

ERIC Forum Implementation Project

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Permanent Governance Model for the ERIC FORUM

Work Package 2 - Deliverable 2.1

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Executive summary

The ERIC Forum (originally called ERIC Network) managed successful activities since its inception. However, the growing role of the Forum, and the growing needs of the ERICs, required a clearer governance and decision-making rules. WP2 deliverable 2.1 builds on the existing ERIC Forum Memorandum of Understanding to provide the Forum with new, more robust governance and a clear set of rules to expand the Forum’s activities even further

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Table of Contents

EXECUTIVE SUMMARY	1
BACKGROUND	4
APPROACHES (METHODS)	4
RESULTS	4
Delay	5
DISCUSSION AND CONCLUSIONS	5
NEXT STEPS.....	5
ANNEXES	6
Annex 1: first results of task force discussions	6
Annex 2: advance draft rules of procedure	31
Annex 3: final rules of procedure	42

Background

The ERIC Forum was initiated - as an ERIC network - by the European Commission (EC) in June 2014. Since then the ERICs took efforts to find a way to organize themselves independent from the EC. In 2017, the ERICs signed a Memorandum of understanding that provided the basis of the ERIC Forum and a first light governance.

WP2 aims at expanding on the MoU and provide the ERIC Forum with rules of procedures.

Approaches (Methods)

All partners of the project are members of WP2. The first necessary step was to set up a task force, composed of X few ERICs to prepare a proposal to the other ERICs. The task force then discussed intensively about the purpose the Forum has and which governance model could support this purpose. Furthermore, the task force analysed other existing groupings with similar structures (e.g. the EIROforum) and met also with them in person. The first results of the task force were discussed during the ERIC Forum meeting in Oslo in 2019 (annex 1) it was agreed that the best course of action was to set up implementing rules (“rules of procedures”) referring to the already existing MoU.

The task force then prepared draft rules of procedure (annex 2) and opened up a consultation process in a written form with all ERICs as well as step 1 and step 2 projects. This written procedure included a short questionnaire on the main open issues.

The results of that procedure made it possible for WP2 to produce an advanced draft of the rules of procedure, that was then discussed during a meeting with nearly all ERICs’ Directors in Amsterdam in autumn 2019. During that meeting, a consensus was reached regarding the proposed model. The task force was requested to clarify a few open questions. Before Christmas the finalized draft rules of procedure were sent around for final approval.

Results

The result of WP 2 is a document called “rules of procedure” to the ERIC Forum MoU (annex 3).

Based on D2.1, the ERIC Forum run elections to renew its leadership. Since February 2020 (ERIC Forum Annual Meeting) the ERIC Forum has a new Chair, a Vice Chair and an Executive Board working on the basis of the new rules of procedure.

The rules of procedure will support the development of both the internal and external dimension of the ERIC Forum:

- Internally, the rules help sustain an effective exchange between ERICs and future ERICs;
- Externally, the rules detail how the Forum takes decisions and therefore ensures that the ERIC Forum will be able to speak with one voice to relevant stakeholders (in particular the EC and the Member States).

Delay

While the deliverable was substantially ready by M12, it had to be approved by the ERIC Forum Assembly, which met on the 5th and 6th February in Brussels (in occasion of the ERIC Committee and RI programme committees' meetings).

Discussion and Conclusions

Discussions in the WP2 and within the Forum has shown that there is no need for the ERIC Forum to contribute itself into a legal entity for the time being.

Next Steps

Next steps are a revision of the rules of procedure, if deemed as necessary, as well as a proposal for bylaws for the Executive Board.

Annexes

Annex 1: first results of task force discussions



Aim of the presentation

- Present the **results of the WP 2 task force**, set up during the ERIC Forum Kick-off meeting.
 - Composition of task force: volunteers from *BBMRI, CESSDA, DARIAH, EATRIS, ELI, INFRAFRONTIER, SHARE*.
- Get **feedback and guidance (based on concrete questions)** for the next step: drafting of a „**governance framework**“ to be finalised until the end of the year. (No formal vote!)

