EUROPEAN UNION

**EUROPEAN RESEARCH AREA
AND INNOVATION COMMITTEE**
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**– ERAC –
Secretariat**

**Brussels, 15 October 2015
(OR. en)**

ERAC 1212/15

NOTE

From:	ERAC Secretariat
To:	Delegations
Subject:	ERAC Opinion on the review of the European Research Area advisory structure

Delegations will find annexed to this Note the ERAC Opinion on the review of the European

Research Area advisory structure as adopted by written procedure.

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Council conclusions on the review of the European Research Area advisory structure

THE COUNCIL OF THE EUROPEAN UNION

RECALLING

– its conclusions on the development of the European Research Area (ERA) through ERA-related groups of 1 June 2011[1], which reconfirmed the need for strengthened coordination between the ERAC and the ERA-related groups, and stressed the need to pursue all relevant improvements in this cooperation in line with the outcome of the ERAC's advice[2] on the review of ERA-related groups;

– the Commission's Communication on a reinforced ERA partnership for excellence and growth of 17 July 2012[3], and the Council's response to this in its conclusions of 11 December 2012[4];

– its Resolution on the advisory work for the ERA of 30 May 2013[5], in which the Council agreed to review the statuses, the mandates and the reporting lines of those ERA-related groups that have been established by the Council by the end of 2014 and invited the Commission and the ERAC to consider whether such a review is required in relation to the groups they have established;

– its Conclusions on the ERA progress report 2014[6] of 5 December 2014 , in which the Council invited ERAC to discuss and propose a reform of the ERA-related governance by 2015;

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[1]   11032/11
[2]   ERAC 1206/11
[3]   12848/12
[4]   17649/12
[5]   10331/13
[6]   16599/14

1. RECALLS that the advisory work for the development and implementation of the ERA is currently undertaken by the European Research Area and Innovation Committee (ERAC) and a number of different ERA-related groups[7]; ACKNOWLEDGES that there is a need for a more efficient and effective advisory structure for the implementation of the ERA with a strong and strategic role of the Member States in close partnership with the Commission and the relevant stakeholders;

2. In this respect TAKES NOTE of the Summary conclusions of the two extraordinary meetings of ERAC[8], as well as the contributions from GPC[9] and SFIC[10]; RECOGNISES that further work on an improved advisory structure is still needed;

3. AGREES that, in order to reflect the importance of the policy and implementation advice in the framework of the ERA governance, in particular with a view to the coherent implementation of the ERA Roadmap, ERAC, in cooperation and with the support of the other ERA-related groups should cover all the ERA priorities, which currently are:

    –   Priority 1: More effective national research systems

    –   Priority 2: Optimal transnational cooperation and competition

    –   Priority 3: Open labour market for researchers

    –   Priority 4: Gender equality and mainstreaming in research

    –   Priority 5: Optimal circulation, access to and transfer of scientific knowledge

    –   Priority 6: International cooperation;

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[7]   The ERA-related groups currently include the European Research Area and Innovation Committee, the European Strategy Forum on Research Infrastructures (ESFRI), the Strategic Forum for International Science and Technology Cooperation (SFIC), the High Level Group on Joint Programming (GPC), the Helsinki Group on Gender in Research and Innovation (HG), the ERA Steering Group on Human Resources and Mobility (SGHRM) and the ERAC Working Group on Knowledge Transfer (KT). The Digital ERA Forum (DERAF) and the group of national points of reference on Open Access (NRP on OA) are also contributing to the implementation of the ERA. ESFRI has an additional strategic role beyond that relating to the ERA and the ERA roadmap, which is not subject of these conclusions.
[8]   ERAC 1214/3/14 REV 3, ERAC 1202/1/15 REV 1
[9]   ERAC-GPC 1302/1/15 REV 1
[10] ERAC-SFIC 1355/15

4.   NOTES that the objectives and the current mandates of ERAC and the other ERA-related groups must be reviewed and AGREES that in the future mandates should be assessed when necessary, but at least every three years, and, where necessary, revised or repealed in order to reflect the progress in the implementation or updates of ERA priorities;

5.   RECALLS that the EU research and innovation policy landscape includes a number of advisory structures providing inputs and expertise and URGES the Commission to carry out an inventory to identify these structures and highlight any possible overlaps with ERAC and the other ERA-related Groups and to submit its assessment to ERAC by 30 June 2015; ENCOURAGES ERAC, with the support of the Commission, to strive for close interaction with any relevant groups regarding the ERA-related aspects of their work programmes;

6.   UNDERLINES that the commitment by Member States in partnership with the Commission is a key driver for an enhanced efficiency and visibility of ERAC in fulfilling its mission to deliver early-stage strategic advice to the Council, the Commission and Member States; ACKNOWLEDGES the importance of the representation of Member States and the Commission in ERAC at an appropriate level in order to ensure the Committee's effectiveness and impact; AGREES that ERAC should be co-chaired by the Commission and an elected representative from the Member States;

