

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

### A. General Dispositions

1. Having regard to the Specific Programme “Ideas”<sup>1</sup> Article 5, the tasks of the Scientific Council are to establish «the overall strategy for the ERC», «the work programme for the implementation of the Specific Programme», «the methods and procedures for peer review and proposal evaluation»; «its position on any matter which from a scientific perspective may enhance the achievements and impact of the Specific Programme».
2. Having regard to the Commission Decision establishing the European Research Council<sup>2</sup> Article 6(3), the Scientific Council has adopted the following rules of procedure.
3. The twenty-two members of the Scientific Council are appointed by the European Commission on the basis of an independent and transparent identification process. A high level standing Identification Committee of independent experts identifies future Scientific Council members following the policy of renewal of Scientific Council membership at appropriate intervals. Their term of office shall be limited to 4 years, renewable once.

### B. Chair and Vice-Chairs of the Scientific Council

4. The Scientific Council will elect a Chair and at least two Vice-Chairs from amongst its members by confidential written or electronic procedure.
5. The term of office of the Chair and Vice-Chairs shall be limited to 4 years. No person will continuously hold the same office as Chair or Vice-Chair for more than 4 years. 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 4-year term of office of the Chair and the Vice-Chairs is not affected by the staged renewal of the Scientific Council. If, during one of its regular replacement procedures, more than the half of the members of the Scientific Council is renewed, it may decide to elect a new Chair and/or Vice-Chair.
7. The Chair and Vice-Chairs carry out their respective function in a manner which is absolutely impartial with regard to the scientific areas.
8. Any member of the Scientific Council may declare herself/himself a candidate for any of the positions.
9. The election of the Chair and the Vice-Chairs shall be carried out successively in two-round majority voting at plenary meetings (if 2/3 or more of the Scientific Council members are present) or by written procedure. A candidate will be deemed elected when he/she attains 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. On the request of at least one Scientific Council member, a secret ballot should be held.
10. The Chair will have the following responsibilities:

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<sup>1</sup>Council Decision 2006/972/EC of 19 December 2006, OJ L400 of 30/12/06, page 243

<sup>2</sup>Commission Decision 2007/134/EC of 2 February 2007 establishing the European Research Council, as revised by Commission Decision C(30) of 12 January 2011

- Preparing the agenda of the meetings;
  - Chairing the meetings of the Scientific Council; Chairing the meetings of the ERC Board;
  - Chairing meetings of the standing committees
  - Assigning specific tasks and facilitating agreement within the Scientific Council;
  - Formal representation, direct or by delegation, of the Scientific Council in relationships with the European Commission and other bodies (e.g. the steering committee of the Executive Agency)
11. The Vice-Chairs assist the Chair in carrying out the responsibilities listed under point 10.
  12. The Chair and the Vice-Chairs are responsible for the selection of experts to be appointed as members of the ERC evaluation panels. Each of the domains of ERC evaluation is under supervision of one of them who acts as the respective domain coordinator.
  13. The Scientific Council may elect an Honorary President by confidential written or electronic procedure. The term of the Honorary President will be four years.

### **C. Functioning of the Scientific Council**

14. The members of the Scientific Council shall meet in plenary as often as required by its work, typically five times per year.
15. Each plenary meeting lasts normally one day and a half and consists of 3 half-day sessions: 1<sup>st</sup> morning session, 1<sup>st</sup> afternoon session, 2<sup>nd</sup> morning session. The members of the Scientific Council are expected to fully attend each plenary meeting. Any attendance less than that of all sessions will be considered as “partial”.<sup>3</sup>
16. Plenary meetings will be at the ERC headquarters in Brussels, or at convenient venues in Member States or the Associated Countries at the discretion of the Scientific Council. A calendar will be decided well in advance typically 6 months on the basis of the existing proposals and offers from the Scientific Council members.
17. 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 Chair when there are urgent matters to discuss.
18. Any member may request that a specific item is included in the agenda of a forthcoming meeting.
19. Minutes of meetings will be drafted by the Secretariat and other units of the ERCEA and will be finalized under the responsibility of the Chair, and approved by the Scientific Council at the following plenary meeting. The minutes of each plenary session will be posted on the ERC website.
20. Unless the Scientific Council, or the Chair on their behalf decides - provided that the documentation is not covered by the obligation of confidentiality - documentation prepared for the work of the Scientific Council shall not be distributed more broadly.
21. Scientific Council members requested to participate on behalf of the Scientific Council in other meetings will inform the ERCEA Secretariat. According to article 8 of the Commission Decision mentioned in Footnote 2, the travel and subsistence expenses shall be covered by the ERCEA. 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**

