



European Research Council
Executive Agency

Established by the European Commission

10 September 2015

RULES OF PROCEDURE AND CODE OF CONDUCT OF THE SCIENTIFIC COUNCIL

A. General Dispositions

1. The tasks of the Scientific Council of the ERC are described in article 7, as well as in Part I of annex I of the Council Decision establishing the Specific Programme implementing Horizon 2020 – The Framework Programme for Research and Innovation (2014-2020)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. 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.
5. The 4-year term of office of the Vice-Presidents is not affected by the staged renewal of the Scientific Council, unless the Scientific Council decides otherwise.
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 herself/himself a candidate for the position of Vice-President.
8. The election of a Vice-President shall be carried out 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

¹ Council Decision 2013/743/EU of 3 December 2013 establishing the specific programme implementing Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020) - OJ L 347, 20.12.2013, p. 965

² Commission Decision of 12 December 2013 establishing the European Research Council (2013/C 373/09) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:373:0023:0026:EN:PDF>

according to the procedure set out above. On the request of at least one Scientific Council member, a secret ballot should be held.

9. The President will have the following responsibilities:
 - 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;
 - Delegation of tasks to the three Vice-Presidents.
10. The Vice-Presidents assist the President in carrying out the responsibilities listed under point 9 above.
11. On behalf of the Scientific Council, the Vice-Presidents are responsible for coordinating the selection of experts to be appointed as members of the ERC evaluation panels, acting as “domain coordinators” in their domains.

C. Functioning of the Scientific Council

12. The members of the Scientific Council³ shall meet in plenary as often as required by its work, normally, five times per year.
13. Each plenary meeting lasts normally one day and a half and consists of 3 half-day sessions: 1st morning session, 1st afternoon session, and 2nd morning session. The members of the Scientific Council are expected to fully attend each plenary meeting⁴.
14. 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 at least 6 months in advance on the basis of the existing proposals.
15. 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.
16. Any member may request that a specific item is included in the agenda of a forthcoming meeting.
17. Minutes of meetings will be drafted by the Secretariat as provided by the ERCEA and will be finalized 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.
18. 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

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

it public and provided that the documentation is not covered by the obligation of confidentiality.

19. 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 Secretariat⁵. 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

20. 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 projects 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.
21. 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.
22. 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.
23. 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.

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

24. 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 continual 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. 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 decisions taken by the Scientific Council in the operations of the ERCEA.

⁵ 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.

25. 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 Scientific Council “domain coordinators” may also liaise with the Scientific Management Department of the ERCEA during the identification of panel members’ exercise.

F. Scientific Council Committees and Working Groups

26. The Scientific Council may set up, from amongst its members, Standing Committees, Working Groups and other structures addressing specific tasks of the Scientific Council.

27. 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 are chaired by the President. The “Committee on Panels” includes, in addition, the Vice-Presidents in their function as coordinators of the three domains and at least one more member per domain. The “Standing Committee on Conflict of Interest, Scientific Misconduct and Ethics” includes at least six more Scientific Council members, among them the three Vice-Presidents. The minutes of Standing Committee meetings will be brought to the attention of the Scientific Council. The Standing Committees prepare decisions to be discussed and confirmed by the Scientific Council.

28. 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, Key Performance Indicators and Widening Participation. The Scientific Council may extend or disengage 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.

29. 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, including provisions on confidentiality and processing of personal data

30. 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.

31. 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.⁶

⁶ See point 3.6 of H2020 ERC-Rules for Submission, C(2015)4975.

32. 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.
33. 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.
34. 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

35. 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).
36. 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.
37. A conflict of interest exists if a member: a) has any vested interests in relation to the matters upon which s/he has given or may be asked to give advice; b) is in any other situation that can compromise the credibility that s/he has carried and can carry out her or his duties impartially.
38. 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.
39. 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.
40. 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, siblings⁷.
- 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.

41. Scientific Council members are barred from submitting proposals for funding to the ERC for the duration of the membership and during 24 months following the termination of their membership.

I. Final Disposition

42. 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.

⁷ Siblings shall be intended to include step-brothers and step-sisters.

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 objective of strengthening frontier research 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 32 and 33 of the Rules of Procedure – Section “Code of Conduct on confidentiality and processing of personal data” 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.⁸

I accept the provisions relating to the protection of personal data exchanged with the Commission and the ERCEA, as established in the Commission Decision establishing the European Research Council⁹ and in the Rules of Procedure – Section “Code of Conduct on confidentiality and processing of personal data” 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 Council¹⁰. Any transfer of data to third

⁸ Article 22 of Regulation (EC) 45/2001

⁹ COMMISSION DECISION of 12 December 2013 establishing the European Research Council (2013/C 373/09) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:373:0023:0026:EN:PDF>

¹⁰ 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

persons or other institutions is not allowed. Distribution of the 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 relevant 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

space and shall not be stored on local devices. Any personal data shall be completely erased or destroyed after completion of the purpose for which it was intended.