7.   ENCOURAGES ERAC to be proactive towards anticipation of policy topics that could efficiently contribute to the preparation of policy debates in the Council (Competitiveness) and to the research and innovation policy preparation by the Commission; CALLS on the Commission to fully engage with ERAC when preparing new strategic initiatives in the field of research and innovation;

8. NOTES that, in order to ensure European added value and an effective implementation of the ERA, there is a need for coordinated work programmes for ERAC and the other ERA-related Groups;

9. RECOGNISES the role that ERAC should play to ensure coordination between itself and the other ERA-related Groups, coherence of their work programmes and priority setting in order to achieve real synergies, complementarities and impact; ENCOURAGES the ERA-related Groups to provide timely strategic inputs to ERAC on research and innovation issues that are relevant to the development of their respective specific ERA priorities; furthermore INVITES Member States to ensure appropriate coordination between national representatives in the different ERA-related Groups and to continue coordinating the implementation of the ERA at the national level using the results and outputs from the different ERA-related groups;

10. In this context NOTES that ERAC and the other ERA-related Groups should develop their own work programmes, agendas, activities and deliverables according to their mandates. The relevant aspects of the draft work programmes should be discussed within the ERAC Steering Board and comments by the ERAC Steering Board should be taken into account. Before the adoption of the work programmes by each group, the work programmes are presented to ERAC to ensure overall coherence among the ERA-related Groups;

11. AGREES that the ERAC Steering Board should be responsible for preparing the meetings of ERAC. It should consist of the ERAC Co-Chairs, the Chairs of the other ERA-related Groups, two members elected from among the representatives of Member States of ERAC by a majority of its component members for a period of two years as well as representatives of the incumbent and of the incoming EU Presidency;

12. ASKS ERAC to consider the following outstanding issues:

   – streamlining the advisory structure including the number of ERA-related groups, their mandates and reporting lines;

   – developing standard clauses which should be present in the mandates of all ERA-related groups;

   – a mechanism for definition of new ERA-related groups and conditions for revising the status of the existing ones;

   – a definition of the role and functions of the Co-Chairs based on a partnership of equals;

   – a draft mandate for ERAC;

   – draft rules of procedure for the ERAC Steering Board;

   – the proposals by SFIC and GPC for their new mandates in the light of the standard clauses;

with a view to preparing a proposal on the ERA advisory structure by 15 October 2015 for the Council (Competitiveness) in December 2015.

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Streamlining the ERA advisory structure

There are a number of issues we are trying to address here:

– the need for a structure best suited to timely implementation of the ERA Roadmap and fulfilling the potential of ERA;

– the present structure of bodies is complex and confusing to explain to any Minister brave enough to ask about it;

– communication with the Council reflects this, with no obvious pattern to why various bodies are presenting items or how they relate to each other;

– ERA-related groups have been set up piecemeal with different constitutional and membership bases (Ministry representation or independent experts) and different reporting structures – not a criticism as it reflects historical developments, but equally not a reason to keep an eccentric structure;

– as experience with the Roadmap indicated, we have duplication of effort in some parts of the ERA landscape but gaps in others;

– the number of bodies is difficult for Member States, especially smaller ones, to support;

– the landscape is further complicated by perceptions that there is a large number of additional Commission expert groups which overlap with the ERA-related groups;

– it is relatively easy to set up new groups in response to changing circumstances but harder to rationalise existing ones.

This annex discusses the ERA-related groups first, then the Commission expert groups afterwards. We suggest the following specific steps on ERAC and other ERA-related groups:

Number of groups

1)   ERAC and the other ERA-related groups should at this stage take responsibility for a designated ERA priority as determined by the extraordinary ERAC meeting in November 2014 (summary reproduced from the minutes):

Priority 1:   More effective national research systems (ERAC)

Priority 2(a):   Optimal transnational cooperation and competition: jointly addressing grand challenges (GPC)

Priority 2(b):   Optimal transnational cooperation and competition: research infrastructures (ESFRI)

Priority 3:   Open labour market for researchers (SGHRM)

Priority 4:   Gender equality and mainstreaming in research (Helsinki Group)

Priority 5:   Optimal circulation, access to and transfer of scientific knowledge, including via digital ERA (KT, though it has been decided to replace KT by a group with a broader mandate)

Priority 6:   International dimension (SFIC)

We keep this attribution under review as implementation of the Roadmap proceeds, as not all priorities may need a separate group for the latter phases. Following a quick check over the next few months on any immediate issues that might require tidying up, mandates will be formally reviewed in line with the procedures in Annex D at least every three years, with the first taking place in 2018. The procedures in Annex D reflect the Council's specific role in respect of certain groups;

2)   the number of ERA-related groups should not exceed the number of ERA Priorities
        agreed by the Council;

3)   since the agenda for ERA is evolving particularly fast at the moment, it will be
        important for the first triennial review in 2018 to be prepared to be bold in refreshing
        the groups;

4)   if any new ERA-related groups are set up following a triennial (or when necessary)
        review, they should have a clear purpose and specified lifespan (set out in their remit
        and mandate) to follow the evolving ERA agenda;

