ERCEA Documentation of Procedures

Procedure name:	ERC procedure to deal with scientific misconduct and other breaches of research integrity
Acronym:	INTEGRITY
Procedure Owner:	[Department B – Integrity Standing Committee]

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Executive Summary

This document is a revision of the 2014 Procedure to deal with information on scientific misconduct [ref. ARES (2014)3216366] and is addressed to the members of the ERC Scientific Council and ERCEA staff.

An update was necessary not only to include the novelties of the Horizon Europe legal framework but also to reflect the consolidated practice of the Agency's Integrity Standing Committee when it comes to scientific misconduct and any other breach of research integrity.

*The **objective** of this procedure is to establish a modus operandi to treat allegations or information of scientific misconduct and other breaches of research integrity related to proposals submitted to the ERC, projects financed by an ERC grant or independent external experts involved in ERC evaluations, and to determine potential follow-up actions.*

The document lists the different forms of scientific misconduct and breaches of research integrity and describes the assessment process and potential follow-up measures, including the support to the ERC Scientific Council Standing Committee CoIME (Conflict of Interests, Scientific Misconduct and Ethical Issues). It also addresses the relations with and differences as compared to other procedures (e.g. fraud) as well as the documentation process to be implemented and its compliance with the EU data protection provisions.

Overall, the document helps ensuring ERCEA's accountability in handling scientific misconduct and integrity breaches and provides a reference document for ERCEA staff members to raise awareness of any possible misconduct and breaches of integrity, and how to report them.

1. Introduction

1.1. Scope and objectives

This procedure is addressed to the members of the ERC Scientific Council and ERCEA staff[1]. It is based on the ERC Scientific Misconduct Strategy adopted by the ERC Scientific Council on 5 October 2012[2] and the ERCEA Anti-fraud Strategy and Action Plan of 5 May 2020[3].

This procedure complies with the Internal Control Framework[4] and, in particular, Internal Control Principle (ICP) 1 "Integrity & ethical values", ICP 3 "Structure, authorities and responsibilities", ICP 6 "Clear objectives", ICP 8 "Fraud risk" and ICP 12 "Procedures".

The **objective** of this procedure is to establish a *modus operandi* to treat allegations or information of scientific misconduct and other breaches of research integrity related to proposals submitted to the ERC, projects financed by an ERC grant or independent external experts involved in ERC evaluations, and to determine potential follow-up actions.

Allegations/information may concern any natural and/or legal person involved in a proposal or project's life cycle, regardless of their function/role. Allegations/information may, for example, concern applicant Principal Investigators (PIs) (during the evaluation, selection or grant award procedures), grant beneficiaries, PIs or their research team members (during both the implementation and/or project follow-up) or independent external experts (during the evaluation, selection and project implementation process).

Research integrity

Research integrity is one of the core principles of the ERC[5]. The ERC aims at maintaining and promoting a culture of research integrity at all stages of the evaluation and granting process to make ERC competitions fair and efficient and to maintain the trust of both

[1] If the person involved is an ERCEA staff member, the matter will be regulated by the applicable Staff Regulation. If the person involved is a member of the Scientific Council, their Code of Conduct will apply.
[2] See http://erc.europa.eu/sites/default/files/document/file/ERC_Scientific_misconduct_strategy.pdf
[3] See Ref. Ares(2020)2376428 of 05.05.2020; see also the Common Anti-Fraud Strategy in the Research Family (RAFS), Ref. (Ares(2019)4505240) of 12.07.2019).
[4] For detailed information, please see: http://intranet.ercea.cec.eu.int/processesprocedures/ics/Pages/Home.aspx
[5] See Art. 8 (4) of the Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe.

the scientific community and society as a whole (as stated in the annual ERC Work Programmes).

The European Charter for Researchers and the Code of Conduct for Research Integrity[6], which has been endorsed by most Rectors Conferences and Science Academies in Europe, outline ethical principles of good conduct for researchers and funding institutions.

Scientific misconduct

Although the scope of "scientific misconduct" to date is not commonly agreed and defined in the EU legislation, it is understood as a risk for the science community to be prevented as far as possible and mitigated when it occurs.

Section 3.11 of the ERC Rules of Submission and Evaluation provides examples of scientific misconduct such as fabrication, falsification, plagiarism or other misrepresentation of information or data that may arise during the evaluation or the granting process.

Plagiarism, in particular, detected via the ERCEA plagiarism detection software or via the ARIS tool[7] during the preparation of the grant agreement will be reported for consideration to the ERCEA Integrity Standing Committee[8] when the similarities are above the minimal threshold value defined by the relevant procedure.

On the basis of the above, the **different forms of scientific misconduct and in general breaches of research integrity** may include, amongst others:

1. Falsification or fabrication of data or documents by applicants or beneficiaries when proposing, conducting or publishing research; plagiarism, unauthorised appropriation of authorship, misattribution of authorship, unauthorised exploitation of the ideas of others, breach of confidentiality rules.
2. Elimination of primary data or non-elimination of data.
3. Inappropriate research methods, non-compliance with ethical standards of the profession the concerned person belongs to.
4. Sabotage of research activities.
5. Unauthorized exploitation or communication of data or insights gained from reviewing confidential materials.

[6] european-code-of-conduct-for-research-integrity_horizon_en.pdf (europa.eu)

[7] https://myintracomm-collab.ec.europa.eu/projects/H2020drafting/_layouts/15/WopiFrame.aspx?sourcedoc=/projects/H2020drafting/Business%20Documents%20Grants/Guidance_Double%20funding%20and%20plagiarism%20checks.docx&action=default&DefaultItemOpen=1

[8] See description provided under section 1.2 'Roles and acronyms", page 7.

6. Breach of conflict of interest and confidentiality rules by independent external experts (breach of confidentiality and undeclared CoI).
7. Double funding[9].
8. Misrepresentation of information required as a condition to participate to the call for proposals, grant award procedure or contract, or failing to supply that information (e.g. lack of written consent to participate in the project of all the participants mentioned in the proposal)[10].
9. Any form of harassment and abuse that undermines the conduct of research and the workplace.
10. Any breach of good research practice, protocols and procedure.

In addition, contacts between applicants and independent external experts concerning the evaluation of the proposal and the grant award procedure, including attempting to influence the decision-making process of the authorising officer responsible during the award procedure, fall under the scope of this procedure.

Fraud

Fraud needs to be distinguished from scientific misconduct or research integrity breaches, although there could be some cross-links.

