

RULES OF PROCEDURE AND CODE OF CONDUCT OF THE ERC SCIENTIFIC COUNCIL

A. General Dispositions

1. The tasks of the Scientific Council of the ERC are described in Article 9, as well as in Pillar I of Annex I of the Council Decision establishing the Specific Programme implementing Horizon Europe – The Framework Programme for Research and Innovation (2021-2027)¹.
2. In line with Article 3.1 of the Commission Decision establishing the European Research Council², the Scientific Council has adopted the following rules of procedure and code of conduct on confidentiality, conflict of interest and processing of personal data.

B. President and Vice-Presidents

3. The Scientific Council shall be chaired by the President of the ERC. The Scientific Council will elect three Vice-Presidents from amongst its members by majority voting at plenary meeting or by confidential written procedure as described below.
4. The three Vice-Presidents shall have three different scientific profiles, so that they relate to each of the three domains: Life Sciences, Physical Sciences and Engineering, and Social Sciences and Humanities.
5. Vice-Presidents shall be elected for a term of up to 4 years, renewable once. In case of an early departure of the member of the Scientific Council who holds one of the three positions, the Council will elect another member to the post by the procedure described below.
6. The President and the Vice-Presidents carry out their respective function in a manner which is absolutely impartial with regard to the scientific areas.
7. Any member of the Scientific Council may declare themselves a candidate for the position of Vice-President.
8. The election of a Vice-President shall be carried out in two-round majority voting by secret ballot at plenary meetings (if 2/3 or more of the Scientific Council members are present) or by confidential written procedure. A candidate will be deemed elected when they attain more than 50% of the votes in the first round. If no candidate succeeds, then the two candidates with the highest number of votes compete in a second round following simple majority voting. The Scientific Council confirms in the first instance the election of officers carried out according to the procedure set out above.

¹ Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU- OJ L 167I , 12.5.2021, p. 1–80

² Commission Decision C(2021)3402 of 12.5.2021 establishing the European Research Council for Horizon Europe – the Framework Programme for Research and innovation and repealing Decision C(2013)8915

9. The President will have the following responsibilities:

- prepare the meetings of the Scientific Council, the regular co-ordination meetings with the ERC Executive Agency and meetings with European institutions and the scientific community;
- lead and co-ordinate the work of the Scientific Council in all its tasks on scientific strategy, peer review methodology and set-up, communication and outreach activities, monitoring of the ERC's operations and impact, including the work of its standing committees and working groups on specific issues;
- represent the ERC before the European Institutions and at European and international scientific fora, bodies and events.
- delegate tasks to the three Vice-Presidents.
- chair the meetings of the Scientific Council, of the ERC Board and of the standing committees

10. The Vice-Presidents assist the President in carrying out the responsibilities listed under point 9 above.

11. In the absence of an explicit delegation by the President, in case of a temporary inability of the President to perform his/her duties, a suitable arrangement will be made in a timely manner by the three Vice Presidents and the Council to ensure smooth running of the ERC.

12. On behalf of the Scientific Council, acting as "domain coordinators" in their domains, the Vice-Presidents are responsible for coordinating the selection of experts to be appointed as members of the ERC evaluation panels for ERC frontier research actions. Under the Vice-Presidents' coordination, with the support of the ERCEA, the members of the Scientific Council identify the experts to be recruited and observe their work in the evaluation meetings

C. Functioning of the Scientific Council

13. The members of the Scientific Council³ shall meet in plenary as often as required by its work, normally, five times per year.

14. Each plenary meeting lasts normally one day and a half and consists of three half-day sessions and may be preceded by one day of meetings of Standing Committees or Working Groups (see Section F. below) The members of the Scientific Council are expected to fully attend each plenary meeting⁴.

15. Plenary meetings will be at the ERC headquarters in Brussels, or at convenient venues in Member States or Associated Countries at the discretion of the Scientific Council. In exceptional circumstances (*force majeure*), a member of the Scientific Council can attend remotely by videoconference or by other means, providing appropriate justification is presented, or plenary meetings can be held with all members participating remotely. The dates and locations of plenary meetings will be decided at least 6 months in advance when possible.

16. All meetings will be convened at least fifteen working days in advance of the date of the meeting. Shorter notice may be given, at the discretion of the President, when there are urgent matters to discuss.

17. Any member may request that a specific item is included in the agenda of a forthcoming meeting.

³ If not differently specified, in the rest of this document reference to members of the Scientific Council means all members, including President and Vice-Presidents.

⁴ Any attendance less than that of all sessions will be considered as "partial", on the basis of an attendance list validated by the ERC President and the Director of the ERCEA or their duly authorised deputies

When preparing future meetings, the President shall ask all members whether they have any point that they would like to raise.