Activities of task force

- Taking into account the **existing rules** and **settings**.
- **Analyse similar groupings** (esp. **EIROforum**, **ESFRI**).
- Start with **reflecting on purpose and stakeholder**.

Assumptions of the task force

- **Structure should follow the purpose!**
 - Task force made a huge effort to clarify what is actually the purpose of the Forum introduced in the Mou
 - See special document „hypothesis“ on sharepoint!
- Governance should **not be unnecessarily „clumsy “, but effective.**

Where are we right now?

From network to the Forum (+project)

- **Initiative by EC: 1st Network** meeting in Brussels (2014).
- **2nd Network** in Trieste (CERIC), **3rd** in Munich (SHARE), **4th** in Amsterdam (EATRIS), **5th** in Paris (ECRIN) and **6th** in Helsinki (ICOS).
- **1st ERIC Forum meeting** in Graz (BBMRI), **2nd** in Oxford (INSTRUCT), **3rd** in Seville (Lifewatch).
- ERIC Forum Implementation **Project** kick-off meeting in Amsterdam.

**Signing of the MoU to establish the ERIC Forum;
6th ERIC network meeting , ICOS-ERIC, 2017**



Background: Milestones

- 2009 **ERIC regulation**
- 2017 **Memorandum of Understanding (MoU) for the establishment of the ERIC Forum, signed by all established ERICs**
- 2018 **Temporary internal rules**
- 2019 **Implementation project**

Content of MoU and internal rules

- **Objectives**
 - **Identify common challenges**, collectively respond to them
 - Contribute to **further development of ERIC regulation, ESFRI framework, European/international research context**
 - Foster **visibility, impact and sustainability** of ERICs
- **Collaboratives activities**
 - **Governance, Forum meetings** (that can be partly restricted only to ERICs), **Working Groups, coordination of activities aimed at key stakeholders; any other activity deemed necessary**
- **Temporary structure**
 - Half-year Chairmanship

Why do we need a „governance framework“ ?

- **MoU** provides as collaborative activity “the definition of a forum governance agreement“
- **WP 2** of ERIC Forum implementation project: governance model
- Proposed and implemented governance must **secure stability and capacity** to act **beyond the project duration**

Main findings

What is an ERIC ?

- ERICs are still new and relatively unknown to many stakeholders.
- Therefore our interest should be to make them better known so that common issues can be better addressed and understood.
- We need to increase ERICs` visibility, excellence and international outreach.
- Create a quality brand for ERICs?

Stakeholders

- **ERIC members** (countries and their national ministries)
- **European Commission** (incl. other DGs)
- **EU Institutions** like EP, Council, Committee of the Regions etc.
- **ESFRI**
- **UN, OECD, WHO**
- **EIROforum** and its members
- Other organizations, e.g. **ERF**
- **Regional authorities**
- **User communities**

Member States/Associated Countries

- To be **better prepared as members of ERICs** and participation in their governance instances.
- To adopt **appropriate measures to accomodate ERICs** in their national **administrative systems** and address in **coherent ways status of staff, taxation etc.**

EU Commission (DG RTD)

- necessitates to have an organized **single interface for common issues** such as: **VAT**, economic versus **non-economic**, future **amendments** of the ERIC Regulation.
- and to have **regular exchanges of best practices benefitting future ERICs** and other stakeholders to understand better what are the **advantages/disadvantages for creating ERICs** and **how best to prepare** them.

EU Commission (DG RTD)

- Actually the Commission has a very close relationship to ERICs:
 - sets up ERICs,
 - supervises major amendments,
 - receives Annual Activity Reports.
- => participated in the network/ERIC Forum as a “permanent observer” right from the beginning.

