agreement will enter into force on the day of signature by the granting authority or the coordinator, depending on which is later.

SIGNATURES

For the partner
Marco DEL PANTA
Secretary-General

For the Commission
Ilze JUHANSONE
Secretary-General

electronic signature
Done in English
on

electronic signature
Done in English
on

ANNEX 1

ACTIONS PLANNED UNDER THE PARTNERSHIP, ROLES AND RESPONSIBILITIES

1. **The deposit of the EU historical archives at the European University Institute (EUI)**
 - a) The institutions⁶ of the European Union deposit the original documents and files of their historical archives⁷ at the EUI in accordance with the provisions of Council Regulation No 354/83 (hereafter 'Archives Regulation') and the conditions stipulated in this partnership agreement.
 - b) Hereafter, "deposit of the historical archives at the EUI" means both the physical deposit at the EUI for permanent preservation of the original non-digital archives and the granting of permanent access to the digital archives of the EU institutions.
 - c) EU institutions either grant the EUI access to digital consultation archives managed and hosted by the institution or, if applicable, transfer digital copies along with the original paper documents.
 - d) In accordance with article 8.4 of the Archives Regulation and point 4 of this annex, the EUI will respect the principle of provenance and will not modify the arrangement and classification⁸ established by the depositing institutions⁹, nor eliminate, alter or destroy documents or files, unless specifically instructed by the institution concerned.
 - e) Further to article 8.7 of the Archives Regulation, the EUI will consult the depositing institutions before recruiting the person mainly responsible for the management of the EU Historical Archives.
 - f) Before depositing their archives at the EUI, the depositing institutions will identify, appraise, declassify, describe and, where necessary, digitise the archives for public consultation in accordance with the Archives Regulation and with recognised international archival standards.¹⁰

⁶ OJ L43, 15.2.1983, p.1. Article 1.1 of Council Regulation No 354/83 defines "institutions" as "*each institution of the European Community and of the European Atomic Energy Community, as well as the European Economic and Social Committee, the Committee of Regions, agencies and similar bodies set up by the legislator*".

⁷ Ibid., Article 1 par. 2.

⁸ "Arrangement" refers to the organisation and sequence of items within the archives taking account of their provenance and original order, "Classification" refers to the systematic identification of records and archives as defined in ISO standard 15489.

⁹ At the date of signature of this Framework Partnership Agreement the European Parliament, the Council of Ministers, the European Commission, the Court of Justice of the European Union, the European Court of Auditors, the European Economic and Social Committee, the European Investment Bank, CEDEFOP, EUROFOUND, the European Environment Agency and the European Ombudsman deposit their historical archives at the EUI.

¹⁰ Such as the ICA standards ISAD(G) and ISAAR (CPF).

- g) The depositing institutions will provide transport to the EUI of the non-digital archives, including any related insurance costs. The exchange of archival metadata and digital archives for consultation and/or digital preservation is managed via secure digital transmission channels provided either by the EU institution concerned or by the EUI.
- h) As soon as possible but no later than 4 weeks after the reception of deposited archives, the EUI will send an acknowledgement of receipt to the depositing institutions concerned.

2. Preservation of non-digital archives at the EUI

- a) The deposited non-digital archives are preserved in purpose built repositories, such as the one at Villa Salviati, which are made permanently and freely available to the EUI for this purpose by the Italian government.
- b) In accordance with article 1.5 of the Archives Regulation, original documents and files may not be given in loan to a third party, e.g. for an exhibition, nor for consultation in the reading room of the EU Historical Archives, without the express prior consent of the depositing institution. This does not apply to cases foreseen under point 4.b below.
- c) Further to article 8.6 and 8.8 of the Archives Regulation, the EUI regularly measures and controls the preservation conditions of deposited original archives and immediately informs the depositing institutions concerned of any circumstances that could put at risk the preservation or protection of the deposited archives. It will take adequate steps to mitigate any such deterioration or danger to the original archives.
- d) In accordance with article 8.8. of the Archives Regulation, the EUI will provide its full cooperation to any depositing institution that wishes to carry out an inspection of its deposited archives.
- e) Digitisation projects to preserve the most fragile archives and to facilitate the access to the most frequently requested archives will be included in the draft annual work programs for discussion with the depositing institutions.

3. Digital preservation

- a) In accordance with the Archives Regulation, the EU institutions are responsible for the digital preservation of their own digital archives. Long term digital preservation is therefore not a service available under the framework partnership agreement.
- b) Should the EUI offer long term digital preservation as a service, the modalities of this service will be agreed bilaterally between the EUI and the individual EU institutions concerned. The costs of this service will be funded from fees charged to the EU institutions that make use of it.

