

EUROPEAN UNION

Brussels, 15 November 2013

**EUROPEAN RESEARCH AREA
AND INNOVATION COMMITTEE**

ERAC Secretariat

ERAC 1214/13

NOTE

To: European Research Area and Innovation Committee

Subject: Rules of Procedure

Delegations will find attached the Rules of Procedure of the European Research Area and Innovation Committee, which were adopted by the Committee at the conclusion of the written procedure on 13 November 2013.

EUROPEAN RESEARCH AREA AND INNOVATION COMMITTEE (ERAC)

RULES OF PROCEDURE

Article 1

Composition

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 high-level representatives who are responsible for research and/or innovation policy.

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.¹
3. Notice of nominations or replacements 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 Chair and the Vice-Chair.

¹ This provision is also meant to clarify that *two* Member State representatives or alternate representatives are entitled to sit at the main table at meetings. Any other representatives or advisers are entitled to a seat in the back row, behind those seated at the main table.

Article 2

Chair

1. The Committee shall be chaired by the Commission, as represented by the Director-General or a deputy Director-General of the Directorate-General for Research and Innovation.

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

2. The Chair 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.
3. The Chair shall have no voting rights.

Article 3

Vice-Chair

1. The Committee shall have a Vice-Chair who shall be a representative of a Member State serving on the Committee and who shall be elected by a simple majority of Member State representatives for a period of two years. His² term shall not be renewable more than once.
2. The Member State from which a representative has been elected as Vice-Chair shall be entitled to nominate a representative in his place for the duration of the Vice-Chair's term.
3. The Vice-Chair shall have no voting rights.
4. In carrying out their duties, the Vice-Chair and the Chair shall cooperate in a spirit of partnership and mutual respect for their respective roles and responsibilities, as set out in these Rules of Procedure.

² "His" is to be understood as "his/her" and "he" is to be understood as "he/she".

Article 4

Steering Board

1. The Committee shall have a Steering Board.
2. The Steering Board shall consist of the Chair and the Vice-Chair of the Committee, three Committee representatives of the previous, current and next Member State holding the Presidency of the Council of the European Union respectively, and up to two representatives from two other Member States elected from the 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 18 months. Their term shall not be renewable more than 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 Working Groups or of other ERA advisory groups, rapporteurs and experts.
5. The Steering Board shall be chaired by the Vice-Chair of the Committee. In his absence, the Board shall be chaired by a representative of the Presidency-in-office of the Council.
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.
 - c) It shall monitor the impact of the Committee's opinions and reports and submit an annual monitoring report to the Committee.
7. The Steering Board shall be supported by the Commission services and the General Secretariat of the Council.

Article 5

Secretariat

1. The Secretariat of the Committee and of the Steering Board shall be provided by the General Secretariat of the Council.
2. The Secretariat shall ensure the proper administrative running of the meetings of the Committee and of the Steering Board. It shall draft summary conclusions of Committee meetings and, following their approval by the Chair and the Vice-Chair, submit these to the Committee for approval.
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 6(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, their office address, their telephone number (landline and/or mobile) and their electronic mail addresses to the Secretariat, which shall keep an official list of representatives and their alternates.

Article 6

Meetings of the Committee

1. The Committee shall meet at least four times a year and when convened by the Chair. The number and approximate dates of meetings shall be decided by the Chair and the Vice-Chair 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 6(1), the Committee shall meet at the request of at least one third of its Members.
3. The Committee shall invite representatives of the countries associated to the prevailing Framework Programme for Research and Innovation (hereafter referred to as Associated Countries) to attend its meetings as observers. It may also invite other persons as observers if particular agenda items so require.

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 7

The adequate functioning of the Committee

1. The adequate functioning of the Committee is understood to mean the functioning of the Committee in such a way as to enable it to fulfil its principal mission as laid down in its mandate, with the widest possible active participation by all its component Members and representatives of Associated Countries, the aim of which shall be to gather the greatest possible expertise and the widest possible support for the opinions and reports produced by the Committee.

2. In order to ensure the adequate functioning of the Committee as defined in Paragraph 1, all representatives or their alternates shall be invited to participate actively in the meetings by contributing to the discussions leading up to opinions or reports of the Committee³.
Representatives and alternate representatives shall also be invited to volunteer to sit on Working Groups that are set up by the Committee and to contribute actively to the work undertaken by the Working Group, or to act as rapporteur or expert.

