

ERAC 1207/16

NOTE

From: ERAC Secretariat
To: ERAC Delegations

Subject: Revised Rules of Procedure for the European Research Area and
Innovation Committee (ERAC)

Delegations will find annexed to this Note the revised Rules of Procedure for the European Research Area and Innovation Committee (ERAC), as adopted by written procedure.

EUROPEAN RESEARCH AREA AND INNOVATION COMMITTEE (ERAC)

REVISED RULES OF PROCEDURE

Article 1

Nomination of Members of the Committee

1. The European Research Area and Innovation Committee (ERAC) (hereafter referred to as the Committee) shall consist of the Member States of the European Union and of the European Commission (hereafter referred to as Members).

Member States shall nominate up to two representatives at an appropriate level who are responsible for research and innovation policies.

The Commission shall also nominate up to two representatives.

2. Members may nominate up to two alternate representatives. The maximum number of representatives per Member is therefore four. At Committee meetings, however, Members shall be represented by a maximum of two representatives. Representatives may be assisted by advisers at meetings.
3. Notice of nominations of representatives and their alternates shall be sent by the Permanent Representations of the Member States to the Secretariat of the Committee. The Secretariat shall notify the co-Chairs.

4. The Committee may invite representatives of countries associated to the EU Framework Programme (hereafter referred to as Associated Countries) to participate in its meetings as observers.

Article 2

Co-Chairmanship

1. The Committee shall be co-chaired by the Commission, as represented by the Director-General or a deputy Director-General of the Directorate-General for Research and Innovation, and an elected representative from the Member States.

The co-Chair from the Member States shall be elected from among the representatives of Member States on the Committee by a majority of its component Members for a period of three years, which shall be renewable once.

The Commission co-Chair shall not be a representative or an alternate representative of the Commission serving on the Committee.

2. The Member State from which a representative has been elected as co-Chair shall be entitled to nominate a representative in his/her place for the duration for the co-Chair's term.
3. The co-Chairs shall be responsible for chairing meetings of the Committee, for the overall guidance of its activities in line with the mandate and the Work Programme of the Committee, and for the efficient and smooth conduct of discussions.
4. The co-Chairs shall cooperate in a spirit of partnership. The Committee's Steering Board shall agree which agenda items at the plenary should be chaired by the Commission co-Chair and which by the Member State co-Chair. This shall be done pragmatically with the aim of a equal division of work.

5. If one of the co-Chairs is indisposed or has to leave, the other shall take over. If both co-Chairs are absent or unable to take the chair, the meeting will be chaired by the deputy Director-General of the Directorate-General for Research and Innovation and one of the elected Member State representatives on the Steering Board.
6. The co-Chairs shall have no voting rights.

Article 3

Steering Board

1. The Committee shall have a Steering Board.
2. The Steering Board shall consist of the co-Chairs of the Committee, the Chairs of the other ERA-related groups¹, a representative of the current and a representative of the next Member State holding the Presidency of the Council of the European Union, and two representatives from two other Member States elected from among representatives serving on the Committee.
3. The two Member State representatives referred to in Paragraph 2 shall be elected by a majority of the representatives of Member States or their alternates for a period of three years, renewable once.
4. The Steering Board may invite third parties to its meetings, such as representatives of the Member State holding the Presidency of the Council after the next Presidency, chairpersons of ad-hoc Working Groups, rapporteurs and experts.

¹ The other ERA-related groups currently include the European Strategy Forum on Research Infrastructures (ESFRI), the Strategic Forum for International Science and Technology Cooperation (SFIC), the High Level Group on Joint Programming (GPC), the Helsinki Group on Gender in Research and Innovation (HG), the ERA Steering Group on Human Resources and Mobility (SGHRM) and the ERAC Working Group on ERA Priority 5 replacing the ERAC Working Group on Knowledge Transfer.

5. The Steering Board shall be chaired by the co-Chairs of the Committee. In their absence, the Board shall be chaired by the Deputy Director-General of the Directorate General for Research and Innovation of the Commission, and one of the elected Member State representatives on the Steering Board.

The agenda for the Steering Board meetings shall be drawn up by the co-Chairs.

6. The Steering Board shall have the following duties:
- a) It shall regularly draw up and update the Work Programme of the Committee.
 - b) It shall prepare the annotated provisional agenda of Committee meetings and decide which agenda items shall be chaired by the Commission co-Chair and which ones by the Member State co-Chair.
 - c) It shall discuss the ERA-related aspects of the draft work programmes² of the other ERA-related groups. Comments by the Steering Board should be taken into account. Before the adoption of the work programmes by each group, the work programmes shall be presented to the Committee in order to ensure overall-coherence among the ERA-related groups. The Steering Board shall determine how the results of the work programmes will be communicated to the Council in a coordinated and meaningful order.
 - d) It shall systematically report back to the Committee on the updates provided by other ERA-related groups at its meetings.
7. The Steering Board shall work on the basis of consensus. The Steering Board shall not have general powers to take decisions on behalf of the Committee beyond matters assigned to it by the Committee's mandate or specific items delegated to it by the Committee.
8. The Steering Board will define appropriate working methods to ensure it fulfils its duties efficiently and transparently. The agenda and papers for the Steering Board are available on request to any Member State or Associated Country.
9. The Secretariat of the Steering Board shall be provided by the General Secretariat of the Council. The Steering Board shall be assisted by the Commission services.