The Commission is responsible for the investigation of fraud cases that concern the EU's financial interests as defined in the Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF)[11].

The definition of fraud can be found in Article 1(1) of the Convention on the protection of the European Communities' financial interests[12] where it relates to the following intentional acts concerning the expenditure side of the budget:

- the use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of EU funds or
- non-disclosure of information in violation of a specific obligation or

[9] Article 37 of the Rules for Participation for Horizon 2020, on cumulative funding, provides that "an action for which a grant from the Union budget has been awarded may also give rise to the award of a grant on the basis of Regulation (EU) No 1291/2013, provided that the grants do not cover the same cost items".

[10] ERC Rules for submission and evaluation under Horizon Europe, section 2.2.

[11] OJ L 248, 18.9.2013, p.1.

[12] OJ C 316, 27.11.1995 p. 49.

- the misapplication of such funds for purposes other than those for which they were originally granted.

Such irregularities or potential fraud cases, including those detected while dealing with allegations on scientific misconduct and other breaches of research integrity, will be handled by the ERCEA, under its specific procedure on 'handling internally and reporting irregularities and potential fraud'[13].

1.2. Roles and acronyms

- The *ERC* ***Scientific Council (ScC)*** is the ERC's governing body that defines the scientific funding policy and methodologies.

- The ***ERC Standing Committee on Conflict of Interest, Scientific Misconduct and Ethical Issues (CoIME)*** is responsible for formulating guidelines on conflict of interest, fraud and ethical matters. It has an advisory/consultative role in the process of examining information on cases of alleged scientific misconduct. The CoIME consists of the ERC Scientific Council President and six further members of the Scientific Council. The President, who can delegate the chair to one of the Vice-Presidents, chairs the Standing Committee. The CoIME Standing Committee includes the Vice-Presidents, as coordinators of the three domains, and one more member per domain.

- The ***ERCEA Integrity Standing Committee (ISC)*** is composed of members of the ERCEA Scientific Management Department and a designated member of the ERCEA Legal Affairs and Internal Control Unit (D3). The ISC is chaired by the Head of Scientific Management Department. The ISC is responsible for assessing allegations or information of scientific misconduct and other breaches of research integrity related to proposals submitted to the ERC, projects financed by an ERC grant or independent external experts involved in ERC evaluations, and for identifying potential follow-up actions. The ISC contacts the persons or institutions associated with a potential case of scientific misconduct or breach of research integrity, communicates matters of scientific misconduct and other breaches of scientific integrity to the CoIME and the ERCEA Director, and provides support for the decision on the cases under assessment.

- The ***ERCEA Clearing Committee (CleaCo)*** is composed of the Director of the Agency, the Heads of Departments B, C and D (or their delegates), the Head of

[13] Ares(2015)4103421 of 5.10.2015.

Legal Affairs and Internal Control Unit (D3) and the Head of Unit(s) concerned by the case under decision (or their delegates). The CleaCo is chaired by the Director of the Agency. It deals with the cases for which the existing rules, procedures and guidance do not provide a clear solution and hence requiring an increased coordination and escalation of decisional responsibility at the level of the Heads of Departments and Director of the Agency.[14]

- The ***ERCEA Irregularity & Fraud Assessment Group*** **(IFAG)** is composed of the following members: the Head of Legal Affairs and Internal Control Unit (D.3) as Chair, the Head of Anti Fraud Sector (D.3), the Head of the Grant Management, Audits Liaison & Implementation of Audits Coordination Unit (C.4) and ad hoc members are the Head(s) of the Department(s) concerned by the case under decision. IFAG is responsible for assessing the suspected cases of irregularity and fraud and making related recommendations to the Director.[15]

- The ***European Anti-Fraud Office (OLAF)*** combats fraud and other illegal activities detrimental to the European Union's financial interests.

- The ***Authorising Officer by Delegation (AOD)*** is the Director of the ERCEA. The Director is responsible for taking decisions on follow-up actions related to cases of scientific misconduct.

- The ***Early Detection and Exclusion System (EDES)*** is the system established by the Commission to reinforce the protection of the Union's financial interests and to ensure sound financial management.

- The ***Financial Officer (FO)*** is a staff member of the Grant Management Department C in charge of the follow-up of a specific project, from a financial perspective.

- The ***Scientific Officer (SO)*** is a staff member of the Scientific Management Department B in charge of the follow-up of a specific project, from a scientific perspective.

- The ***Ethics Officer (EO)*** is a staff member of Department B in charge of the follow-up of a specific project as assigned in its Ethics Unit.

[14] See ERCEA CleaCo procedure: Ares(2020)2018502 of 9.04.2020.
https://webgate.ec.testa.eu/Ares/renditionDownload/download.do?itemId=090166e5cdff6736

[15] See ERCEA IFAG procedure: Ares(2015)4103421 of 5.10.2015.

1.3. Legal basis

- Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)[16], Articles 5 and 6;

- Regulation (EU) No 1291/2013 of the European Parliament and the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020)[17], Articles 19 and 30;

- Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for the participation and dissemination in 'Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020)'[18] Article 13(3)[19] and 18(5);

- Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013, Articles 18, 19 and 54;

- 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, Article 8 (4);

- Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002[20], Articles 32 (2) (d), 66 (8)[21] and Article 131(4) in conjunction with Article 106(1), 107(1) and 109;

- Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU)

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[16] OJ L412, 30.12.2006, p.1.
[17] OJ L347, 20.12.2013, p.104.
[18] OJ L347 of 20.12.2013, p.81.
[19] Article 13(3): "A proposal which contravenes ethical principles or any applicable legislation […] may be excluded from the evaluation, selection and award procedures at any time."
[20] OJ L 298, 26.10.2012, p. 1.
[21] Articles 32 (2)(d) and 66(8) of the EU Financial Regulation stipulate the need for having internal control so as to achieve prevention, detection, correction and follow-up of fraud and irregularities, on the one hand and for informing the authorities and bodies designated by the applicable legislation about "any illegal activity, fraud or corruption which may harm the interests of the Union".