18. Minutes of meetings will be drafted by the Secretariat as provided by the ERCEA and will be finalised under the responsibility of the President and approved by the Scientific Council at the following plenary meeting. The minutes of each plenary session will be posted on the ERC website.
19. Documentation prepared for the work of the Scientific Council shall not be distributed more broadly unless the Scientific Council, or the President on its behalf, decides to make it public and provided that the documentation is not covered by the obligation of confidentiality⁵.
20. Scientific Council members delegated by the President of the ERC to participate on behalf of the ERC in other meetings than the plenary will inform the Secretariat.⁶ The Scientific Council members will always act in a way to ensure to avoid unnecessary expenditure and to maintain administrative costs at the lowest level reasonably possible.

D. The Decisions of the Scientific Council

21. Decisions of the Scientific Council are adopted as appropriate, including positions when it is necessary according to the provisions of the Specific Programme. For the establishment of the annual ERC Work Programme, the Scientific Council delegates responsibility to the President to finalise the document, provided that the changes do not significantly alter the version established in plenum. For the agreement on the rank list of the proposals selected for funding by the ERC evaluation panels, the Scientific Council delegates responsibility for the decision to any of the President or the three Vice Presidents.
22. Following the proposition by the President (or by at least 8 members of the Scientific Council), a decision of the Scientific Council may be made:
 - at plenary meetings (if 2/3 or more of the Scientific Council members are present);
 - by written procedure when appropriate.
23. Decisions shall be adopted where possible in a collegial manner. However, in cases of disagreement, a majority of members of the Scientific Council present (in the sense of point 21) is required for the decision. In a written procedure, unless a member of the Scientific Council responds within a deadline established by the President and which should not be less than 5 working days (except for duly justified circumstances requiring shorter deadlines), the absence of response will be considered as tacit approval. On the request of at least one Scientific Council member, a secret ballot should be held. If the result in any decision-making is a tie of votes, the President has the deciding vote.
24. The decisions adopted by the Scientific Council will be transmitted to the ERCEA (for further transmission to the Commission, if necessary) with a cover note signed by the President confirming the positions adopted by the Scientific Council.

⁵ Documents in possession of the Agency drawn up by the Scientific Council members in the performance of their tasks may be subject to requests for public access under the terms of REGULATION (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

⁶ According to Article 6 of the Commission Decision mentioned in footnote 2, the travel and subsistence expenses of Scientific Council members other than the President shall be reimbursed by the ERCEA and Annex II of Commission Decision C(2007)5858 which establishes the rules for the reimbursement of experts invited to attend meetings.

E. Liaison with the European Research Council Executive Agency (ERCEA)

25. The President and the Vice-Presidents of the Scientific Council and the Director of the ERCEA constitute the ERC Board. Its role will be to assure strong, close and continuous liaison and cooperation between the Scientific Council and the ERCEA. The Board meets regularly in Brussels, typically on a monthly basis, to discuss and prepare all matters related to a smooth integration of the scientific strategy set by the Scientific Council and its implementation through the ERCEA. In exceptional circumstances (*force majeure*), a member of the Board can attend remotely by videoconference or by other means, provided appropriate justification is presented, or Board meetings can be held with all its members participating remotely. The Board maintains a dialogue on ERC strategy and implementation matters, serves as a platform for exchange of information and ideas and oversees the implementation of the decisions taken by the Scientific Council in the operations of the ERCEA.
26. The Scientific Council relies on the Secretariat, as provided by the ERCEA (Unit “Support to the Scientific Council”), to assist it in its work, including the preparation of strategy papers and draft positions as well as its coordination with the rest of the ERCEA. The Secretariat extends its support to the Scientific Council Standing Committees and Working Groups. The Vice-Presidents, who serve as “domain coordinators”, will also liaise closely with the Scientific Management Department of the ERCEA during the identification of panel members’ exercise.

F. Scientific Council Committees and Working Groups

27. The Scientific Council may set up, from amongst its members, Standing Committees, Working Groups and other structures addressing specific tasks of the Scientific Council.
28. The Scientific Council has established three Standing Committees dedicated to specific topics: “Standing Committee on Panels”, “Standing Committee on Conflict of Interest, Scientific Misconduct and Ethics” and “Standing Committee for Programme Impact Monitoring and Evaluation”. The President, who can delegate the chair to one of the Vice-Presidents, chairs the Standing Committees. They include the Vice-Presidents in their function as coordinators of the three domains and one more member per domain. The minutes of Standing Committee meetings will be brought to the attention of the Scientific Council. The Standing Committees prepares decisions to be discussed and confirmed by the Scientific Council.
29. The Scientific Council may establish working groups, either with unlimited duration or task forces with clearly defined expiration. Working groups are dedicated to topics such as Gender issues, Open Access and related topics, Innovation and Widening European Participation. The Scientific Council may extend or close working groups. Each Working Group will be chaired by a Scientific Council member. The minutes of Working Group meetings will be brought to the attention of the Scientific Council. Members of the Scientific Council may express interest in joining specific Working Groups. Their final composition is decided by the Scientific Council.
30. Members of the ERCEA staff could attend the meetings of these committees/working groups upon request and following the agreement of the chair of the committee/working group.
31. In case of non-respect of the duties described in these Rules of Procedure by a member of the Scientific Council, the President, in consultation with the Vice-Presidents, shall decide whether to ask the member in question to re-consider their Scientific Council membership.