² or their equivalent.

Article 4

Secretariat

1. The Secretariat of the Committee and of the Steering Board shall be provided by the General Secretariat of the Council.
2. The primary role of the Secretariat is to assist the Committee in its operation. In particular, it assists the co-Chairs in the preparation, conduct and follow-up of meetings, including the circulation of provisional agendas and of related documents, and the drafting of summary conclusions of meetings.

The Commission shall assist the work of this Committee within the remit of its competence.

3. All correspondence to the Committee shall be addressed to the Secretariat (erac@consilium.europa.eu). At the request of a delegation, the Secretariat shall circulate written comments sent by delegations on a particular document.
4. All correspondence from the Committee to its Members and, if applicable, to observers as defined in Article 5(3), shall be sent by the Secretariat to the electronic mail addresses of representatives and their alternates.
5. All representatives and alternate representatives of Member States and of Associated Countries shall provide complete details concerning their job position and contact details to the Secretariat, which shall keep an official list of representatives and their alternates.

Article 5

Meetings of the Committee

1. The Committee shall meet at least four times a year and when convened by the co-Chairs. The number and approximate dates of meetings shall be decided by the co-Chairs in consultation with the incoming Presidency of the Council during whose term the meetings shall be held. This shall be decided at least six months before the Presidency's term in office commences.

2. In addition to the provision laid down in Article 5(1), the Committee shall meet at the request of at least one third of its Members.
3. In addition to Associated Countries, the Committee may invite other persons as observers if particular agenda items so require. Only Member States may vote, however, and certain parts of meetings may only be open to Member States.

Representatives of Associated Countries shall have the same speaking rights as Members.

4. If the association agreement or the Memorandum of Understanding under which a country is entitled to be represented on the Committee with observer status expires without there being a new association agreement or memorandum of understanding in place, the representative(s) of that country shall provisionally retain his/their right of representation.

The modalities of this provisional right of representation shall be decided in accordance with the relevant decisions concerning the country concerned.

Article 6

Work Programme

1. A Work Programme of the Committee shall be drawn up by the Steering Board and shall be submitted to the Committee for approval. It shall cover a period of 18 months taking into account the programmes of the relevant Presidencies. It shall include the activities the Committee plans to undertake in line with its mandate³.

The Work Programme shall be updated every 6 months.

³ The mandate of the Committee is included in the Council conclusions on the Review of the European Research Area advisory structure (doc. 14875/15 of 1 December 2015).

Article 7

Provisional agenda and other documents for meetings

1. Taking into account the Work Programme, the Steering Board shall draw up the provisional agenda for the meetings of the Committee. The provisional agenda shall be annotated in order to clarify the purpose of the inclusion of the various agenda items. Following agreement between the co-Chairs, it shall be sent to the Committee at least 10 working days before the meeting.
2. In general, the provisional agenda may include items in respect of which a request for inclusion, together with any relevant documents, has been received by the Secretariat and approved by the co-Chairs from any Member State or Associated Country at least 12 working days before the meeting.
3. Documents made available to the Committee shall include a summary, where appropriate, and highlight the key issues on which the opinion of the Committee is sought. Documents shall normally be made available to the Committee at least 10 working days before the meeting.

Article 8

Voting rules and quorum

1. Only Members can vote. Each Member shall have one vote.
2. If a vote concerns a document that has any bearing on the Associated Countries, the views of their representatives shall be heard before the vote is taken.

3. Votes shall be cast by a representative or an alternate representative who has been appointed in accordance with Article 1(1) and (2). Representatives who are unable to attend a meeting at which a vote may be expected may vote in writing before the meeting (their vote must be sent to the Secretariat). Alternatively, they may delegate their right to vote to a representative of another Member who may vote on their behalf, provided the Secretariat is informed in writing before the meeting of their intention to vote by proxy, as well as of the representative who shall vote on their behalf.
4. Summary conclusions, opinions and reports of the Committee shall, as appropriate, record the consensual opinion of or the votes cast by its Members and shall make mention of minority views. Qualified majority voting shall apply to all matters pertaining to the creation or dissolution of formal ERA-related groups or advice to the Council on these matters. Simple majority voting shall be used for other matters.
5. Draft opinions and reports that are not adopted at a meeting of the Committee shall normally be adopted by means of written procedure, unless the co-Chairs decide otherwise on the basis of their informed opinion that further debate or substantive drafting is required. The time limit for the written procedure shall be set by the Secretariat.
6. The presence of a simple majority of Members shall be required for the Committee to take a vote.