5)   in general new ERA-related groups should only be set up to address significant strategic
        issues that require sustained work over a number of years – otherwise ERAC should set
        up ad hoc working groups (with remits of roughly a year or less), ensuring these too
        have a clear purpose and provide added value for ERA;

6)   in addition to these steps, delegations and the European Commission should be willing
        to experiment with different working methods to maximise effectiveness and
        participation whilst minimising the time, travel and other resource commitments
        required (including, for example, increased use of technology) – particularly within the
        less formal context of ad hoc working groups;

Mandates

7)   we seek to find a model whereby ERAC assumes a recognised and respected
        coordinating role that brings greater coherence to the overall advisory structure
        (otherwise there is no point in doing any of this) but we avoid any suggestion that
        ERAC can dictate what other ERA-related groups say. We operate on the principle that
        ERAC and the other ERA-related groups co-ordinate on process (work programmes and
        what is looked at when, including when and how it is communicated to the Council) but
        that the individual ERA-related groups are solely responsible for the content of the
        advice they give (what they actually say about the issues on their work programmes);

8)   ERAC's role in making this model work should therefore be:

–   to chair a collegiate process, via the Steering Board and the presentation of work programmes to an ERAC plenary, to which the different bodies bring their best advice on priorities on the understanding that they will reach a common view on what needs to be covered across their work programmes as a whole, how best to coordinate the timing of work and the scheduling of meetings, and how the results of the work programmes will be communicated to the Council in a co-ordinated and meaningful order;

–   in that chairing capacity, to present a short annual report to the Council on how this process has gone (see also point 11 below);

–   to advise the Council on the overall shape of the structure and the case for standing down existing groups or setting up new ones (see also point 11 below);

–   to remain at the strategic level in its oversight of the system and avoid attempting to track the detailed work of other ERA-related groups (which time would not in any case permit);

–   to share information on the broader ERA context with the other ERA-related groups;

–   to promote good communication between all the ERA-related groups in order to support their work and to facilitate the coordination at national level of representatives in the various ERA-related Groups;

9)   the role of the other ERA-related groups in making this model work should therefore be:

–   to bring their best advice to the Steering Board on what needs to be covered in their work programmes but to be open to making changes in the light of discussion with the Steering Board, ERAC and other ERA-related groups on how best to execute Ministerial priorities, if that discussion reveals gaps or overlaps;

–   to work with ERAC on an agreed plan for communicating with the Council;

–   within that framework to take sole responsibility for the content of the advice they provide;

–   to provide a concise annual report to ERAC on progress against their ERA priority, and more generally, through the Steering Board or otherwise, to share information of wider interest with other ERA-related groups;

–   to explore interactions or common activities with other ERA-related groups, notably on cross-cutting issues;

10)   ERAC should aim to meet at least once a year at DG level. Amongst other business, this meeting should normally sign off the short annual report to the Council and (in appropriate years) any advice to the Council on the overall shape of the structure and the case for standing down or creating groups (see point 8 above). Key issues arising from the interaction with other ERA-related groups (notably ESFRI) may also be appropriate for consideration at this meeting;

11)   whilst we cannot resolve all outstanding constitutional anomalies at this stage, we should have a minimum degree of commonality amongst all ERA-related groups. The current types of ERA-related groups are as follows: ERA-related groups designated as configurations of ERAC (currently GPC and SFIC); ERA-related groups designated as standing Working Groups of ERAC (currently WG for Priority 5); ERA-related groups set-up by the Commission (SGHRM and Helsinki Group); joint Member State / Commission group (ESFRI). With a necessary period of transition, in time all groups should reflect the following:

–   all other ERA-related groups should, by extension of ERAC itself, be ultimately accountable to the Council (rather than the Commission as is currently the case for some groups), with representation of national competent authorities rather than individual experts, with support from the Council Secretariat, although reimbursement will be limited to ERAC itself and its two configurations (currently GPC and SFIC) unless COREPER agrees to increase this number.

–   all other ERA-related groups should be chaired by an elected delegate in line with the procedures described in Annex C (noting that for groups other than ESFRI this must be someone from a Member State);

–   the groups that this will mainly affect are the Helsinki Group for Priority 4, the SGHRM for Priority 3, and the Knowledge Transfer Group for Priority 5 (which following agreement by ERAC on 7 July, will discontinue and a new ERAC standing Working Group will be set up to cover the broader aspects of open science / open innovation on a basis to be defined) – discussions will need to take place with the Helsinki Group and SGHRM, but the three groups should be established on the new basis (no later than the next triennial review) ;

–   since the need to regularise the mandate of the former Knowledge Transfer Group for Priority 5 is the most pressing one, we can use this as a test for setting up a group on the future model described in this paper, and use the experience to guide the ongoing process thereafter;

12) the coordinating role of the Steering Board in this process does not imply additional general decision-making powers, which remain with ERAC as at present, and the Steering Board must ensure systematic reporting back to ERAC where relationships with other ERA-related groups have been considered at a Steering Board meeting;