4. Description

- a) The depositing institutions will provide descriptions for all deposited archives. These descriptions are prepared and structured in accordance with recognised archival standards on description and archival classification.
- b) In cooperation with the depositing institutions, the EUI will prepare common guidelines for EU institutions on archival description and classification, based on recognised international standards. The guidelines will set out details on the descriptive metadata and the logical structure of the deposits required for the presentation, search and retrieval of archives. They will specify how those metadata should be exchanged. The guidelines will take into account the online dissemination of the EU institutional archives via the Archives Portal Europe and the standards used for that portal.
- c) The EUI will respect the copyright and intellectual property rights of the depositing institutions for their deposited archives and their finding aids. Where necessary the EUI will collaborate with the Audio-visual services of depositing institutions for questions on copyright and intellectual property of photographs and other audio-visual material contained in these archives,.
- d) In consultation with the depositing institutions and in accordance with the guidelines for description and archival classification (see 4.b) the EUI will consolidate and complement the archival descriptions provided by the depositing institutions. It will provide links to other relevant archival holdings deposited at the EUI and prepare finding aids.
- e) In cooperation with the depositing institutions and with the aim of enhancing the search and retrieval of archives, the EUI will coordinate the use of controlled vocabularies and thesauri for relevant subject matters, geographic places, names of persons, legal references and organisational entities. To the extent possible, the data will be based on existing linked open data initiatives.
- f) In accordance with the above, the EUI will prepare and publish inventories and other finding aids for the archives deposited at the EUI in accordance with recognised international archival standards.¹¹
- g) The EUI will also prepare thematic research guides to present overviews on Community policy areas or specific historical events, such as treaties, enlargements and conventions. These research guides will give a horizontal overview on the various EU institutional holdings referring to a given subject and include references to private archival material, oral history and audio-visual resources available.

¹¹ Ibid.

5. Ensuring public access to the archives

- a) The EUI will provide free of charge public access to the deposited archives onsite in a dedicated reading room during normal working hours as indicated on the relevant webpages of the EUI. The reading room will comply with internationally recognised standards and will be suitably equipped for the consultation of analogue and digital finding aids and archives.
- b) In order to protect the deposited archives from deterioration, access will be given to a microform or digital copy. If there is no duplicate available, if the quality of the duplicate is not sufficient or if the duplicate is not suitable for a specific purpose of consultation, access may exceptionally be given to the original document.
- c) Priority is given to furthering the online access to the EU historical archives in digital format. The depositing institutions will provide, whenever possible, access to digital copies of the deposited paper archives. In cooperation with the EU institutions, the EUI will digitise selected archives already deposited in Florence. According to available resources, the EUI may also provide on-demand digitisation services for access requests of individual researchers.
- d) In coordination with the depositing institutions, the EUI will integrate online access to the EU historical archives in the Archives Portal Europe through a regular upload of relevant archival inventories into the portal, taking account of the standards used by the Archives Portal Europe.
- e) The Historical Archives of the EU is the primary point of access to the historical archives of the Union. This does not exclude that the EU Institutions may give direct public access to their own historical archives.

6. Promoting the archives

- a) To promote the broadest and most user-friendly access to the archives, the EUI will publish the archival inventories and provide online access to the deposited archives. Moreover, the EUI and the depositing institutions will coordinate the presentation of the archives on their respective websites and provide links between these sites and to related information on available fonds and archival activities that they have published.
- b) The EUI will publish news and press releases on their website and via other relevant channels to inform the research community and the interested public about new archival deposits available for consultation. It will also seek to inform and engage the public on available archives and archival activities via social media.
- c) In order to inform the interested public about European integration and the European institutions through the memory contained in the historical archives, the EUI will
 - organise public visitor programmes to the archives, particularly of school classes, university seminars and cultural associations,
 - develop teaching materials for educational purposes on the EU's archival memory,

- establish an online platform for sharing and engaging with the public interested in educational materials on European integration based on the EU institutions' historical archives.
- d) The EUI will seek to cooperate, where possible and useful, with other organisations and institutions that keep archives that are relevant to the history of European integration and the EU institutions.
- e) The EUI will collaborate and coordinate its promotional activities with other EU initiatives, such as the visitor programmes of EU institutional archives services, the House of European history.
- d) To promote and facilitate research of the EU historical archives, the EUI may cooperate with depositing institutions, other EUI services, such as the Alcide de Gasperi centre, and external partners to organise seminars and conferences, exhibitions, public events and grant programmes for researchers.