ESFRI

High number of ESFRI projects (most of them are ERICs), necessitates to have an **organized single interface** for common issues, such as

- **Long-term sustainability**
- **Assessment/Monitoring/ KPIs**

Relevant governance example

EIROforum (European Intergovernmental Research Organisations)

- **Similarities:**
 - Members are European Research Infrastructures
 - From different domains
 - EU framework programme funding
- **Differences:**
 - Smaller number of members (currently eight)
 - International treaty organizations; not based on European law; not set by the European Commission
 - All large-scale infrastructures
 - Other national funding mechanism

Overview on the EIROforum

- **Charter** (= no legal entity)
- **Bodies:**
 - **Chair (one-year term)**
 - **General Assembly/ Council** (= all directors)
 - **Coordination Group** (= senior officials of the partner organisations, oversees the day-to-day activities, the work of the thematic working groups and prepares the bi-annual meetings of the EIROforum Council.
 - **Working Groups** (e.g. on international affairs, instrumentation); for the ERIC Forum possibly also “domain related“?

Overview on the EIROforum

- General Assembly/Council **meets twice a year** (one meeting at the premises of a member, the other in Brussels).
- Decisions are taken by **consensus**.
- **Chair is not the representative of the members**, but the **spokesman**. Activities are agreed with the members beforehand.
- Small common budget via membership fee for prizes.
- **Common work programm** with the Commission based on common **statement of intent**.
- Forum may decide to send an **expert to working groups** set up by the Commission.

Relevant governance aspects of ESFRI

- Very much differs from the ERIC Forum, as **members** are not research infrastructures, but delegates **representing countries!**
- We may however learn from ESFRI as being another “informal” Forum, without having a legal entity, common budget etc., but being nevertheless highly effective...
- Why?
 - Chair is supported by an “Executive Board”;
 - EC as permanent “Observer”

Possibly „statutes“?

- According to WP 2 description? But?
- Do we need really „statutes“?
- Normally statutes refer to a legal entity? E.g. all ERICs have „statutes“ in place.
- But following the mentioned principle that we should not be unnecessarily clumsy...
- Let´s take a look at other famous entity based „only“ on a MoU...

GBIF

- *Global Biodiversity Information Facility*



- „has established [Rules of Procedure](#), further elaborating on the provisions of the [Memorandum of Understanding \(MoU\)](#) regarding the structure of the board, meetings, requirements for participation and the establishment of subsidiary bodies“.

Questions to be discussed

1. Do you agree that the task force should prepare a **governance framework (“rules of procedure”)** based (to start with) on the governance of the **EIROforum**?
2. Do you agree that the Commission should be a **permanent observer to the Forum** (= taking part in the whole meeting)?
3. **Meeting structure:** should the meeting structure continue to be divided in an internal part and an open part as an active exchange platform for ERICs, future ERICs, Ministries other stakeholders (according to temporary rules of the Forum)?
4. If yes: Should **ministerial representatives/other stakeholders be invited** on a regular basis to the open part?
5. Do you agree that **invitation lists or other mailing lists should be open** to allow the others to understand who is also taking part?

Our hypotheses

- The ERIC Forum plays a proactive role in enhancing the efficient execution of European research, technological development and demonstration.
- The ERIC Forum promotes the tasks and activities of ERICs within the international legal and research policy framework based on the requirements of the Community.
- The ERIC Forum pools expertise in the construction and operation of large international research infrastructures and the implementation of research programmes.
- The ERIC Forum serves to maintain the close liaison of its members and their respective European research communities.
- The ERIC Forum identifies and represents issues of common interest of its members that are relevant to their respective missions by an integrative, consensus-building approach.
- The ERIC Forum stimulates discussions with stakeholders with a view to ensuring and demonstrating the sustainable impact of ERICs on the European Research Area; it facilitates high-level interactions with the European Commission (EC) and other organs of the European Union, as regards specific requests for expert advice that is relevant for the fulfilment of their respective objectives.
- The ERIC Forum develops a coherent policy strategy and creates common policy positions. The ERIC Forum contributes to policy developments due to topical statements and opinions.
- ...