13) the changes agreed by the Council, and by ERAC on the basis of this paper, should be reflected in a set of standard clauses to be incorporated in the mandates of all ERA-related groups (see Annex C);

14) the main instruments of greater streamlining should be these standard clauses reinforced by voluntary collaboration between the bodies, principally structured through the new Steering Board – but if remaining constitutional anomalies cause problems, then further changes to mandates may be required;

Reporting lines

15) since the intention is that in time all ERA-related groups should be ultimately accountable to the Council, any new ERA-related groups set up (usually) after a triennial review would need to reflect this, with a link through ERAC to the Council (though, crucially, taking responsibility for the content of their own advice as described above). Two groups at any one time will be able to operate as configurations of ERAC (with support from the Council Secretariat and reimbursement as noted above), so setting up a new group on this basis will obviously be dependent on the work of one of the two existing configurations being finished or suitable for taking forward in a different way. Any other new groups would need to be established formally as standing working groups of ERAC. The processes for establishing new groups and the role of the Council in approving changes are set out in Annex D;

16) as it would be a major administrative and communications exercise to put such reporting lines formally in place for all existing groups, we should proceed in the first instance on the basis of the collegiate arrangements described above (for agreeing work programmes and communications with the Council) and review their effectiveness in the light of experience;

17) regardless of whether they are established as a configuration of ERAC or as a standing working group of ERAC, the relationship of any new ERA-related groups to ERAC and other ERA-related groups and their membership of the Steering Board will be as set out in this Annex and in the standard clauses in Annex C – the version of the standard clauses prevailing at the time will be incorporated in their mandate.

Turning to the issue of Commission advisory expert groups, the Council asked the Commission to compile an inventory by 30 June. This was duly received and circulated. Following a preliminary discussion in ERAC in July 2015, consideration of this is ongoing, in order to gather delegations' views. The intention more generally is that coordination of ERA-related groups with existing and future Commission expert groups will be discussed regularly in ERAC.

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Suggested standard clauses for mandates of the other ERA-related groups[1]

Introduction

1.   In order to reflect the importance of advice on policy and implementation across the full spectrum of research and innovation in the framework of the governance of the European Research Area (ERA) and with a view to the coherent and effective implementation of ERA and to ensure European added value, all ERA-related Groups shall cooperate with and support ERAC to cover all the ERA priorities.

ERA coordination

2.   [Name of Group] and the other ERA-related Groups shall develop their own work programmes, draw up their own agendas, carry out their activities and produce their deliverables according to their mandates and the ERA Roadmap. The relevant aspects of the draft work programmes, including the timing of work, the scheduling of meetings and the planning of communication with the Council, shall be discussed within the ERAC Steering Board and comments by the ERAC Steering Board shall be taken into account. The Chairs of the ERA-related Groups shall ensure the substance of these discussions is systematically reported back to their Groups.

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[1]   As defined in the Council Conclusions of May 2015, "The ERA-related groups currently include the European Research Area and Innovation Committee, the European Strategy Forum on Research Infrastructures (ESFRI), the Strategic Forum for International Science and Technology Cooperation (SFIC), the High Level Group on Joint Programming (GPC), the Helsinki Group on Gender in Research and Innovation (HG), the ERA Steering Group on Human Resources and Mobility (SGHRM) and the ERAC Working Group on Knowledge Transfer (KT – *Note: to be updated in the light of the decision of ERAC on 7 July*). The Digital ERA Forum (DERAF) and the group of national points of reference on Open Access (NRP on OA) are also contributing to the implementation of the ERA. ESFRI has an additional strategic role beyond that relating to the ERA and the ERA roadmap, which is not subject of these Conclusions."

To ensure overall coherence among the ERA-related Groups and to avoid gaps or duplication in the coverage of ERA priorities, the work programmes shall be discussed within the ERAC Steering Board and a report of these discussions presented to ERAC before the adoption of the work programmes by each Group. Within this framework, [Name of Group] and the other ERA-related Groups take sole responsibility for the content of the advice they provide.

3.   The Chair of [Name of Group] will serve on the ERAC Steering Board along with the Chairs of the other ERA-related Groups.

4.   [Name of Group] shall submit a concise annual report to ERAC, providing a timely strategic and operational overview of research and innovation issues that are relevant to the development of the specific ERA Priority for which it is responsible and on the impact of its activities on the achievement of that Priority. This shall be provided in good time for ERAC to prepare its own annual report to the Council. It shall also ensure more generally, through the Steering Board or otherwise, that other ERA-related groups are aware of developments in its area that are relevant to the wider work of ERA.

5.   [Name of Group]'s mandate shall be assessed when necessary, but at least every three years, by ERAC in line with ERAC's agreed procedure for this exercise, and recommendations shall be made to the Council[2] on whether the mandate needs to be revised or repealed in order to reflect progress in the implementation or updates of ERA Priorities.

Organisation

6.   [Name of Group] shall meet regularly, up to [Group to determine] times per year. The meetings will normally be held in Brussels.