No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, Articles 135 to 144, in particular 136[22] and 141[23];

- Commission Decision C(2017)4750 of 12 July 2017 amending Decision C(2014)2454 on the European Research Council rules for submission of proposals and the related evaluation, selection and award procedures relevant to the Specific Programme of Horizon 2020, (in particular sections 2.2, 3.7, 3.11, and ANNEX B, LETTER OF APPOINTMENT FOR ERC REMOTE REFEREES);

- Horizon Europe European Research Council (ERC) Rules of submission and evaluation under Horizon Europe[24], in particular sections 2.2[25], 3.6.3[26], 3.11[27] and Annex B, LETTER OF APPOINTMENT FOR ERC REMOTE REFEREES;

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[22] 1. The authorising officer responsible shall exclude a person or entity referred to in Article 135(2) from participating in award procedures governed by this Regulation or from being selected for implementing Union funds where that person or entity is in one or more of the following exclusion situations: (…) c) it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following: (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment; (ii) entering into agreement with other persons or entities with the aim of distorting competition; (iii) violating intellectual property rights; (iv) attempting to influence the decision-making of the authorising officer responsible during the award procedure; (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure.

[23] 1. The authorising officer responsible shall reject from an award procedure a participant who: (a) is in an exclusion situation established in accordance with Article 136; (b) has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information; (…).
2. Adversarial procedure (Article 133(1)) shall apply unless the rejection has been justified in accordance with point (a) of the first subparagraph of paragraph 1 of this Article by a decision concerning exclusion taken with regard to the participant, following an examination of its observations.

[24] erc-rules-for-submission-and-evaluation_he-erc_en.pdf (europa.eu)

[25] Section 2.2 states that the PI submitting the proposal must make the necessary declarations confirming to have obtained before submitting the proposal the written consent of all participants on their participation and the content of the proposal, as well as of any researcher mentioned in the proposal as participating in the project; should the proposal be funded, the correctness and completeness of the information contained in the proposal and that none of the budgeted activities have started before the proposal was submitted; the compliance with ethical principles; not to be subject to any exclusion grounds under the Financial Regulation; and to have the financial and operational capacity to carry out the proposed action.

[26] Section 3.6.3 lays downs that proposals may be rejected from the selection procedure at any time, if a PI or applicant legal entity has misrepresented data or information included in the proposal, with due regard being given to the principle of proportionality. Proposals may also be rejected based on breach of the interdiction to contact independent external experts as described in section 3.2.

[27] Section 3.11 states that in order to preserve research integrity, at all stages of the ERC evaluation, granting and implementation process, any alleged or suspected cases of scientific misconduct incurred by principal investigators or by applicant legal entities, research team members and beneficiaries shall be duly assessed. The ERC applies the same rigour to ensuring that independent external experts contracted by ERCEA abide by rules on confidentiality and conflict of interest. ERCEA in cooperation with the CoIME will deal with the cases of detected misconduct. Cases of

- Commission Decision C(2021) 3402 final of 12 May 2021 establishing the European Research Council for Horizon Europe – the Framework Programme for Research and innovation and repealing Decision C(2013) 8915;

- Commission Decision C(2021) 950 final of 12 February 2021 delegating powers to the European Research Council Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of frontier research comprising, in particular, implementation of appropriations entered in the general budget of the Union, Article 18[28];

- Decision of the Steering Committee of the ERCEA of 18 February 2009 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests[29];

- Commission Decision C(2017)1392 of 7 March 2017 amending Commission Decision C(2016)5455 on the model contract for experts for Horizon 2020 - the Framework Programme for Research and Innovation of the European Union (2014-2020), Research and Training Programme of the European Atomic Energy Community (2014-2018), the model contract for experts for the Research Fund for Coal and Steel Programme and the methodology for expert fees for remote evaluation and ethics review;

- FP7 ERC Model Grant Agreement[30];

- H2020 ERC Model Grant Agreement[31], in particular, Article 34(1)(a) and 34(4) on the compliance with research integrity and consequences of non-compliance;

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scientific misconduct such as fabrication, falsification, plagiarism or misrepresentation of data that may arise during the evaluation or the granting process may result in rejection of proposals from evaluation or from the grant preparation. PIs who submit proposals which are rejected on the grounds of breach of research integrity may face restrictions on resubmission if so provided by the ERC Work Programme.

[28] Article 18 states that the Agency shall immediately inform the Director-General of the Parent DG, providing him or her with all relevant details, of any event which may harm the Agency, the Commission or the other European Institutions and delay or jeopardise performance of the delegated tasks.. Without prejudice to its obligations to inform OLAF and the European Public Prosecutor's Office (EPPO) in accordance with the specific rules applicable, the Agency shall without delay inform the Director General of the Parent DG of any fraud or irregularity which comes to its attention and of any situation which may give rise to such cases**.**

[29] Article 3.2 of the ERCEA Steering Committee Decision of 18.2.2009 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests states that the Director is required to transmit without delay any information of possible cases of fraud, corruption or any other illegal activity detrimental to the interests of the Communities to OLAF (see Ref. StC180209/4b).

[30] Commission Decision C(2007)1625 on the adoption of the model grant agreement for 'frontier' research actions in the context of the implementation of the Seventh Framework Programme of the European Community (2007-2013).

[31] Commission Decision C(2013)8698 of 10.12.2013 on model grant agreement for Horizon 2020 – the Framework Programme for Research and Innovation of the European Union (2014-2020) and the Research and Training Programme of the European Atomic Energy Community (2014-2018).

- Horizon Europe General Model Grant Agreement[32], in particular, Article 14 on ethics and research integrity and Article 18 (Specific rules for ERC Grants as set out in Annex 5);

- Regulation (EU) No 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC[33];

- Commission Decision C(2016) 769 of 12 February 2016[34] on the Early Detection and Exclusion System (EDES) and ERCEA Early Detection and Exclusion System (EDES) Procedure of 25 November 2016[35];

- The European Charter for Researchers[36];

2. Assessment procedure

2.1. Receipt of initial information

- Should ERCEA staff or a ScC member receive any information or allegation in whatever form and from whomever (ERCEA staff, member of the ScC, panel members[37] and other independent external experts, applicants, beneficiaries, PIs, team members or any third parties concerned, including anonymous information), the information or allegation will be analysed and handled with the utmost confidentiality and in accordance with Regulation (EC) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions throughout the entire process.
- The recipient of the information or allegation[38] shall send it by secure e-mail using SECEM (Secured Electronic Mail) to the ISC functional mailbox[39] (FMB) maintained for that purpose by the Integrity Standing Committee (ISC), with the concerned