Article 9

Working Groups

1. The Committee may establish new ERA-related groups to address strategic priorities requiring several years' work, either as ERAC standing working groups (for which the Committee can itself approve the mandate) or as configurations of ERAC subject to the Council's approval. The number of ERA-related groups shall not exceed the number of ERA Priorities as determined by the Council. In setting up and reviewing ERA-related groups the Committee shall follow its agreed procedures for these purposes⁴.

⁴ Council conclusions on the Review of the European Research Area advisory structure (doc. 14875/15 of 1 December 2015) and Annex D of ERAC 1212/15.

2. For shorter-term priorities, the Committee may set up ERAC ad-hoc Working Groups of limited duration to deal with questions relevant to its mandate.

Article 9a

ERAC Standing Working Groups

1. Standing working groups shall be created when decided by the Committee's plenary. Their mandate shall incorporate the standard clauses for the mandates of the ERA-related groups. Their mandates will be assessed when necessary but at least every three years. Standing working groups will develop their own work programmes, draw up their own agendas, carry out their activities and produce their deliverables according to their mandates and the ERA Roadmap. The Groups shall submit a concise annual report to ERAC, providing a timely strategic and operational overview of research and innovation issues that are relevant to the development of the specific ERA Priority for which the Groups are responsible and on the impact of their activities on the achievement of that Priority.
2. The Chair (and Vice-Chair if applicable) of a standing Working Group shall be elected from among the representatives of Member States on the Group by a majority of its component Members for a period of three years which is renewable once. The Chair shall serve on the Committee's Steering Board along with the Chairs of the other ERA-related Groups and shall report back the substance of these discussions to the Group.

3. The Secretariat for the standing Working Groups shall be provided by the General Secretariat of the Council (ERAC Secretariat). The primary role of the Secretariat is to assist the Group in its operation. In particular, it assists the Chair in the preparation, conduct and follow-up of meetings, including the circulation of provisional agendas and of related documents, and the drafting of summary conclusions of meetings.

The Commission shall support the work of each Group within the remit of its competence.

4. Standing Working Groups may invite representatives of countries associated to the EU Framework Programme to participate in its meetings as observers.

Article 9b

ERAC Ad-hoc Working Groups

1. The Committee may set up ad-hoc Working Groups. ERAC ad-hoc Working Groups shall be limited to approximately one year's duration, with specific tasks which shall be laid down in their mandate. Ad-hoc Working Groups do not require the participation of all delegations to be established.
2. Ad-hoc Working Groups shall be chaired by a representative of a Member State or of an Associated Country or of the Commission. The Chair shall be responsible for the overall functioning of the ad-hoc Working Group and shall in particular appoint a rapporteur from the members of the ad-hoc Working Group if he/she does not assume this responsibility him/herself. Representatives or alternate representatives of the Commission in ad-hoc Working Groups shall not be appointed as rapporteurs.
3. The Committee shall draw up and approve a concise mandate that sets out the remit of the ad-hoc Working Group and the manner in which it should organise its work.
4. Ad-hoc Working Groups shall be supported by the Commission services within the remit of its competence.

5. The secretariat for the ad-hoc Working Groups shall be provided by the General Secretariat of the Council (ERAC Secretariat). The tasks of the secretariat of ad-hoc Working Groups shall consist of keeping membership lists, the circulation of documents and e-mails, and providing procedural advice concerning documents produced by the Working Group.
6. The membership of ad-hoc Working Groups shall be open to representatives of Member States and Associated Countries and Commission.

Article 10

Rapporteurs and Experts

1. The co-Chairs may appoint a rapporteur or an expert from the representatives or alternate representatives of a Member State or of an Associated Country to deal with questions relevant to its mandate. Such a rapporteur or expert shall work under the authority of and report to the co-Chairs, notwithstanding the fact that the opinion or report drafted by the rapporteur or expert shall be submitted for discussion to, and adoption by, the full Committee.
2. The mandate, the organisation and the deliverables of the work of the rapporteur or the expert shall be agreed between the rapporteur or the expert and the co-Chairs, who shall report to the Committee on this in writing or orally at a (plenary) meeting. There shall be no requirement to put these elements in writing.

Article 11

Language Rules

1. All meetings of the Committee and its Working Groups shall be conducted in English.
2. All documents produced by or for the Committee or its Working Groups shall be in English.

Article 12

The nature of meetings and public access to documents

1. The meetings of the Committee and its Working Groups are confidential and not accessible to the public.
2. Documents of the Committee with an ERAC number, such as the (adopted) agendas, Work Programmes, summary conclusions of meetings, and opinions and reports, shall be made public via the web site of the Council of the European Union unless the Committee decides otherwise. The Committee may also share other documents with stakeholders and interested parties. Delegations are invited to circulate all ERAC documents in the public domain via their trusted national web sites in order to foster awareness and understanding of the work of the Committee and other ERA-related groups.
3. The website of the Council of the European Union includes a specific section relating to ERAC. The ERAC section shall include the Committee's Mandate, Rules of Procedure and Work Programmes. All other documents adopted by the Committee such as agendas, conclusions of meetings, opinions and reports shall be available via the Council's public register of documents.