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[2]   For the transitional period during which some groups still come under the Commission's auspices, this text shall be construed as including recommendations to the Commission in respect of those groups.

7. The Chair (and Vice-Chair if applicable) of [Name of Group] shall be elected from among the representatives of Member States on the Group[3] by a majority of its component Members for a period of three years [which is renewable once]. In so doing, they shall have due regard to gender balance and other aspects of diversity.

8. Delegates of Member States and Associated Countries are present in the Group as formal representatives of their country, not as individual experts, and should ensure appropriate co-ordination with national representatives in other ERA-related groups.

9. The Secretariat for [Name of Group] is provided by [arrangements for the time being as below]:

   – [For ERAC/ GPC/ SFIC/ ERAC WG Knowledge Transfer[4] the secretariat of is provided by the General Secretariat of the Council.]

   – [For ESFRI/ SGHRM/ HG the secretariat is currently provided by the relevant services in the Commission.]

10. The primary role of the Secretariat is to assist the Group in its operation. In particular, it assists the Chair in the preparation, conduct and follow-up of meetings, including the circulation of provisional agendas and of related documents, and the drafting of summary conclusions of meetings.

11. The Commission shall support the work of this Group within the remit of its competence.

12. [Name of Group] may set up sub-groups to deal with questions relevant to its mandate. These must have a clear purpose and mandate and be of limited duration.

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[3] In the case of ESFRI delegates from Associated Countries are also eligible.
[4] Change in status: following the ERAC meeting on 7 July, the ERAC Working Group on Knowledge Transfer will discontinue and a new ERAC Working Group will be set-up to cover the broader aspects of open science/ open innovation (to be defined). The Group will be repositioned under the framework of ERAC as a Working Group and its status modified accordingly – i.e. no reimbursements from the Commission, secretariat provided by Council Secretariat.

13.	In agreement with the ERAC Steering Board, [Name of Group] shall draw up rules of procedure that are coherent with those of the other ERA-related Groups. The requirement for coherence in rules of procedure does not include any voting rules, which are solely a matter for [Name of Group].

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Mechanism for the definition of new ERA-related groups and conditions for

revising the status of the existing ones

The underlying idea is that the ERA-community needs to keep its structure and agenda aligned with a dynamic environment. The Council has asked that the list of ERA-related groups is reviewed regularly and at least every three years. Annex B additionally proposes that the number of ERA-related groups should not exceed the number of ERA priorities.

We propose the following procedure for reviewing the list of ERA-related groups:

1) A year before the triennial review, ERAC should hold a discussion at DG level on the strategic landscape for research and innovation in Europe to identify the key strategic priorities that will require attention by the research and innovation community. These may also be tested with stakeholders.

2) The Steering Board should then consider the outcomes of the DG discussion against the current list of ERA-related groups and Commission advisory groups to identify the scope of the review. The Chairs of the other ERA-related groups will be part of this discussion as members of the Steering Board. It may be clear, for instance, that some ERA-related groups have an ongoing role with little modification (hence requiring light-touch rather than detailed review in that particular cycle), that others require some refocusing of their mandates, and that others may need to be wound down. Issues identified by DGs may be suitable for incorporation in an existing group (in its current form or with some extension of its current remit) or for taking forward via an ad-hoc working group, but some issues may be potential candidates to be the subject of a new group.

3) The results of this reflection should be presented to ERAC in a paper with a draft terms of reference, methodology and timetable for the review. The paper should indicate which groups require light-touch and which require in-depth consideration as part of the review.

4)   No specific process is stipulated for the review, but it should reflect the following considerations:

–   whilst ERAC is part of this process, it should not be responsible for carrying out an in-depth review of itself; hence if the DG discussion described above identifies ERAC's mandate as one of those requiring in-depth consideration during the review in question, recommendations to Council should be based on independent advice on a basis to be determined by the Presidencies covering the period of the review – if only minor changes are required, then it is acceptable for ERAC to make recommendations on its own behalf;

–   the review should be carried out on the basis of transparency and communication with stakeholders (to be clarified as part of the exercise of drawing up the terms of reference);

–   there is no obligation to have a separate group for each ERA priority if the work can be done with fewer groups;

–   formal ERA-related groups will be particularly suitable for issues where Member States need to establish a way forward on strategic issues that require significant work amongst Member States that is likely to take several years;

–   of these formal ERA-related groups, there is currently scope for two at any one time to be designated as configurations of ERAC, while other formal groups will be standing working groups of ERAC;

–   for shorter or more immediate issues, an ad-hoc working group may be more appropriate (and these have the advantage that they can be set up and closed down by ERAC on its own initiative, without recourse to the formal review process described here);

–   for areas that require a new formal ERA-related group, it may be helpful to start them off as an ad-hoc working group and confirm their formal status later (particularly if some work is required to clarify the scope of the work or the nature of the problem needing a solution);

–   formal ERA-related groups should not be a vehicle for providing expert advice given in an individual capacity.