[32] general-mga_horizon-euratom_en.pdf (europa.eu)
[33] OJEU L 295, 21 November 2018 p. 39
[34] https://myintracomm.ec.europa.eu/budgweb/EN/leg/internal/Documents/2016-internal-rules-decision-en.pdf Legal basis OJ L 286, 30.10.2015, p. 1–29 ; OJ L 342, 29.12.2015, p. 7–56; and OJ L 342, 29.12.2015, p. 57–63.
[35] See Ref. Ares(2016)6634676 of 25.11.2016
[36] Commission Recommendation (2005/251/EC) of 11.03.2005 of the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers. OJ L 75, 22.3.2005, p. 67–77.
[37] Panel members are those experts participating in the panels in charge of the evaluation of proposals submitted to the ERC.
[38] In case the information/allegation is sent in paper format, the mail must be marked as private and confidential and sent to the Chair of the ISC. This mail will be registered in ARES and kept in a safe box in the office of the Chair of the ISC.
[39] ERC-INTEGRITY@ec.europa.eu;

Head of Unit(HoU)/Head of Department (HoD) in copy for their information. Access to the ISC FMB is restricted to a need-to-know basis.[40]

- A confidentiality declaration shall be signed by the relevant ERCEA staff member and ScC member before receiving any case details[41]. Communication between ERCEA staff will be done by e-mail using SECEM. Communication between ERCEA and CoIME will be done using CIRCA BC.

2.2. Initial assessment of the information received

- The Chair of the ISC calls for a meeting to assess collegially the information/allegation received.
- A decision is made on whether the information or allegation received falls within the scope of the procedure for dealing with scientific misconduct and other breaches of research integrity, i.e. it is related to a submitted ERC proposal or an ERC independent external expert (e.g. it concerns a PI, team member, host institution, panel member, remote referee) or the implementation of the awarded ERC grant. For each situation where this is so, a case may be opened, provided there is a beginning of evidence[42] to support it. In case of information or allegation out of scope, no assessment will be made by the ISC, the information is transmitted internally to competent services/Committee, as necessary, and the informant may be informed accordingly.
- The Chair of the ISC shall then send by e-mail through the FMB an acknowledgement of receipt of information/allegation (Annex 2) within 15 working days to the person who sent it.
- The Chair of the ISC may consult the Head of the Legal Affairs and Internal Control Unit (D3) for an assessment on whether or not the information/allegation received should be processed by the ISC or, in alternative, forwarded to other Agency services or internal Committee (for instance, IFAG or Clearing Committee).
- The assessment of the information/allegation will be based on the evaluation of the facts available as well as, if needed, any additional information available to the Agency. The SO/FO/EO and relevant HoUs may be consulted and asked to participate in discussions, if necessary.
- The ISC might consider that additional information may be needed to substantiate situations within the scope of this procedure and postpone the decision to open a case to a subsequent meeting.

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[40] A log of access rights is kept by the owner of the FMB.

[41] Confidentiality Declaration (Annex 4) has to be signed by the ERCEA staff members participating in the ISC meetings before they can be consulted. Scientific Council members sign a confidentiality statement as part of their regular tasks.

[42] Beginning of evidence should comprise documents or verifiable descriptions of events in support of the reported scientific misconduct and/or breach of integrity case.

- For situations where the information received does not provide a beginning of evidence leading to open a case, a clear explanation will be provided in the Minutes of the ISC meeting; the decision taken will be registered as "No case", i.e. the initial assessment recognised the information/allegations as within the scope of the procedure, but there was no ground to substantiate them.
- After each meeting, the new open cases are registered and a brief information of the new open cases may be sent to the ERCEA Director and the Head of Department C, as relevant.

2.3. Handling of an open case

- The assessment of an open case starts in the ISC meeting, taking into account all the information available. The SO/FO/EO and relevant HoUs may be consulted and asked to participate in discussions.
- The ISC may decide to request additional information or clarifications from the party(ies) involved (complainant(s), PIs, representatives of the host institution, experts, etc.). All exchanges will take place via the Integrity FMB and a reply will be requested within maximum 15 working days. The e-mail will contain the Data Protection Notice (Annex 3).
- If the information on a case is considered to be sufficient, the ISC may consult CoIME for its assessment and/or recommendation.[43]
- The ISC may also decide to consult CoIME for guidance or inform CoIME of the developments related to a case under assessment that differs from any previous case.
- Upon receiving CoIME's opinion, the ISC will elaborate a proposal for a decision on the case, which will include the potential actions to be followed.
- In case of scientific misconduct or other breach or research integrity, these actions may include: reprimand letters; registration of information in the EDES DB concerning an early detection of person/entity which poses a risk to the financial interests of the Union (Article 135 of EU Financial Regulation), rejection of proposals and/or exclusion from participation to future calls and contracts funded by the EU budget and/or financial penalties (as established by Articles 136, 138 and 141 of EU Financial Regulation, in line with the relevant procedures); and the publication of exclusion and/or financial penalties on the ERC website (Article 140 of EU Financial Regulation). Actions may also include other measures, such as termination of an expert's contract, appointment or tasks in line with the procedure reflected in the contract or letter of appointment; grant reduction (recommendation to the Clearing

[43] The ISC and CoIME may nominate external independent experts for appointment by the ERCEA Director to advise the ERC in dealing with specific cases of scientific misconduct.

Committee, including the proposal of a grant reduction percentage, if possible)[44]; termination of the grant, in line with the procedure reflected in the grant agreement; imposition of other types of contractual sanctions as foreseen in the grant agreement. Furthermore, letters may also be addressed to the host institution, asking for withdrawing the ERC´s name and funding from pending publications, for notification of specific persons who may be affected by the case , cancellation of dissemination activities involving the parties concerned (such requests shall clearly state the time-frame for their implementation by the Host Institution).

- In the elaboration of a proposal for decision about a scientific misconduct or other breach of research integrity case, the ISC will also take into account the outcome of past similar cases and guarantee that similar cases are treated fairly and coherently. The principle of proportionality will be applied when handling all cases.[45]
- In cases of scientific misconduct or other breach of research integrity under consideration, the party(ies) directly concerned (i.e. PIs, representatives of the host institution, experts, etc.) will be informed and given maximum 15 days to comment on the allegations and informed of the potential actions.
- Communication of the outcome of the evaluation of a proposal may be suspended pending the ISC assessment and CoIME consultation, where applicable.
- The ISC will assess the comments received (if any) and propose the final decision on the case and follow-up actions to the Director.