Article 8

Work Programme

1. A Work Programme of the Committee shall be drawn up and shall cover a period of 18 months. It shall include the activities the Committee plans to undertake in line with its mandate⁴.

The Work Programme shall be updated every 6 months.

2. Following agreement between the Chair and the Vice-Chair on the Work Programme, it shall be submitted to the Committee for approval.

Article 9

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 Chair and the Vice-Chair, it shall be sent to the Committee at least 10 working days before the meeting.

³ On the initiative of the Chair or, as appropriate, the Vice-Chair, active participation may be incentivised by round-table discussions, at which each delegation shall be given the floor in the relevant seating order to express his views on the item under discussion.

⁴ The mandate of the Committee is included in the Council resolution on the advisory work for the European Research Area (doc. 10331/13 of 31 May 2013, Annex to Annex I).

2. 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 Chair and the Vice-Chair from any Member at least 12 working days before the meeting, unless there are exceptional circumstances that have been accepted by the Chair and the Vice-Chair.
3. Documents made available to the Committee shall include, where appropriate, a summary highlighting 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, unless there are exceptional circumstances that have been accepted by the Chair and the Vice-Chair.

Article 10

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. Decisions of the Committee, including, among others, those concerning the adoption of draft opinions and reports, shall be taken by simple majority. Minority views shall be recorded in the summary conclusions of the meeting.

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 Chair and the Vice-Chair 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.

The presence of a simple majority of Members shall be required for the Committee to take a vote.

Article 11

Working Groups⁵

1. The Committee may set up ad-hoc Working Groups to deal with questions relevant to its mandate. Working Groups shall be set up for a specific period of time, which shall be laid down in their mandate.
2. The membership of Working Groups shall be open to representatives and alternate representatives of both Member States and Associated Countries.
3. Working Groups shall be chaired by a representative or an alternate representative of a Member State or of an Associated Country. Chairs may report to third bodies on behalf of the Working Group or on behalf of the Committee subject to approval by the Committee. The Chair shall be responsible for the overall functioning of the Working Group and shall in particular appoint a rapporteur from the members of the Working Group if he does not assume this responsibility himself. Representatives or alternate representatives of the Commission in Working Groups shall not be appointed as rapporteurs.

⁵ These provisions shall not apply to the ERAC Working Group on Knowledge Transfer.

4. At the start of their proceedings, Working Groups shall draw up a concise mandate that sets out the remit of the Working Group and the manner in which it intends to organise its work (meetings, documents, etc.). The Working Group shall also draw up a short work programme that shall clearly set out the nature of the expected results and the time within which these are intended to be produced. Mandates and work programmes shall be subject to approval by the Committee.
5. Working Groups shall be supported by the Commission services.
6. The secretariat for the Working Groups shall be provided by the General Secretariat of the Council (ERAC Secretariat). The tasks of the secretariat of Working Groups shall include keeping membership lists, the circulation of documents and e-mails, and providing procedural advice concerning documents produced by the Working Group.

Article 12

Rapporteurs and Experts

1. The Committee 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 Chair or the Vice-Chair (depending on the nature of his work), 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 Chair or the Vice-Chair (depending on the nature of his work), 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 13

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.
3. Opinions and reports shall be subject to language editing by the General Secretariat of the Council before they are submitted to the Committee for adoption, subject to the possibility of the document concerned being edited on time before the meeting of the Committee. Such language editing should be taken into account in the planning for the drafting and the adoption of the document concerned. If the opinion or report concerned cannot be edited before it is submitted for adoption by the Committee, the editing shall take place after the adoption under the responsibility of the Secretariat of the Committee.

Article 14

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. Official documents of the Committee, such as the (adopted) agendas⁶, Work Programmes, summary conclusions of meetings, and opinions and reports, shall be made public unless the Committee decides otherwise.

⁶ Annotations in provisional agendas shall be removed before agendas are published.

Article 15

The ERAC website

1. The ERAC website⁷ is a public website that is accessible via the website of the Council of the European Union.
2. The ERAC website shall, along with other information relevant to the Committee itself or to its activities, include:
 - a) All documents adopted or approved by the Committee (Work Programmes, (adopted, non-annotated) agendas, opinions, reports, etc.).
 - b) Announcements of upcoming events that concern or may concern representatives on the Committee (such as seminars, workshops and expert meetings).
 - c) A list of representatives and alternate representatives of Member States and Associated Countries with their details as referred to in Article 5(5), subject to their explicit approval.

⁷ <http://www.consilium.europa.eu/policies/era/erac?lang=en>.