Our hypotheses

- ...
- The ERIC Forum contributes to the preparation of legislative proposals and MS/EU policies affecting statutes, implementation, or management of ERICs under aspects of practicability, compliance and sustainability.
- The ERIC Forum interacts with ESFRI, in particular as regards initiatives aiming at improvements in the setting up, operation, use and performance of ERICs.
- The ERIC Forum boosts the use of ERIC RI's and the scientific return and technological development by optimizing the synergetic use of resources and results in matters of RTD, data, training, and collaborations.
- The ERIC Forum puts a strong emphasis on interdisciplinary research, and pays attention to the interrelations between science and technology, industry, societal needs and political interventions.
- The ERIC Forum seeks the forward-looking strategic consultation with other pan-European and international scientific organisations and interest groups, in particular as regards the future framework and development of large-scale research infrastructures.
- The ERIC Forum enforces public relation measures and co-ordinates the representation of its members to the EU, governments of the Member States, associated and third countries, and the general public.
- The ERIC Forum co-ordinates outreach activities to raise awareness of the activities and impact of its members for knowledge and technology transfer, and in an educational role.

**Rules of Procedure
for the implementation
of the
“MoU for the establishment
of the ERIC Forum”**

Approved by the ERIC Forum representatives at...on....

Table of Contents

Glossary

Preface

<u>I.</u>	<u>THE BODIES OF THE ERIC FORUM</u>	<u>5</u>
<u>II.</u>	<u>THE FORUM ASSEMBLY</u>	<u>5</u>
<u>III.</u>	<u>THE CHAIRPERSON OF THE FORUM ASSEMBLY</u>	<u>6</u>
<u>IV.</u>	<u>THE EXECUTIVE BOARD</u>	<u>6</u>
<u>V.</u>	<u>WORKING GROUPS, FURTHER COOPERATION</u>	<u>7</u>
<u>VI.</u>	<u>SUPPORT BY EXTERNAL PROJECT</u>	<u>7</u>
<u>VII.</u>	<u>COSTS</u>	<u>7</u>
<u>VIII.</u>	<u>AMENDMENTS</u>	<u>8</u>
<u>IX.</u>	<u>TERMINATION OF THE TEMPORARY RULES OF THE ERIC FORUM</u>	<u>8</u>

Glossary

This glossary is meant to give a quick overview of the key terms used in the current Rules of procedure.

Rules of Procedure

The Rules of Procedure are established by the ERIC Forum members in order to ensure the proper functioning and the achievements of the ERIC Forum.

Member of the Forum

An established ERIC who has signed the ERIC Forum MoU becomes Member of the ERIC Forum.

Representative

A representative is designated by a Member and is authorized to act on behalf of the Member on all ERIC Forum matters. Representatives have the right to vote.

Step 1 or Step 2 project

Projects who have submitted a Step 1 or Step 2 application to the European Commission to set up a European Research Infrastructure Consortium (ERIC). They have the status as permanent observers.

Observers

Observers may attend the ERIC Forum Assembly meeting, but have no voting rights.

Guests

Guests may attend the ERIC Forum Assembly upon request.

Meeting Structure

The ERIC Forum Assembly meeting is in principal open for observers and guests unless the Forum decides to set up an internal meeting.

Preface

These Rules of Procedure take into account that the Mission of the ERIC Forum is defined by the objectives agreed and listed in the MoU as the following:

“The objectives of the present MoU are to establish a Forum to further intensify collaboration between ERICs and in particular

- To identify common challenges affecting the Forum Members as entities subject to the ERIC Regulation;*
- To collectively develop responses to these challenges;*
- To contribute to the further development of the ERIC regulation, ESFRI framework and European and international research context; and*
- To foster the visibility, impact and sustainability of ERICs.”*

(Section 1. Objectives of the MoU)

and that the agreed strategic activities listed in the MoU include:

“The ERIC Forum shall carry out activities including:

- a. The definition of a Forum governance Framework.*
- b. The organization of two meetings a year, also open to other entities, which have already formally presented their ERIC application to the EU Commission, open to the EU Commission as well as to national ministries representatives, and open to the new European research infrastructure projects (e.g. new ESFRI projects) planning to become an ERIC. The responsibility of hosting and organizing these meetings will be rotated amongst the Forum Members.
Every ERIC shall nominate a contact person.
Part of these meetings may be restricted to the Forum Members only.*
- c. The organization of Working Groups on specific matters of common interest;*
- d. The coordination of activities aimed at key stakeholders including but not limited to the following: EU institutions (Commission, Council, Parliament, Committee of the Regions), ESFRI, national ministries, funding bodies, user communities, international partnerships, regulatory authorities and industry.*
- e. Any other activity deemed necessary by the Forum Members.”*

(Section 3. Collaborative Action of the MoU)

The ERIC Forum has adopted the following Rules of procedure in accordance with *Section 3. Collaborative Activities, a) the definition of a Forum governance framework* of the ERIC Forum MoU:

The Bodies of the ERIC Forum

The Forum Bodies are:

- The Forum Assembly
- The Forum Chairperson
- The Forum Executive Board
- Subsidiary and temporary bodies (e.g. Working Groups)
- XXX

The Forum Assembly

1. The Assembly shall be composed by the Members of the Forum represented by up to two representatives for each Member. Each Forum Member can express only one vote.
2. Attendance and voting by teleconference shall be possible, as well as voting in a written procedure. Furthermore an ERIC may be represented by another.
3. Research infrastructures aiming to become an ERIC (namely RIs in the Step1 and Step2 as foreseen in the ERIC implementation EC procedure) may participate in an Observer capacity without voting rights. As soon as the ERIC has been set up by the European Commission, the new ERIC can become Member of the ERIC Forum by signing the MoU.
4. A European Commission representative can participate in a permanent observer capacity.
5. The Assembly can deliberate and take valid decisions if a quorum of two thirds of the members is present.
6. The Assembly has all the powers, which allow fulfilling the objectives and the activities of the Forum, and in particular:
 - To elect the Chairperson, the Vice-Chairperson and the Executive Board, with a majority of two thirds;
 - To take all the necessary decisions for carrying out the common Forum activities, with a majority of two thirds, including the setting up of Working Groups and the approval of the annual work program;
 - To decide on Forum resolutions and position papers by consensus; in case one ERIC prefers to opt out from a specific position this must be reported in the document.
 - To modify the MoU by unanimous vote;
 - To introduce a budget by unanimous vote;
 - To modify the present Governing Rules by consensus;

- To dissolve the Forum by consensus.

All other issues require a simple majority of Members present.

7. The Assembly meets at least once per year.
8. Assembly meetings are in general open but can be partly restricted to Members, upon decision of the Forum assembly.

The Chairperson of the Forum Assembly

1. The Chairperson of the Forum Assembly shall be elected by the Assembly for a period of one year. Reelection is possible.
2. He/she shall be elected among the representatives of those ERICs, which have expressed their interest in assuring this office for the requested period.
3. The Chairperson of the Forum Assembly is the spokesperson of the Forum.
4. The Chairperson serves on a voluntary basis. He/she may be supported by a Secretariat, composed of staff members belonging to any of the ERICs.
5. The Chairperson coordinates requests for written contributions by the EC, ESFRI, ERAC etc. If necessary he/she can set up a drafting group.
6. Upon consultation of the Executive Board the Chairperson, of the ERIC Forum may delegate a person for a specific meeting, such as working groups initiated by the European Commission or other stakeholders. This person reports back to the Executive Board. Requested opinions may only be given in agreement with the ERIC Forum Assembly.

The Executive Board

1. The Executive Board is composed of up to seven representatives, including
 - a. the Forum Chairperson, who will also preside the Executive Board;
 - b. the Vice-Chairperson,
 - c. the last Chairperson,
 - d. four other members coming from different scientific domains.
2. The Executive Board members serve on voluntary basis for two years and are elected by the Forum Assembly.

3. The Executive Board shall oversee the daily management of the ERIC Forum and the implementation of the activities approved by the Forum Assembly. To this end, the Executive Board produces an annual work program, which plans the key activities for the year.
 - a. The work program must include the organization of the Forum General Assembly meetings.
 - b. The work program can be accompanied by a budget, if necessary.
 - c. Each ERIC shall be empowered by the Executive Board to propose activities and/or to contribute to the activities proposed by the Executive Board.
 - d. The work program and the eventual accompanying budget are approved by the Forum Assembly.
4. The Vice-Chairperson substitutes the Chairperson if he/she cannot fulfil his/her role.