G. Code of conduct, including provisions on confidentiality and processing of personal data

- 32.** The Scientific Council shall exercise its duties regarding the establishment and operational monitoring of the methods for peer review and proposal evaluation in a confidential, fair and equitable way.
- 33.** The Scientific Council may be present during the evaluation panel meetings as observers. However, Scientific Council members shall not influence, under any circumstances, the outcome of the evaluation.⁷
- 34.** In order to perform the tasks entrusted to it, the Scientific Council may request access to documents and to process data (including personal data) that are in the possession of the ERCEA. Such requests must be in compliance with the provisions of the Commission's Decision mentioned in point 2. To fully respect the independence of the peer-review evaluation process, it is expected that such requests will follow its conclusion. However, in line with its responsibility for scientific management, monitoring and quality control of the programme, the Scientific Council may receive from the ERCEA access to documents and information also during the evaluation process and according to established procedures.
- 35.** Before receiving personal data, any Scientific Council member requesting data shall sign a Statement on the Purpose and Security of Data Processing ("Statement") in agreement with the ERCEA.
- 36.** Scientific Council members are ambassadors of the ERC. As such, they may be approached to provide information with the goal of attracting the best proposals to the ERC. In such cases, good practice entails that the information provided by the Scientific Council member should, in principle, reflect the published documentation describing the activities and remit of the ERC.

Conflict of Interest

- 37.** Scientific Council members shall exclusively act in the interest of achieving the objective of strengthening frontier research, according to the principles of scientific excellence, autonomy, efficiency, transparency and accountability. On taking up their duties they shall sign the Declaration on the absence of conflict of interest, the confidentiality and the protection of personal data (see annex).
- 38.** Scientific Council members shall always act in an impartial manner in carrying out their duty. Should the impartiality of Scientific Council members be imperilled by circumstances beyond their control then they may be in conflict of interest. Scientific Council members shall inform the President and the Vice-Presidents as soon as possible where a conflict of interest may exist, which would be prejudicial to their independence.
- 39.** A conflict of interest exists if a member:
 - a) has any vested interests in relation to the matters upon which they have given or may be asked to give advice;
 - b) is in any other situation that can compromise the credibility that they have carried and can carry out their duties impartially.
- 40.** In the interest of widest acceptance and integrity of the ERC process, Scientific Council members are requested to avoid situations that, although not clear cases of conflict of interest, may engender the appearance of such conflict of interest in the community at large (example: when a Scientific Council member is mentioned by an applicant in a proposal to the ERC as participating in the project as collaborator).

⁷ See point 3.4 of the European Research Council Rules of Submission, and the related methods & procedures for peer review and proposal evaluation relevant to the specific programme implementing Horizon Europe

- 41.** In case of doubt regarding the status of conflict of interest, the President, in consultation with the Vice-Presidents, shall decide whether or not a conflict of interest exists. If the potential conflict of interest relates to the President, the Vice-Presidents shall decide. Where feasible, the decision will be taken in further consultation with the Scientific Council.
- 42.** Consequences of a situation of conflict of interest:
- a) Scientific Council members shall abstain from discussions and decision on topics for which they have been identified to be in conflict of interest until a decision is taken by the President.
 - b) Members of the Scientific Council shall be asked to resign immediately from their Scientific Council position by the President if the conflict of interest concerns proposals for funding to the ERC by their spouse (domestic or non-domestic partners), children, parents, siblings⁸.
 - c) If the matter in question concerns proposals for funding to the ERC by close personal relationships other than in b), or other special circumstances that are likely to undermine confidence in a Scientific Council member's impartiality, members of the Scientific Council may be asked to resign from their Scientific Council position.
- 43.** Scientific Council members are barred from submitting proposals for funding to the ERC for the duration of the membership and during 12 months following the termination of their membership.

I. Final Disposition

- 44.** Without prejudice to the Commission Decision establishing the European Research Council, these rules may be modified by a two-thirds majority of the Scientific Council.

⁸ Siblings shall be intended to include step-brothers and step-sisters.