2.4 Decision by the Director and closure of the case

- The proposal for a final decision on the case elaborated by the ISC, as well as the follow-up actions proposed (if any) will be described in a Note to the file for approval by the Director. This so-called “final note” will include a detailed description of the case. Depending on the type and seriousness of follow-up measure considered, the approval by the Director may be needed prior to the implementation of the measure, in line with the relevant legal framework.
- Once the final note is signed by the Director, and any of the follow-up actions (if any) is implemented, the case will be considered as closed.
- If required by the type of follow-up measure (e.g. rejection of proposal and exclusion from participation to future calls), the decision of the Director shall be registered in ARES (with personal and confidential markers) and communicated to the concerned party(ies). The decision should be duly motivated and include the possibilities for this person to seek redress, in line with the relevant legal framework.
- The informant may be notified that the case is closed. No disclosure of any further detail on how the case was handled and its final outcome will occur in due respect of

[44] See ERCEA H2020 Grant reduction procedure (Ares(2021)6884298) of 9.11.2021.
[45] Article 133 of the EU Financial Regulation.

confidentiality and privacy of the data subjects concerned and in agreement with the current data protection regulations.

3. Notification to IFAG, OLAF and to the Commission

Cases of scientific misconduct and other breaches of research integrity involving financial irregularities or potential fraud are transmitted to IFAG[46].

The ERCEA IFAG, in liaison with the ISC, informs OLAF[47] on the outcome of the case of potential scientific misconduct or other breach of research integrity.

The notification to OLAF and to the parent DG of the cases of scientific misconduct or other breaches of research integrity qualifying as irregularity or potential fraud will be carried out in accordance with the ERCEA Procedure on 'handling internally and reporting irregularities and potential fraud'.

4. Record keeping and reporting

All allegations of potential scientific misconduct or other breaches of research integrity assessed by the ISC (either if they lead to case or a "no case") are recorded in a registry in a restricted-access part of the ERCEA shared drive. From 2019 onwards, a registry of all cases discussed during the ISC meetings is kept in a restricted-access "space" of the ERCEA intranet (SharePoint). Access to any documentation (paper or electronic) is strictly on a need-to-know basis and restricted to members of the ISC, the ERCEA Director and in exceptional cases, other ERCEA staff. In order to preserve the research integrity and the quality of the evaluation, information related to panel members found in breach of research integrity or scientific misconduct will be included in the Annual Information Exercise for the Purpose of Composing Panels (Gathering and Transfer of information by the ERCEA to the Scientific Council)[48].

Paper files are to be stored in a safe box in the office of the Chair of the ISC with access restriction. Closed files should be transferred to the ERCEA Central Archives.[49]

Any case of scientific misconduct will be reported by the CoIME secretariat in an anonymous manner in the ERCEA Annual Activity Report[50] and in the ERC Scientific

[46] For all breaches of research integrity, where the misconduct qualifies as irregularities or potential fraud. In such event, the ISC shall fill-in the reporting template attached as Annex I to the ERCEA Procedure on 'handling internally and reporting irregularities and potential fraud' and forward it to the Head of the Legal and Internal Control Unit (D3) by encrypted email using SECEM.

[47] In accordance with the ERCEA Procedure on 'handling internally and reporting irregularities and potential fraud'.

[48] Ares(2013)540379

[49] Ares(2012)1219925

Council Annual Report. CoIME orally reports once a year to the ERC Scientific Council. Before every report, the ERC Scientific Council is reminded of the confidential nature of the information provided and the importance to ensure its continuous confidential treatment, as reflected in the Code of Conduct of the Scientific Council members.

The ERCEA shall keep appropriate records of contacts with the party(ies) concerned. Any records are to be stored registered in ARES and on an access-restricted part of the shared drive or SharePoint.

The ERCEA applies the periods of retention of documents defined by the Commission's Common Retention List SEC(2019)900/2.

For information on beneficiaries receiving EU funding, personal data (in electronic and/or any other format) is retained for 10 years after the end of the year following closure of the action. Personal data related to unsuccessful applications are kept for up to 5 years after the closure of the call for which the data have been collected or updated, or, concerning calls with multiple cut-offs, for up to 5 years after the date of the cut-off following the submission of the proposal. This applies also to data contained in previous outdated versions of proposals and in withdrawn proposals.

In addition, for detection of plagiarism or other scientific misconduct or breaches of research integrity, the ERCEA applies 15 years as retention period.

5. Data Protection

Any personal data processed in a case of alleged scientific misconduct or other breach of research integrity must be protected as required by Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data[51].

No data shall be collected or processed that is not absolutely necessary for the case, nor shall data collected as part of a specific assessment be used for other purposes. A transfer of data to third parties is only possible in the cases explained in this procedure.

[50] Based on the information recorded in the ERCEA irregularities and fraud register, in accordance with the ERCEA procedure on 'handling internally and reporting irregularities and potential fraud'.
[51] OJ EU L 295, 21.11.2018 p. 39.

A Data Protection Notice that explains the rights of the different data subjects is provided as part of the acknowledgement of receipt and published on the ERC website at http://erc.europa.eu/document-library (see **Annex 3**).

Particularly, the identity of the persons who sends an allegation or discloses the information in good faith should be treated with the utmost confidentiality as they should be protected against any prejudicial effect or damage. Measures to ensure a maximum protection of any informant acting reasonably and honestly shall include the limited access to his/her identity also during the assessment of the case and among a very restricted number of authorised ERCEA/EC staff and Scientific Council members ("need-to-know principle") and adequately secure treatment of any information provided.

The same measures shall be applied also to the parties involved in the possible scientific misconduct or breach of research integrity to protect them from any prejudicial effect or damage, during the discussion of the case, especially if the allegation/information turned out not to be true.