5)   The outcome of the review (agreed by ERAC at DG level) should be put to the Council for approval, by the December meeting of the review year at the latest, covering the following points:

–   which formal ERA-related Groups should continue;

–   which formal ERA-related Groups require modification of their mandate;

–   which formal ERA-related Groups should be discontinued, and if there is any residual work how that will be dealt with;

–   whether any new formal ERA-related Groups should be established, and if so the proposed mission and timescale;

–   which formal ERA-related Groups should be designated as configurations of ERAC, seeking Council approval as required (see following point).

6) The Council's approval will be sought for the mandates, or changes to the mandates, of Groups which have previously received, or which will in future receive, Council funding (ERAC and the up-to-two configurations of ERAC). For formal ERA-related Groups which will function as standing working groups of ERAC and do not fall into the category described in the preceding sentence, the mandates do not need to be signed off by the Council, but the Council may of course express views for ERAC to take into account on the mission and timescale of these Groups (and would expect to do so in the case of groups which the Council itself instigated). It will be important that the paper to the Council demonstrates how the proposed suite of formal ERA-related Groups as a whole will cover the necessary research and innovation ground in an appropriate manner.

7) The presentation to Council does not need to cover in detail all the ad-hoc working groups that ERAC intends to set up – it will usually suffice to inform the Council that certain issues will be taken forward by this route.

8) The paper reporting these recommendations to the Council should also include information on any adjustments the Commission plans to make to its list of advisory expert groups in response to the review and ERAC's suggestions (though the decision on these advisory expert groups is solely a matter for the Commission).

9) New groups should be established on a consistent constitutional basis (in line with para 15 of Annex B) using the currently valid standard clauses and prevailing standard model of reporting.

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A definition of the role and functions of the co-Chairs based on a partnership of equals

The intention of the co-chairing arrangement is to provide assurance to Member States that the greater co-ordinating role for ERAC envisaged in the Council Conclusions is carried out in a way that properly protects their interests in discussions of their national research and innovation systems and to ensure that Member States and the Commission work hand in hand on European policies, initiatives, surveys and other matters related to ERA.

ERAC has now agreed that it will not have an elected Member State vice-chair as well as an elected Member State co-Chair, with the consequent abolition of the vice-chairmanship. ERAC has also agreed that the current vice-chair should become the co-Chair of ERAC.

How the co-chairmanship should work in practice is something that ERAC needs to pronounce on in broad lines in its proposal to the Council before 15 October[1]. Apart from this, the modus operandi of the co-chairmanship is likely to evolve. We therefore suggest that we begin on the basis of the proposals below but that we adapt these in the light of feedback from delegations.

1.   The Steering Board should agree which agenda items at the plenary should be chaired by the Commission Chair and which by the Member State Chair.

2.   This should be done pragmatically with the aim of a roughly equal division of work rather than anything more complicated.

3.   If one of the co-Chairs is indisposed or has to leave, the other should take over.

4.   If both are absent or unable to take the chair, the meeting will be chaired by the Deputy DG and one of the elected Member State representatives on the Steering Board.

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[1]   Council conclusions (doc. 9342/15), Paragraph 12, fourth tiret.

5. Commission and Member State co-chairing will also apply to the Steering Board, with the secretariat continuing to be provided by the Council Secretariat.

6. Reporting to the Council on behalf of ERAC and representing ERAC at the Council shall be undertaken by the Commission and Member State co-Chairs together.

If Member States have any concerns about the co-chairing arrangements, then they should raise them either with the Member State co-chair or with one of the elected Member State representatives on the Steering Board.

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Mandate of the European Research Area and Innovation Committee (ERAC)

1. The European Research Area and Innovation Committee (ERAC, hereafter referred to as the Committee) shall be the strategic policy advisory committee on the full spectrum of research and innovation in the framework of the governance of the European Research Area (hereafter referred to as ERA).

2. The Committee's principal mission is to provide timely strategic input to the Council, the Commission and Member States on the ongoing implementation of the ERA in Member States and Associated Countries and on other strategic research and innovation policy issues. The Committee shall do this on its own initiative or at the request of the Council or the Commission.

3. With respect to its mission, the Committee shall, in particular:

    a. provide, at an early stage, advice on the identification and design of strategic priorities for policy initiatives on research and innovation relating to the development of the ERA, including the EU Framework Programmes and other relevant EU, intergovernmental and national initiatives;

    b. provide advice on broad orientations for possible future policies and for interaction between existing policies at international, EU and national level contributing to the development of the ERA;

    c. in pursuit of 3 (a) and (b) and with a view to the coherent and effective implementation of ERA and to ensure European added value, work in cooperation and with the support of the other ERA-related groups[1] to cover all the ERA priorities;

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[1] As defined in the Council Conclusions of May 2015, "The ERA-related groups currently include the European Research Area and Innovation Committee, the European Strategy Forum on Research Infrastructures (ESFRI), the Strategic Forum for International Science and Technology Cooperation (SFIC), the High Level Group on Joint Programming (GPC), the Helsinki Group on Gender in Research and Innovation (HG), the ERA Steering Group on Human Resources and Mobility (SGHRM) and the ERAC Working Group on Knowledge Transfer (KT – *Note: to be updated in the light of the decision of ERAC on 7 July*). The Digital ERA Forum (DERAF) and the group of national points of reference on Open Access (NRP on OA) are also contributing to the implementation of the ERA. ESFRI has an additional strategic role beyond that relating to the ERA and the ERA roadmap, which is not subject of these Conclusions."