22. Decisions of the Scientific Council are adopted as appropriate, including positions when it is

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<sup>3</sup>In cases of unforeseen and well-justified delays or other incidents, the chair will decide if the attendance is considered partial or not.

necessary according to the provisions of the Specific Programme. This is in particular necessary in the case of the establishment of the annual ERC Work Programme and the agreement on the rank list of the projects that were selected for funding following the independent assessment by the ERC evaluation panels. In these cases, the Scientific Council may delegate responsibility to the Chair.

23. Following the proposition by the Chair (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;
24. 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 23) is required for the decision. In a written procedure, unless a member of the Scientific Council responds within a deadline established by the chair and which should not be less than 5 working days, 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 Chair has the deciding vote.
25. The decisions adopted by the Scientific Council will be transmitted to the ERC Executive Agency-ERCEA (for further transmission to the Commission, if necessary) with a cover note signed by the Chair (or delegated Vice-Chair) confirming the Positions adopted by the Scientific Council.

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

26. The Scientific Council shall independently elect a Secretary General. The voting of the Secretary General follows the same rule as the election of the Chair of the Scientific Council (see point 9).
27. The Secretary General acts under the authority of the Scientific Council. His/her role, consistent with the Annex of the European Council decision on the Specific Programme “Ideas”, is to «assist the Scientific Council in ensuring its effective liaison» with the ERCEA, and «in monitoring the effective implementation of its strategy and positions». The Scientific Council defines the specific tasks of the Secretary General and controls his/her performance through the Scientific Council Chair. The Secretary General is a member of the ERC Board and participates in Scientific Council meetings. He/she is located at the premises of the ERCEA in Brussels, the latter providing administrative and operational support. Apart from the Scientific Council Plenary Meeting, the Secretary General reports to the Scientific Council through the Scientific Council Chair.
28. The Chair and the Vice-Chairs, together with the Secretary-General of the Scientific Council and the Director of the ERCEA constitute the ERC Board. Its role will be to assure continual liaison and cooperation between the Scientific Council and the ERCEA. The Board meets regularly in Brussels 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. It maintains a dialogue on ERC strategy and implementation matters, serves as platform for exchange of information and ideas and oversees the implementation of the positions taken by the Scientific Council in the operations of the ERCEA.

#### **F. Scientific Council Committees and Working Groups**

29. The Scientific Council may set up, from amongst its members, Standing Committees, Working Groups and other structures addressing specific tasks of the Scientific Council. These committees are also supported by the Scientific Council's Secretariat.
30. The Scientific Council has established two Standing Committees dedicated to specific topics: “Standing Committee on Panels” and “Standing Committee on Conflict of Interest, Scientific

Misconduct and Ethics”. The Standing Committees prepare decisions to be confirmed by the Scientific Council.

31. The Scientific Council may establish working groups, either with unlimited duration or with clearly defined expiration. Working groups are dedicated to topics such as Gender Balance, Open Access, Innovation and Relations with Industry, and Internationalisation Strategy. The Scientific Council may extend or disengage working groups.
32. 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.

#### **G. Code of conduct on confidentiality and processing of personal data**

33. 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.
34. 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 Panel meeting they attend<sup>4</sup>. Their positions as Scientific Council members are incompatible with their participation in the evaluation of ERC proposals.
35. 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 European Research Council Executive Agency. Such requests must be in compliance with the provisions of the Commission's Decision mentioned in point 2.<sup>5</sup> In keeping with the non-participation of Scientific Council in the evaluation process, such requests can only be honoured following the conclusion of the evaluation process.
36. 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.
37. Scientific Council members are also 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.