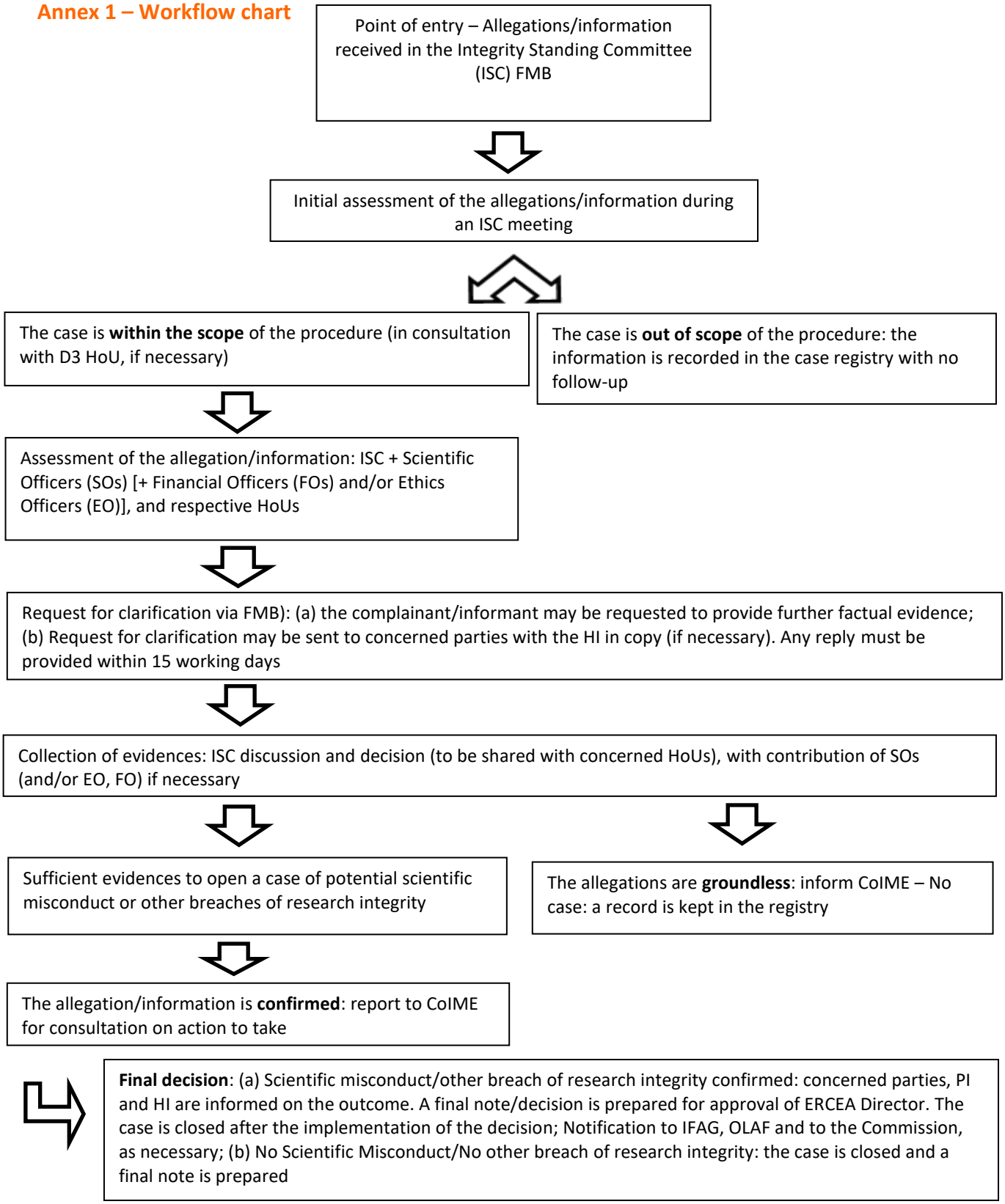
Data subjects are to be informed about a case that relates to them and regularly updated on the important steps in the proceedings. In specific cases, the provision of information can be deferred, on a case-by-case basis, for as long as one of the restrictions listed in Article 25 of Regulation (EU) 2018/1725 applies[52]. If the information is deferred, it must still be provided to the data subject at the later stage.

Data subjects are to be informed of the principal reasons for restricting their right of access and of their right to have recourse to the EDPS both also under Article 25 of Regulation (EU) 2018/1725.

[52] *1. Legal acts adopted on the basis of the Treaties or, in matters relating to the operation of the Union institutions and bodies, internal rules laid down by the latter may restrict the application of Articles 14 to 22, 35, and 36, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard: (a) the national security, public security or defence of the Member States; (b) the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; (c) other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union or an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security; (d) the internal security of Union institutions and bodies, including of their electronic communications networks; (e) the protection of judicial independence and judicial proceedings; (f) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions; (g) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (c); (h) the protection of the data subject or the rights and freedoms of others; (i) the enforcement of civil law claims.*

Annex

Annex 1 – Workflow chart



Annex 2 - Templates of Procedural Letters

1. Acknowledgement of receipt of allegation/information

[Letter to be sent by using the appropriate confidentiality markings, see 2.2]

……

Dear Sir/Madam,

Thank you for your letter/e-mail [please make a selection] dated dd/mm/yyyy [Please complete]. I hereby acknowledge receipt of the information on a potential scientific misconduct or other breaches of research integrity relating to [specify the matter].

Yours faithfully,

[Name and Signature of the Chair of ERCEA ISC]

Enclosure:
Data Protection Notice

2. Information to the parties allegedly involved

Dear Sir/Madam,

I hereby inform you that the ERCEA has {received allegations/information}{realized/noticed/discovered} relating to a potential scientific misconduct or other breaches of research integrity

For more information on how ERCEA processes your personal data, please refer to the enclosed Data Protection Notice.

* This letter may also contain a request for clarification/information.

* It may also inform the allegedly involved parties that the charge has been disregarded due to absence of scientific misconduct or other breaches of research integrity.

Sincerely yours,

[Name and Signature of the responsible person or acting on his/her behalf]

Enclosure(s):
- Data Protection Notice
[add further references, if applicable]

3. Request for information/clarification (during the gathering of information and/or assessment of allegations)

Subject: Invitation to provide clarification/information

Dear [Name],

I hereby inform you that the ERCEA is carrying out an assessment relating to potential scientific misconduct or other breaches of research integrity.

The ERCEA would like to obtain from you some clarification/information as follows:

[Specify questions or explain what is requested]

You have the right to access your personal data that is being processed in this case, and request it to be corrected and/or completed at any time.

For more information on how ERCEA processes your personal data, please refer to the enclosed data protection notice.

I would appreciate receiving your reply within the period of *[15]* working days following the receipt of this notification.

Sincerely yours,

[Name and Signature of the responsible person or acting on his/her behalf]

Enclosure(s):
- Data Protection Notice
[add further references, if applicable]

4. Notification of the result of the assessment

Subject: Result of the assessment

Dear [Name],

I hereby inform you that the ERCEA completed the assessment relating to potential scientific misconduct or other breaches of research integrity.