7. Digitisation and digital access to archives

- a) The EUI will provide online access to deposited archives digitised by EU institutions and will complement these collections by digitising paper archives deposited at the EUI. The EUI will cooperate with the institutions concerned to prioritise the collections that will be digitised and to ensure that digitisation projects comply with the technical standards of the depositing institution as well as with the data protection and other relevant rules that are applicable to the EU historical archives.
- b) The EUI will include proposals for the digitisation and online access of archives deposited at the EUI in its annual work programme.
- c) The EUI may, depending on the availability of necessary resources, digitise individual archival files and documents on demand in duly justified cases, e.g. if researchers are unable to travel to Florence to consult the archives in the reading room at Villa Salviati.
- d) The EUI will cooperate with the depositing institutions to improve the exchange of data between them in order to facilitate the import and management of archival descriptions and links for the consultation of the EU historical archives. Where useful, the EUI will cooperate with initiatives by the EU depositing institutions in this domain, such as the data exchange component to be developed by the European Commission.
- e) To enhance access to digital archives, the EUI will enrich the archival descriptions via the use of search and retrieval technologies, metadata standards, standardised vocabularies, thesauri and automated translation tools.

8. Oral history and audio-visual collections

- a) The EUI holds important oral history collections, which consist largely of interviews produced by or in cooperation with EU institutions that document the role and impact of EU officials and political leaders in the process of European integration.

- b) Over the years the EUI has obtained considerable experience and know-how on the production, management, preservation of, and access to oral history sources. The EUI will, therefore, continue to develop its collection of relevant oral history sources as a complement to the archives of the EU institutions.
- c) Over time, the EU institutions have gathered rich collections of audio-visual archival material. The EUI will support the archives services of EU institutions to safeguard this rich archival heritage and, whenever useful, offer services and provide guidance for the treatment, description, preservation and access to audio-visual archives, including the promotion of depositing such materials at the EUI for long-term preservation and public access.

9. Data protection

- a) The EUI will cooperate with the depositing institutions to observe the data protection provisions set out in Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 18 December 2018 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹² (hereafter Regulation No 2018/1725), that apply to the historical archives of the EU institutions.
- b) Each depositing institution acts as data controller for the personal data contained in the archives it has deposited at the EUI and ensures that any personal data contained in the deposited archives are processed in accordance with Regulation No 2018/1725.
- c) It is the responsibility of the data controller, namely the depositing institution, to ensure the processing is subject to appropriate safeguards, in accordance with Article 13 of Regulation No 2018/1725, and to implement, if necessary, derogations in accordance with Article 25(4) of that Regulation. These may be laid down in internal rules of each depositing institution. The data controllers may also provide guidance on how the opened archives will be effectively made accessible to the public (for example, on paper, in digital format or via the internet), on the conditions for reuse and whether deposited paper archives can be digitised.
- d) As regards personal data contained in the deposited EU historical archives, the EUI will act as data processor for the depositing institutions in accordance with Article 29 of Regulation No 2018/1725.
- e) In accordance with article 8.11 of the Archives Regulation, the EUI ensures that appropriate technical and organisational measures are in place so that processing meets the requirements of Regulation No 2018/1725 and guarantees the protection of the rights of the data subject.¹³

¹² [OJ L 295, 21.11.2018, p. 39–98.](#)

¹³ The EUI's internal data protection rules have been defined in the President's Decision No.10/2019 regarding data protection at the European University Institute. Art.18 refers specifically to the data processing as regards EU institutional archives by the EUI.

- f) The processing under this agreement is for archiving purposes in the public interest, in line with Articles 4(1)(b) and 13 of Regulation No 2018/1725. It covers any personal data contained in the deposited archives. All processing by the EUI in relation to personal data contained in the deposited archives concerns personal data already opened to the public by the depositing institution before transferring to the EUI.

10. The acquisition and treatment of private archives

- a) The EUI undertakes to acquire, treat, describe, and prepare for public consultation, archival collections of individual persons, public organs or private organisations that have contributed to the construction of Europe. These collections should serve as a complement to, and contribute to a better understanding of the historical archives deposited by the EU institutions.
- b) The acquisition of private collections by the EUI will cover the following areas:
- papers deposited by former Presidents, Vice-Presidents, Commissioners, Members of the European Parliament and high officials of EU institutions. The EUI will inform the institutions concerned of any such acquisitions in accordance with point 9(e) and ensure that they are made in accordance with the relevant rules and regulations in force at these institutions;
 - documents deposited by high level political personalities that played an important role in the process of European integration;
 - archives of historical interest deposited by European movements, associations and organisations or political groups and parties;
 - copies of archives held by National Archives or other relevant archives in EU member states relating to the history of European integration.
 - collections of academic research projects on the history of European integration, comprising copies or originals of archival documents, audio-visual materials, and relevant research data.