#### **H. Potential Conflict of Interest**

38. Scientific Council members shall exclusively act in the interest of achieving the Specific Programme's objectives, 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).
39. Scientific Council members shall always act in an impartial manner in carrying out their duty. Should the impartiality of a Scientific Council member be imperilled by circumstances beyond his/her control then he/she may be in conflict of interest. In such cases the Scientific Council member must declare this status and abstain from participation in Scientific Council activities related to this conflict of interest for its duration.

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<sup>4</sup> Commission Decision of 9 December 2010 amending Decision C(2007) 2286 on the adoption of ERC Rules for the submission of proposals and the related evaluation, selection and award procedures for indirect actions under the Ideas Specific Programme of the Seventh Framework Programme (2007 to 2013)

<sup>5</sup> Commission Decision 2007/134/EC as amended by Commission Decision C(2011)30/1

40. Scientific Council members shall inform the Chair as soon as possible where a conflict of interest may exist, which would be prejudicial to their independence. Scientific Council members shall abstain from discussions and decision on topics for which they have been identified to be in conflict of interest.
41. In case of doubt regarding the status of conflict of interest, the Chair of the Scientific Council shall decide whether or not a conflict of interest exists. Where feasible, the decision will be taken in consultation with the Scientific Council.
42. Scientific Council members are barred from submitting proposals for funding to the ERC for the duration of the membership. Scientific Council members are expected to honour an embargo of 12 months following their cessation of Scientific Council membership.
43. 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 in the community at large.

#### **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.

## **Declaration on the absence of conflict of interest, the confidentiality and the protection of personal data**

In the context of the work of the Scientific Council of the European Research Council (ERC)

I, the undersigned

having been appointed member of the Scientific Council of the European Research Council, declare that for the term of my membership, I will always act in the interest of achieving the objectives of the Ideas Specific Programme and will do so in my personal capacity, independent of any outside influence.

I will abstain from discussions in the Scientific Council and its working parties should an agenda item arise where a conflict of interest exists which could be prejudicial to the impartial and objective exercise of the function of member of the Scientific Council.

I also confirm that I will not divulge any information obtained in the performance of my tasks as member of the Scientific Council when I have been informed that the information is related to confidential matters.

According to articles 35 and 36 of the Rules of Procedure – Section “Code of Conduct” of the Scientific Council, when I receive personal data from the ERCEA I shall take appropriate technical and organisational measures to be explained in the Statement to ensure that this data is securely stored and protected. Measures shall be taken in particular to prevent any unauthorized disclosure, access or transfer of the data or storage media containing the data, either by a person or by electronic means, accidental or unlawful destruction or accidental loss, and to prevent processing for other purposes than the intended.<sup>6</sup>

I accept the provisions relating to the protection of personal data exchanged with the Commission and the ERCEA, as established in the Commission Decision 2007/134/EC as amended by Commission Decision C(2011)30/1<sup>7</sup> and in the Rules of Procedure – Section “Code of Conduct” of the Scientific Council, and act accordingly. Particularly and as provided by Regulation (EC) 45/2001, I will ensure that any personal data I receive is stored in a secured location in my office, with restricted access for me and my personnel only. Personal data will be supplied on the strict condition that they are not disclosed and divulged outside the work environment of the office of the Member of the Scientific Council<sup>8</sup>. Any transfer of data to third persons or other institutions is not allowed. Distribution of the

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<sup>6</sup>Article 22 of Regulation (EC) 45/2001.

<sup>7</sup>Amended article 5, new paragraph 8, combined with new ANNEX III; amended article 6, new paragraph 3.

<sup>8</sup>Hard copy data, if any, shall be stored and accessed at a physical data security storage location at the respective Host Institution of the Member of the Scientific Council only. Raw data and processed data remain on the secured storage space and shall not be stored on local devices. Any personal data shall be completely erased or

results of analyses of restricted data to the wider public is only permitted upon written approval of the documents, presentations or data to be published by the ERCEA in cooperation with the ERCEA Data Protection Officer and in an aggregate form that does not allow the identification of individual projects or participants or the funding allocated to individual projects or participants.

I will revise the presentation according to the guidance provided by the ERCEA. I am aware that in case of any processing of personal data in breach of the requirements set out in the above mentioned documents, I am accountable to the Commission who may take any appropriate measure.

Done at \_\_\_\_\_ on \_\_\_\_\_

Signature: \_\_\_\_\_

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destroyed after completion of the purpose for which it was intended.