The result is the following:

[Specify details and the possible follow up measure]

Please note that you can provide your observations on the above- within 15 working days following the receipt of this notification. After receiving your comments or in the absence of a reply from you within the above deadline, the ERCEA Director will take a decision concerning the allegations of scientific misconduct including possible follow-up actions.

You have the right to access your personal data processed in this case, and request it to be corrected and/or completed at any time.

For more information on your personal data, please refer to the enclosed data protection notice.

For more information on your personal data, please refer to the data protection notice already provided to you and that you can find here enclosed for ease of reference.

Sincerely yours,

[[Name and Signature of the responsible person or acting on his/her behalf]

Enclosure(s):
- Data Protection Notice
[add further references, if applicable]

5. Transmission to competent authority

Subject: Transfer of Information

Dear [Name],

The ERCEA completed/is carrying out [keep the relevant item only] an assessment on potential scientific misconduct or other breaches of research integrity relating to [specify the matter].

We hereby share information that we believe falls within your competence/remit for [please specify the exact purpose of the transmission].

The concerned data subject has been informed of the possible transfer of his/her data to other bodies/authorities through our Data Protection Notice (copy enclosed).

In compliance with Regulation (EU) No 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC we ask you to use the data disclosed to you only for the purposes for which it was transmitted to you, to not disclose it to other sources without the written agreement of the ERCEA and to destroy/delete it once you no longer need it to support the ERCEA in this case, at the latest once the ERCEA officially communicate to you the closure of the case.

Sincerely yours,

[Name and Signature of the responsible person or acting on his/her behalf]

Enclosure(s):
- Data Protection Notice
[add further references, if applicable]

Annex 3 – Data Protection Notice

SPECIFIC PRIVACY STATEMENT
ERC Procedure to deal with information on scientific misconduct

The ERCEA is processing information on alleged scientific misconduct in the form of the "**ERC Procedure to deal with information on scientific misconduct**". This processing requires the handling of personal data, and is therefore subject to Regulation (EC) No 2018/1725[53].

1. What personal information do we collect, for what purpose and by what means?

The objective of this procedure is to treat allegations of scientific misconduct or other breaches of research integrity received by the ERCEA related to proposals submitted to the ERC or projects financed by an ERC grant, and to determine potential follow-up actions.

Data subjects are the parties allegedly involved in the possible scientific misconduct or other breach of research integrity and the informant(s), which could be ERCEA staff, member of the Scientific Council (ScC), panel members and other independent experts, applicants, beneficiaries, principal investigators, team members or any third parties concerned, including anonymous information.

Allegations/information may concern any natural and/or legal person involved in a proposal's or project's life cycle, regardless of their functions/role, such as applicant PIs (during the evaluation, selection or grant award procedures), grant beneficiaries, PIs or research team members, during the implementation and/or project follow-up or independent external experts (during the evaluation, selection phase and project implementation process). Personal data processed by the ERCEA are the identity and contact details of the informant and parties allegedly involved in possible scientific misconduct or other breach of research integrity, as well as additional data depending on the case, such as their professional path, publications or other data related to the allegations.

The information processed relates to the different forms of scientific misconduct or other breach of research integrity that may be encountered by the ERCEA, such as: (1) falsification or fabrication of data or documents by applicants or beneficiaries when proposing, conducting or publishing research; (2) infringement of intellectual property rights (e.g. plagiarism, unauthorised appropriation of authorship, unauthorised exploitation of the ideas of others, breach of confidentiality rules); (3) inappropriate

[53] Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJEU L 295, 21 November 2018 p. 39

research methods, non-compliance with ethical standards; (4) "sabotage" of research activities; (5) elimination of primary data or non-elimination of data; (6) unauthorized exploitation or communication of data or insights gained from reviewing confidential materials; (7) breach of conflict of interest rules by experts.

Only data relevant for the specific case is retained. Any allegations will be analysed and handled with the utmost confidentiality.

The procedure is composed of the following steps: *a)* Receipt by the ERCEA of initial information on alleged scientific misconduct or other breach of research integrity from the informant; *b)* Information of the ERCEA Director and the Chair of the CoIME[54] through the Chair of the ISC[55]; *c)* initial assessment of the allegations; *d)* formal assessment of the allegations; e) conclusion and recommendation to the ERCEA Director; *f)* follow-up actions.

2. Who has access to your information and to whom is it disclosed?

Your data may be accessed and processed by the members of the ISC[3] and CoIME[2], other duly authorised ERCEA and Commission staff, the ERC Scientific Council, and the ERCEA local system administrator. Appointed external independent experts may cooperate with ERCEA for assessing the misconduct file.

In addition, some personal data may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to: *(a)* the General Court and the Court of Justice, at their request; *(b)* the Ombudsman, at his request; *(c)* the European Data Protection Supervisor, at his request; *(d)* the audit and control bodies such as OLAF, Court of Auditors, the European Commission's Internal Audit Service; *(e)* competent Member State and/or third countries authorities and bodies. Any such transmission will be restricted to the information necessary for the competent entity to carry out its task.

The recipients will be reminded of the purpose limitation obligations [Article 7(3) of the Regulation (EU) No 2018/1725] to process the personal data only for the purposes for which they were transmitted.

3. How do we protect and safeguard your information?

There are appropriate specific access rights and controls following the "need to know" principle. Any electronic information is stored in a database that resides on the servers of the ERCEA and the European Commission the operations of which abide by the

[54] ERC Standing Committee on Conflict of Interest, Scientific Misconduct and Ethical Issues which consists of the Scientific Council President and six further members and is chaired by the Scientific Council President who may delegate this task to a Vice-President.

[55] ERCEA Integrity Standing Committee composed of ERCEA authorised staff and chaired by the Head of Department B.

European Commission's security decisions and provisions established by the Directorate of Security for this kind of servers and services.

Data on scientific misconduct cases[56] are recorded in the ARES[57] with confidentiality markings and restricted access rights.

Paper files are stored in a safe box with restricted access rights.

4. How can you access, verify, correct or delete your data?

Prior to taking any step, the party/ies concerned will be informed and heard; they are invited to comment on the alleged facts in written format by means of a pre-information letter or prior contact.

The person allegedly having acted in scientific misconduct or other breach of research integrity has access to the information provided by the informant, however not to his/her name or to any element that would allow his/her identification, unless the informant has maliciously provided false information, or applicable national provisions regulating judicial/criminal procedure require such disclosure.