Proposals for such acquisitions will be included in the draft work programmes.

- c) The EUI will ensure that any personal data contained in these archives are processed in accordance with the General Data Protection Regulation¹⁴ (hereafter GDPR). The deposit agreement between the depositing person or entity and the EUI will determine who will act as data controller and data processor and whether any specific national law implementing the GDPR is applicable. The EU institutions are not responsible for protecting the personal data contained in these archives.

¹⁴ Regulation (EU) No 2016/679

- d) The EUI will treat documents that originate from one of the EU institutions and that are present in private papers and collections deposited by individual persons or entities in accordance with the applicable legislation. To this end:
- the EUI will open the private archives that originate from the EU Institutions deposited by individuals or entities to the public in accordance with the provisions of the Archives Regulation.¹⁵
 - the EUI will submit any requests for public access concerning documents that originate from an EU Institution, and that have not yet been opened to the public in accordance with the Archives Regulation, to the institution concerned;
 - the EUI will seek to declassify any documents with a security classification in cooperation with the institution concerned.
- e) The EUI will include proposals for the acquisition and treatment of private archives in its annual action programme, including a short description of the origin, content and volume of the collections concerned as well as the resources required for their processing and preservation. The EUI will inform the Commission if other opportunities to acquire private archives arise in the course of the year. The Commission will, in turn, inform the other depositing institutions.
- f) The acquisition of private archives will not in any way affect the primary responsibility of the EUI to collect and provide public access to the historical archives deposited at the EUI by the EU institutions, as set out in this agreement.

11. Annual budget and work programme

- a) The EUI will provide preliminary figures of its draft annual budget to the Commission no later than 15 January of the year preceding the financial year concerned.
- b) The EUI will submit a draft annual budget and work programme to the Commission no later than 15 February of the year preceding the financial year concerned. The Commission will distribute the draft annual budget and action programme to all depositing institutions.
- c) Without prejudice to article 8.7 of the Archives regulation, the partners agree that the establishment plan of the EU Historical Archives will be extended by one position from previously 16 to 17 Agents. In addition, the EU Historical Archives will continue to employ a Contract Agent with a fixed term contract.
- d) The Commission will consult the other depositing institutions on the draft annual budget and action programme in accordance with the governance agreement adopted by the Inter-institutional Archives Group.¹⁶

¹⁵ Council Regulation N° 354/1983, article 1.

¹⁶ reference to be replaced by the new agreement (which will hopefully be adopted before the fpa)

- e) In accordance with article 3 of the terms and conditions, the final annual budget and action programme shall be jointly agreed by the Commission, on behalf of the depositing institutions, and the EUI before the start of the corresponding financial year and shall serve as a basis for the award of any grants for the year in question. The EUI will send the final budget and action programme to the Commission for transmission to all depositing institutions.
- f) The EUI shall report once per semester to the depositing institutions, via the Inter-institutional Archives Group, on the implementation of the action programme. The reports will specify whether the action programme needs to be modified and, if so, propose modifications for the approval of the depositing institutions.

12. Closure of accounts and reporting on the annual budget and action programme

- a) After the close of each calendar year the EUI will provide to each depositing institution, for all operations covered, a cost and revenue statement for that year, which will be the basis for the closure in that year.
- b) After the close of each calendar year, the EUI shall establish an annual activity report and submit it to the Commission. The payment of the balance of the annual grant is subject to the approval of the annual activity report by the Commission, which will consult the other depositing institutions.
- c) The EUI will send the final annual activity report to all depositing institutions.

13. Common rules

The EUI undertakes to make available on its premises all the documents needed for administrative or budgetary auditing.

Article 16 of the Financial Regulation¹⁷ and its Rules of Application shall apply in case the EU budget has not been finally adopted by 1 January of year n.

The EUI or the Commission will call a meeting of all depositing institutions, at their own initiative or at the request of one or more of the other depositing institutions, to discuss any problems which may arise with respect to the implementation of this partnership agreement.

¹⁷ Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, Official Journal of the European Union, L193, 30.07.2018