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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	ERAC Procedural arrangements

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Delegations will find in the Annex the text of the ERAC Procedural arrangements as adopted by the European Research Area and Innovation Committee (ERAC) at its meeting on 12-13 April 2022.

**EUROPEAN RESEARCH AREA AND INNOVATION COMMITTEE (ERAC)****PROCEDURAL ARRANGEMENTS**

Pursuant to Article 14 of the Council Decision (EU) 2021/2241 of 13 December 2021 on the composition and the mandate of the European Research Area and Innovation Committee (hereinafter 'ERAC mandate')<sup>1</sup>, the Committee is to adopt its own Procedural Arrangements in accordance with the Council's Rules of Procedure.

*Article 1*

The Procedural Arrangements are hereby adopted by ERAC.

*Article 2***Members of the Committee and their representatives**

1. The members of the Committee shall be the Member States and the Commission. Each member shall appoint up to two representatives to the Committee who shall have a high executive level of responsibility for R&I policies<sup>2</sup>.
2. Nominations and replacement of the representatives of Committee members shall be notified to the co-Chairs and the Secretariat in writing.

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<sup>1</sup> OJ L 450/143 of 16.12.2021.

<sup>2</sup> Article 3 of the ERAC mandate.

### *Article 3*

#### **Responsibilities of the Chairpersons**

1. The Committee shall be co-chaired by a Member State representative and a Commission representative<sup>3</sup>.
2. The co-Chairs shall be responsible for chairing meetings of the Committee, for the overall guidance of its activities in line with the ERAC mandate and the Work Programme of the Committee, and for the efficient and smooth conduct of discussions.
3. The co-Chairs shall cooperate in a spirit of partnership. For the meetings of the Committee and of its Steering Board, they will decide by mutual agreement which agenda items shall be chaired by the Commission co-Chair and which ones by the Member State co-Chair.

### *Article 4*

#### **Steering Board**

1. The ERAC Steering Board shall consist of the ERAC co-Chairs and one representative of each of the Member States of the incumbent and the subsequent Trio Presidencies of the Council of the European Union<sup>4</sup>.
2. The Steering Board shall be chaired by the co-Chairs of the Committee. In accordance with Article 5 of the ERAC mandate, in the event of one of the co-Chairs being unable to attend a meeting of the Steering Board, that co-Chair shall appoint a replacement in agreement with the other co-Chair.
3. The Steering Board shall meet at least 2 months before each ERAC meeting, in principle in a video conference format.

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<sup>3</sup> Article 4 of the ERAC mandate.

<sup>4</sup> Article 12(1) of the ERAC mandate.

4. A member who is unable to attend a meeting of the Steering Board may appoint a replacement for that meeting or delegate his or her functions to another member.
5. Members of the Steering Board may be supported by one adviser.
6. 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.
7. The agenda for the Steering Board meetings shall be drawn up by the co-Chairs.
8. The Steering Board shall approve the annotated provisional agenda of Committee meetings and shall prepare, examine and approve the documents before being forwarded to ERAC. It shall also regularly draw up and update the Work Programme of the Committee.
9. The Steering Board shall contribute to ensuring complementarity between ERAC and the ERA Forum, including through regular interactions with the co-Chairs of the ERA Forum. To this end, the co-Chairs of the ERA Forum may be invited to report on the work of the ERA Forum at the Steering Board meetings.

#### *Article 5*

#### **Secretariat**

1. The secretariat of the Committee shall be provided by the General Secretariat of the Council<sup>5</sup>.
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 related documents, and the drafting of summary conclusions of plenary meetings.
3. All correspondence to the Committee shall be addressed to the Secretariat.

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<sup>5</sup> Article 6 of the ERAC mandate.

4. All representatives of Member States shall provide complete information concerning their job position and contact details to the Secretariat, which shall keep an updated list of the members in accordance with applicable data protection rules.
5. Representatives of the Committee Members shall receive information and documents provided by the Secretariat through the appropriate means, e.g. through the Delegates Portal and by e-mail.