d. within this collegiate framework, oversee the progress of the ERA, while having regard to the principles of subsidiarity and complementarity, with special attention to the efficiency, accessibility, transparency and coherence of its instruments and initiatives, including those defined in the EU Framework Programmes, notably taking into account the criterion of European added value;

e. identify the need for independent assessments of ERA-related policies and use the results of such assessments to make recommendations for greater and better progress of the ERA;

f. with the other ERA-related Groups, contribute, where relevant, to promoting the coordination of national research and innovation policies and to ensuring that national policies and EU policy are mutually consistent;

g. be proactive towards the anticipation of policy topics that could efficiently contribute to the preparation of policy debates in the Council (Competitiveness).

4. In addition to its principal mission, the Committee shall also promote the voluntary evaluation of national policy mixes, peer reviews and mutual learning exercises relevant to the design, implementation and evaluation of national R&I reforms (including the contribution of tools such as the Horizon 2020 Policy Support Facility). For these activities it may set up ad-hoc working groups that shall carry out their work under the guidance of the Committee.

5. The Committee shall develop strategic interactions and coherence, as appropriate, with other policy areas relevant to the full spectrum of research and innovation.

6. The Committee shall, via its Steering Board, ensure the coordination between itself and the other ERA-related Groups, in particular, regarding the coherence and timing of their work programmes and priority setting. The Committee shall prepare a short annual report to the Council on the effectiveness of this process. It shall also ensure more generally, through the Steering Board or otherwise, that other ERA-related Groups are aware of developments that are relevant to the wider context of ERA.

7.   The Committee shall assess the other ERA-related Groups' mandates when necessary, but at least every three years, in line with the Committee's agreed procedure for this exercise; and make recommendations to the Council[2] on whether the mandates need to be revised or repealed in order to reflect progress in the implementation or updates of ERA Priorities.

8.   The Committee's mandate shall also be assessed as part of this process. If in-depth consideration of its mandate is required in a particular review, recommendations to the Council should be based on independent advice on a basis to be determined by the Presidencies covering the period of the review.

Members and Observers

9.   In order to ensure the Committee's effectiveness and impact it shall consist of up to two representatives at an appropriate level from each Member State who are responsible for research and innovation policies, and the Commission (hereafter referred to as Members).

10.   The Committee may invite representatives of countries associated to the EU Framework Programme to participate in its meetings as observers. It may also invite other observers, including Members of the European Parliament, if particular items so require. Only Member States may vote, however, and certain parts of meetings may only be open to Member States.

11.   All delegates of Member States and Associated Countries are present in the Committee as formal representatives of their country, not as individual experts, and should ensure appropriate co-ordination with national representatives in other ERA-related groups.

Organisation

12.   The Committee shall meet at least four times a year (and aim to meet at least once a year at DG level). The meetings will normally be held in Brussels but may be hosted by the country holding the rotating Presidency of the Council of the European Union.

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[2]   For the transitional period during which some groups still come under the Commission's auspices, this text shall be construed as including recommendations to the Commission in respect of those groups.

13. The Committee shall be co-chaired by the Commission and an elected representative from the Member States. The Rules of Procedure shall stipulate appropriate deputising arrangements if either co-Chair is indisposed.

14. The co-Chair from the Member States-shall be elected from among the representatives of Member States on the Committee by a majority of its component Members for a period of three years, which is renewable once.

15. The Secretariat of the Committee shall be provided by the General Secretariat of the Council. The primary role of the Secretariat is to assist the Committee in its operation. In particular, it assists the co-Chairs in the preparation, conduct and follow-up of meetings, including the circulation of provisional agendas and of related documents, and the drafting of summary conclusions of meetings. The Commission shall support the work of this Committee within the remit of its competence.

16. The Committee shall have a Steering Board. The co-Chairs of the Committee shall act as the co-Chairs of the Steering Board. The Steering Board shall consist of the ERAC co-Chairs, the Chairs of the other ERA-related Groups, a representative of the current and a representative of the next Member State holding the Presidency of the Council of the European Union, as well as two Members elected from among the representatives of Member States on the Committee by a majority of its component Members for a period of three years. The Secretariat of the Steering Board shall be provided by the General Secretariat of the Council. The Steering Board shall be assisted by the Commission services.

17. The Steering Board shall prepare the draft work programmes and draft provisional agendas of meetings of the Committee in accordance with the Rules of Procedure of the Committee. The Steering Board shall also agree which agenda items should be chaired by the Commission co-Chair and which by the Member State co-Chair. The draft work programmes and the draft provisional agendas shall require agreement between the co-Chairs before they are put to the Committee for approval and adoption respectively. The Steering Board has no general powers to take decisions on behalf of the Committee beyond matters assigned to it by this mandate or specific items delegated to it by the Committee.

