**Council of the
European Union**

Brussels, 11 November 2015
(OR. en)

13883/15

**RECH 268
COMPET 499**

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	13668/15 RECH 265 COMPET 489
Subject:	Draft Council conclusions on the review of the European Research Area advisory structure

Delegations will find attached draft Council Conclusions on the review of the European Research Area advisory structure with a view to the Research Working Party meeting on 16 November 2015.

Changes to the previous text (doc. 13668/15) are indicated in **bold underlined** for additions and in ~~strikethrough~~ for deletions.

————————————

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 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;

– its Conclusions on the review of the European Research Area advisory structure of 29 May 2015[7], in which the Council acknowledged the need for a more efficient and effective advisory structure for the implementation of the ERA and invited ERAC to prepare a proposal on the ERA advisory structure by 15 October 2015;

---

[1]   11032/11
[2]   ERAC 1206/11
[3]   12848/12
[4]   17649/12
[5]   10331/13
[6]   16599/14
[7]   9342/15

EN

1. REITERATES the importance of a well-functioning advisory structure to ensure the coherent and effective implementation of the ERA and the ERA Roadmap to fulfil the potential of ERA and ~~ACKNOWLEDGES~~ **WELCOMES** the Opinion adopted by the European Research Area and Innovation Committee (ERAC) on the review of the ERA advisory structure[8];

2. REAFFIRMS the coordinating role of ERAC and its capacity as a strategic advisory committee that can provide greater coherence to the overall advisory structure and advice on broad orientations for future policies also by exploiting impact assessment of past policies and horizon scanning of future scenarios; UNDERLINES the ~~voluntary~~[9] collaboration between the groups, principally structured through the ERAC Steering Board where all the ERA-related groups are represented; furthermore STRESSES that the aim is to coordinate on the process (such as timing of work, scheduling of meetings, planning of communication with the Council), but that **ERAC and** the ~~individual~~ **other** ERA-related groups remain solely responsible for the content of the advice that they provide;

3. AGREES that whilst all the ERA-related groups continue to fulfil their functions, more effort needs to be made to reduce added monitoring and reporting burdens on the Member States; CALLS on the Commission and the ERA-related groups to identify areas where monitoring and administrative burdens of reporting may be reduced through further streamlining;

Number of groups

4. AGREES that at this stage ERAC and the other ERA-related groups[10] take the responsibility for a designated ERA priority for the implementation of the ERA and the ERA Roadmap as follows:

---

[8] ERAC 1212/15
[9] DE scrutiny reservation
[10] The ERA-related groups currently include the European Research Area and Innovation Committee (ERAC), 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). ESFRI has an additional strategic role beyond that relating to the ERA and the ERA roadmap, which is not subject of these conclusions.

–   Priority 1: More effective national research systems (ERAC)

–   Priority 2a: Optimal transnational cooperation and competition (GPC)

–   Priority 2b: Research infrastructures (ESFRI)

–   Priority 3: Open labour market for researchers (SGHRM)

–   Priority 4: Gender equality and mainstreaming in research (HG)

–   Priority 5: Optimal circulation, access to and transfer of scientific knowledge (a new group with a broader mandate replacing the former ERAC WG on KT)

–   Priority 6: International cooperation (SFIC);

5.   AGREES that the number of ERA-related groups should not exceed the number of ERA priorities agreed by the Council;

6.   Furthermore, AGREES with the approach taken by ERAC that

–   any new ERA-related group should only be set up to address significant strategic issues that require sustained work over a number of years and should have a clear purpose and a specified lifespan set out in its remit and mandate;

–   any such group should be established either as a standing working group of ERAC (for which ERAC can itself approve the mandate) or as a configuration of ERAC subject to the Council approval[11];

–   for other clearly defined purposes and providing added value for ERA, ERAC should set up *ad hoc* working groups with a lifespan of roughly a year or less;

---

[11]   CY/UK scrutiny reservation

Mandates

7. RECALLS its conclusion that the mandates of the ERA-related groups should be reviewed, and where necessary, revised or repealed at least every three years; STRESSES the need to resolve any immediate issues in the mandates without delay and AGREES that the first full review will take place ~~in~~ **no later than**[12] 2018 in line with the procedures outlined in the ERAC Opinion[13];