### *Article 6*

#### **Meetings of the Committee**

1. The Committee shall be convened twice a year<sup>6</sup>. If the situation so requires, the co-Chairs shall convene a special meeting.
2. The committee meetings shall be normally held in Brussels, but may be hosted by the country holding the rotating Presidency of the Council of the European Union in accordance with the Council's Rules of Procedure<sup>7</sup>.
3. The dates of meetings shall be decided by the co-Chairs in consultation with the Steering Board and the incoming Presidency of the Council during whose term the meeting shall be held. This shall be decided at least six months before the Presidency's term in office begins.
4. In addition to two representatives per member, up to two experts per member may be allowed to attend a meeting of the Committee depending on the availability of seats or other circumstances. Experts may only provide technical support to the representatives without the right to speak on behalf of the member. The actual number of permitted participants shall be communicated with the invitation to the respective Committee meeting.

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<sup>6</sup> Article 11(1) of the ERAC mandate.

<sup>7</sup> Article 11(2) of the ERAC mandate.

*Article 7*

**Work Programme**

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 incumbent and the subsequent Trio Presidencies of the Council of the European Union. It shall include the activities the Committee plans to undertake in line with its mandate.

*Article 8*

**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 by the Steering Board, it shall be sent to the Committee at least 10 working days before the meeting.
2. The provisional agenda shall indicate those specific agenda items for which occasional third parties have received prior authorisation for attendance.
3. 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 from any Member State at least 2 months before the meeting, and the request has been approved by the ERAC Steering Board.
4. As a general rule, documents shall be made available to the Committee at least 10 working days before the meeting.

## *Article 9*

### **Voting rules and quorum**

1. Each Member shall have one vote and, if a vote is requested, opinions and reports shall be adopted by simple majority of the members<sup>8</sup>.
2. The presence of a simple majority of Members shall be required for the Committee to take a vote.
3. Votes shall be cast by a representative or a designated representative. Representatives who are unable to attend a meeting at which a vote is requested may vote by e-mail before the meeting (their vote must be sent to the Council Secretariat). Alternatively, they may delegate their right to vote to a designated representative of another Member who may vote on their behalf, provided the Secretariat is informed by e-mail 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.
5. Draft opinions and reports that are not adopted at a meeting of the Committee shall be adopted by means of written procedure. The time limit for the written procedure shall be set by the Council Secretariat.

## *Article 10*

### **Ad hoc temporary Task Forces**

1. The Committee may, in duly justified cases, entrust *ad hoc* temporary Task Forces with specific tasks<sup>9</sup>.

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<sup>8</sup> Article 7 of the ERAC mandate.

<sup>9</sup> Article 10 of the ERAC mandate.

2. The membership of *ad hoc* Task Forces shall be open to Member's representatives to the Committee. *Ad hoc* Task Forces do not necessarily require the participation of all delegations to be established.
3. The Chair of a temporary Task Force shall be elected from among the representatives of Member States or of the Commission. The *ad hoc* Task Force shall elect its Chair by a majority of its component Members.
4. The Task Forces may invite experts and stakeholders to contribute to its work.

#### *Article 11*

#### **Rapporteurs**

1. Specific work strands or topics, or the interaction with specific other policy areas may be entrusted by the Committee to specific Members of the Committee who act as Rapporteurs. The Rapporteur acts in close collaboration with the ERAC co-Chairs.
2. The Rapporteur prepares, in consultation with the Steering Board, documents for discussion in the Committee, ensures appropriate follow-up and keeps the Committee regularly informed on the progress made. In case of interaction with other specific policy areas, the Rapporteur can consult relevant actors as appropriate, in full respect of the Committee's procedural arrangements.

#### *Article 12*

#### **The nature of meetings and public access to documents**

1. The meetings of the Committee and its Steering Board are confidential and not accessible to the public.
2. The rules concerning public access to and classification of documents are those applicable to Council documents.