18. ERAC and the other ERA-related Groups shall develop their own work programmes covering a period of 18 months (based on the programmes of the forthcoming trios of Presidencies), draw up their own agendas, carry out their activities and produce their deliverables according to their mandates and the ERA Roadmap. The relevant aspects of the draft work programmes, including the timing of work, the scheduling of meetings and the planning of communication with the Council, shall be discussed within the ERAC Steering Board and comments by the ERAC Steering Board shall be taken into account. The Chairs of the ERA-related Groups shall ensure the substance of these discussions is systematically reported back to their Groups. Before the adoption of the work programmes by each Group, the work programmes shall be presented to the Committee to ensure overall coherence among the ERA-related Groups and to avoid gaps or duplication in the coverage of ERA priorities. Within this framework, ERAC and the other ERA-related Groups take sole responsibility for the content of the advice they provide.

19. Subject to Council approval of the outcome of the review process described in paragraphs 7 and 8 above, the Committee may establish new ERA-related groups to address strategic priorities requiring several years' work, either as standing working groups of ERAC (for which the Committee can itself approve the mandate) or as configurations of ERAC (a maximum of two configurations in addition to ERAC itself, with the mandates submitted to the Council for approval). The number of ERA-related groups shall not exceed the number of ERA Priorities as determined by the Council. For shorter-term priorities, the Committee may on its own authority set up ad-hoc working groups, limited to approximately one year's duration, with specific tasks to deal with questions relevant to its mandate. Ad hoc working groups do not require the participation of all delegations. The Committee may also select one of its members to act as rapporteur for a limited period of time and on specific topics that require liaison between ERAC and other groups in the field of research and innovation.

20. Summary conclusions, opinions and reports of the Committee shall, as appropriate, record the consensual opinion of or the votes cast by its Members and shall make mention of minority views. Qualified majority voting shall apply to all matters pertaining to the creation or dissolution of formal ERA-related groups or advice to the Council on these matters. Simple majority voting shall be used for other matters.

21. In agreement with the ERAC Steering Board, the Committee shall draw up rules of procedure that are coherent with those of the other ERA-related Groups.

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Draft Rules of Procedure for the ERAC Steering Board

[N.B.: the Rules of Procedure for the ERAC Steering Board will be incorporated to the overall ERAC Rules of Procedure which will be amended in accordance with the revised ERAC Mandate once adopted.]

Article xx

Steering Board

1.   The Committee shall have a Steering Board.

2.   The Steering Board shall consist of the co-Chairs of the Committee, the Chairs of the other ERA-related groups[1], a representative of the current and a representative of the next Member State holding the Presidency of the Council of the European Union, and two representatives from two other Member States elected from the representatives serving on the Committee.

3.   The two Member State representatives referred to in Paragraph 2 shall be elected by a majority of the representatives of Member States or their alternates for a period of three years. Their term shall not be renewable more than once.

4.   The Steering Board may invite third parties to its meetings, such as representatives of the Member State holding the Presidency of the Council after the next Presidency, chairpersons of Working Groups, rapporteurs and experts.

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[1]   The other ERA-related groups currently include the European Strategy Forum on Research Infrastructures (ESFRI), the Strategic Forum for International Science and Technology Cooperation (SFIC), the High Level Group on Joint Programming (GPC), the Helsinki Group on Gender in Research and Innovation (HG), the ERA Steering Group on Human Resources and Mobility (SGHRM) and the ERAC Working Group on Knowledge Transfer (KT – to be updated in the light of the decision of ERAC on 7 July)

5.	The Steering Board shall be chaired by the co-Chairs of the Committee. In their absence, the Board shall be chaired by the Deputy Director-General of the Directorate General for Research and Innovation of the Commission, and one of the elected Member State representatives on the Steering Board.

The agenda for the Steering Board meetings shall be drawn up by the co-Chairs.

6.	The Steering Board shall have the following duties:

a)	It shall regularly draw up and update the Work Programme of the Committee.

b)	It shall prepare the annotated provisional agenda of Committee meetings and decide which agenda items shall be chaired by the Commission co-Chair and which ones by the Member State co-Chair.

c)	It shall discuss the ERA-related aspects of the draft work programmes of the other ERA-related groups and comments by the Steering Board should be taken into account. Before the adoption of the work programmes by each group, the work programmes shall be presented to the Committee in order to ensure overall-coherence among the ERA-related groups. The Steering Board shall determine how the results of the work programmes will be communicated to the Council in a coordinated and meaningful order.

d)	It shall systematically report back to the Committee on the updates provided by other ERA-related groups at its meetings.

7.	The Steering Board shall work on the basis of consensus. The Steering Board shall not have general powers to take decisions on behalf of the Committee beyond matters assigned to it by the Committee's mandate or specific items delegated to it by the Committee.

8.	The Secretariat of the Steering Board shall be provided by the General Secretariat of the Council. The Steering Board shall be assisted by the Commission services.