8. REPLACES the mandate of ERAC with a new mandate as set out in Annex that will take immediate effect and TAKES NOTE of the proposed draft rules of procedure for the ERAC Steering Board**[14]** that will be included in the revised ERAC rules of procedure to be adopted by ERAC;

9. NOTES that the main instruments for greater streamlining should be the standard clauses[15] proposed by ERAC reinforced by ~~voluntary~~ collaboration between the groups, principally structured through the new Steering Board; and ~~CALLS for~~**[16] INVITES the other ERA-related groups to incorporate** these clauses ~~to be incorporated~~ in the**ir** mandates ~~of ERA-related group~~s;

10. ~~ASKS~~ **CALLS UPON** the dedicated configurations of ERAC, that have been established by the Council, namely SFIC and GPC, to update their proposals**[17]** for their new mandates in order to ~~accommodate~~**incorporate** the standard clauses and to submit their proposals to the Council by early 2016; INVITES the Commission to incorporate the standard clauses in the mandates of the groups that it has established, namely HG and SGHRM without delay; and, recognising that ESFRI has an additional strategic role beyond that relating to the ERA and the ERA Roadmap, INVITES ESFRI to incorporate the **appropriate** standard clauses in its mandate in pursuance of the effective implementation of the ERA Roadmap Priority 2b;

---

12 AT/DE scrutiny reservation
13 ERAC 1212/15, Annex D
14 ERAC 1212/15, Annex G
15 ERAC 1212/15, Annex C
16 FR/DE scrutiny reservation
17 ERAC-GPC 1302/1/15 REV 1 and ERAC-SFIC 1355/15 respectively.

11. TAKES NOTE of the setting up of a new standing working group of ERAC to replace the Working Group on Knowledge Transfer with a new mandate to cover the broader aspects of open science / open innovation; INVITES ERAC and the Commission to consider the merger of existing groups in this domain to increase efficiency and to avoid duplication and unnecessary administrative burden; UNDERLINES the need for close coordination with related activities of other ERA-related groups, for example ESFRI with regard to e-infrastructures;

Reporting lines

12. AGREES with the approach taken by ERAC that, with a necessary period of transition, all ERA-related groups should be ultimately under the remit of the Council; therefore INVITES the Commission to consider the mandates of HG and SGHRM with a view to converting these groups into standing working groups of ERAC no later than the first triennial review in **by** 2018; in this context HIGHLIGHTS the importance of maintaining support from the Commission in these groups during the**ir** transition and in the future, as appropriate; support beyond 2018 **this transition** needs to be discussed and **agreement reached on a solution which is budget neutral for the Council** agreed during the review;

13. AGREES to the proposal by ERAC that the other ERA-related groups will provide a short annual update to ERAC on progress and impact against the ERA Roadmap and that ERAC will annually report to the Council to ensure that Council is regularly and comprehensively sighted on progress;

Finally,

14. TAKES NOTE of the Commission's inventory of the advisory groups that have been set up by the Commission as well as the mapping of these groups against the ERA-related groups; in this context WELCOMES ERAC's intention to regularly discuss the coordination of ERA-related groups with the existing and future Commission expert groups to avoid overlaps or gaps between the groups; ACKNOWLEDGES the need for appropriate coordination between national representatives in the different ERA-related groups in order for the advisory structure to be effective;

15. CONSIDERS the definition of the role and functions of the co-Chairs of ERAC based on a partnership of equals as suggested by ERAC[18] as a good basis to work upon; AGREES that the *modus operandi* for the co-chairmanship may evolve and therefore should be adapted in the light of experience;

16. ENCOURAGES all parties to proactively contribute to the enhanced cooperation between the groups; and LOOKS FORWARD to starting the first triennial review process of the ERA advisory structure ~~during~~ **no later than** the 1st half of 2018.

_____

---

[18]   ERAC 1212/15, Annex E

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[19] to cover all the ERA priorities;

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.

---

[19]   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."

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[20] 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.

---

[20]   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.

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.

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 **subject** 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.

_____