If you want to access, verify, correct or delete any personal data, you can apply to the Chair of the ISC, who is responsible for such processing (i.e. the Controller), by sending an e-mail giving details of your request to the mailbox indicated in point 6.

5. How long do we keep your data?

The records of **scientific misconduct cases** will be maintained in the ERCEA ARES archive system, with confidentiality markers, identified by the case number only and with restricted access to ERCEA staff members dealing with the allegations.

In line with the Commission's Common Retention List SEC(2012)713, after a case has been closed either by decision of the ERCEA Director or, in case of a case closed after the initial assessment, by decision of the Chair of the ISC, data are kept:

a) if after verification of data the formal assessment is opened and closed with no follow up action:

- three (3) years for data that concerns a rejected proposal;
- ten (10) years for data that concerns granted proposals and
- ten (10) years for data that concerns experts.

b) if there is a follow up action, such as the transmission to OLAF, for 20 years.

[56] Personal data in cases where the grounds for suspicion are sufficiently founded and serious enough to warrant a formal assessment of the allegation.

[57] The European Commission's electronic filing and archiving system for documents.

c) if a warning is registered in the ***Early Detection and Exclusion System (EDES)*** the applicable data retention periods as foreseen in the EDES Decision are followed[58].

The records of **no scientific misconduct/no breach of research integrity cases** are kept only until their absence has been declared, thereby effectively closing the case.

6. Contact information

If you would like to receive further information, you can contact the responsible person (the Controller) via the mailbox: ERC-INTEGRITY@ec.europa.eu

The ERCEA Data Protection Officer is at your disposal for any clarification you might need on your rights under Regulation 45/2001:

ERC-DATA-PROTECTION@ec.europa.eu

In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu

7. Legal basis

The legal basis references which apply to the above processing operations are contained in the following documents:

• Regulation (EU) No 1291/2013 of the European Parliament and the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020), Articles 19 and 30;

• Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013), Articles 5 and 6;

• Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for the participation and dissemination in 'Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020)', Article 13(3) and 18(5);

• Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union

[58] The data are registered for the duration of the exclusion situation which cannot exceed five (5) years from the beginning of the exclusion situation where a repeated offence has not been noticed within these five (5) years. After this period the warning is automatically removed from the database and related data are not accessible anymore for authorised users, save for statistical, audit and investigation operations made by the European Anti-Fraud Office (OLAF). In any case, personal data are completely erased five (5) years after removal.

and repealing Council Regulation (EC, Euratom) No 1605/2002, Articles 32 (2) (d), 66 (8) and Article 131(4) in conjunction with Article 106(1), 107(1) and 109;

• Commission Decision C(2014)2454 of 15 April 2014 adopting ERC Rules for the submission of proposals and the related evaluation, selection and award procedures relevant to the Specific Programme of Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020), sections 3.7 and 3.11;

• Commission Decision C(2013)9428 of 20 December 2013 on delegating powers to the European Research Council Executive Agency with a view to performance of tasks linked to the implementation of Union programmes in the field of frontier research comprising, in particular, implementation of appropriations entered in the general budget of the Union, Article 18;

• Decision of the Steering Committee of the ERCEA of 18 February 2009 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests;

• Commission Decision C (2011)7216 of 5 October 2011 adopting model appointment letters for the independent experts participating to the peer review evaluation of proposals to the European Research Council (ERC) under the Ideas Specific Programme implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) including the Code of conduct for independent experts in peer review evaluations and scientific follow up;

• Commission Decision C(2013)8373 of 10 December 2013 on the model contracts for experts for Horizon 2020 – The Framework Programme for Research and Innovation of the European Union (2014-2020), Research and Training Programme of the European Atomic Energy Community (2014-2018) and the Research Fund for Coal and Steel Programme, including the Code of conduct attached in Annex 1 to the model contract for experts for Horizon 2020;

• FP7 ERC Model Grant Agreement;

• H2020 ERC Model Grant Agreement, in particular, Article 34(1)(a) and 34(4) on the compliance with research integrity and consequences of non-compliance;

• Regulation (EC) No 2018/1725 of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;

• Commission Decision C(2016)769 of 12 February 2016 on the ***Detection and Exclusion System (EDES)*** and ERCEA ***Early Detection and Exclusion System (EDES)*** Procedure of 25 November 2016;

• The European Charter for Researchers;

• The H2020 submission forms foresee a declaration to be provided by the applicant to confirm that the proposal complies with ethical principles (including the highest standards of research integrity — as set out, for instance, in the European Code of Conduct for Research Integrity — and including, in particular, avoiding fabrication, falsification, plagiarism or other research misconduct).

Annex 4 - Confidentiality Declaration

(Version for ERCEA staff members attending the meetings of the ISC)

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

I, the undersigned ……., personnel number ……., hereby acknowledge that I am fully aware of the sensitive nature of my position and my duty to safeguard the information with which I am entrusted when I participate in the meetings of the Integrity Standing Committee (ISC).

I confirm that, if I discover at any time that a conflict of interest exists that may unduly influence me with regard to the subject matter to be considered by the ISC, I will immediately inform the Chairperson of the ISC or the ERCEA Director who will decide on appropriate measures to be taken.

I also confirm that I will keep all matters entrusted to me confidential. I will not communicate outside the ISC any confidential information that is revealed to me or that I have discovered, nor will I communicate any information relating to opinions expressed during the meetings, neither during nor upon the expiration or termination of my position with the ISC. I will not make any adverse use of information given to me.

I accept the provisions relating to the protection of personal data received and processed by the ISC, as established in the Regulation 2018/1725[59]. Therefore:

- I shall give due care to the legitimacy, adequacy, relevance, accuracy, necessity and the limitation in time of personal data processed.
- I shall not process any personal data in a way incompatible with the purposes and tasks for which they were transmitted to the ISC and me (such as further transmission, publication, direct marketing and requests for information).

I am aware that in case of any processing of personal data in breach of any requirement hereof, I am liable to disciplinary measures.

I have read, understand and comply with this statement.

Date:
Signature:

[59] Regulation (EU) No 2018/1725 of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJEU L 295, 21 November 2018, p. 39.

Annex 5 - History

Document name	Ares reference	Status (updated/repealed)
ERC Procedore to deal with information on scientific misconduct	Ares(2014)3216366	Updated with the present procedure

Electronically signed on 26/11/2021 17:38 (UTC+01) in accordance with article 11 of Commission Decision C(2020) 4482