Working Groups, further cooperation

1. The ERIC Forum may decide to set up permanent or ad hoc internal working groups.

Every Working Groups elects a Chair and agrees on Terms of references for the group.

Working Groups report to the ERIC Forum, if necessary in a written format.
2. Individual ERICs may also agree to an intensified bilateral or multilateral cooperation.

Support by external project

In case the ERIC Forum is supported by an externally funded project under a responsibility different from the Chairperson, the relationship between the ERIC Forum and the project shall be subject a specific written agreement.

Costs

1. In principal, each Member shall bear its costs related to its participation to the Forum.
2. In case it deemed to be necessary, the Executive Board may propose a budget to the ERIC Forum.

Amendments

These Rules of Procedure can be amended with a majority of two thirds of all ERIC Forum Members.

Termination of the Temporary Rules of the ERIC Forum

With the adoption of these Rules of Procedure, the previously agreed Temporary Rules for the ERIC Forum are suspended.

*

BYLAWS of the ERIC Forum

approved ...

These Bylaws of the ERIC Forum have been proposed by the Executive Board and approved by the ERIC Forum Assembly

1. Forum Assembly Meeting

The Forum Chairperson convokes the members of the Forum with eight weeks' notice.

The Forum Chairperson proposes the draft agenda, asks the ERIC Forum Members for further agenda items and then sets the agenda.

The agenda and all necessary documents are distributed about three weeks before the meeting takes place, except for urgent matters.

Minutes are made by a staff member of the Chairperson and sent around within a fortnight to all ERIC Forum members.

The responsibility of organizing and in case hosting ERIC Forum Assembly meetings will be rotated amongst the ERIC Forum Members.

2. Executive Board

The Forum Chairperson chairs the Executive Board.

The Executive Board shall meet at least every two months in person, by telephone conference or other electronic means. Special sessions can be convoked when the Forum Chairperson or at least three members ask for it.

The Executive Board is validly convened if at least half of the Executive Board members is present, including the Forum Chairperson.

Decisions are taken by simple majority. In case of a tie, the vote of the Forum Chairperson decides. Votes must be taken in secret if one member asks for this.

In urgent cases, decisions by the ERIC Executive Board may be taken by electronic means after initiation by the ERIC Forum Chairperson. Such decisions require a quorum of at least two thirds of the Executive Board members.



Minutes are made by a member of the Executive Board and sent around within a fortnight to all members of the Executive Board.



Rules of Procedure for the implementation of the EU for the establishment of "Forum"

European Research Infrastructure Consortium Forum

Table of Content

Glossary

Preface

I. THE BODIES OF THE ERIC FORUM 5

II. THE FORUM ASSEMBLY 5

III. THE CHAIRPERSON OF THE FORUM ASSEMBLY 6

IV. THE EXECUTIVE BOARD 6

V. WORKING GROUPS, FURTHER COOPERATION 7

VI. SUPPORT BY EXTERNAL PROJECT 7

VII. COSTS 7

VIII. CONFIDENTIALITY/ CONFLICT OF INTEREST 8

IX. AMENDMENTS 8

X. TERMINATION OF THE TEMPORARY RULES OF THE ERIC FORUM 8

This glossary is meant to give an overview of the key terms used in the current Rules of procedure.

Memorandum of Understanding (MoU)

A Memorandum of Understanding is a legally non-binding document.

MoU for the establishment of the ERIC Forum

The “Memorandum of understanding for the establishment of the ERIC Forum” has been signed in Helsinki, in May 2017 by all existing ERICs. It is open to every new established ERIC.

Rules of Procedure

The Rules of Procedure are established by the ERIC Forum Members in order to implement the MoU.

Member of the Forum

An established ERIC who has signed the ERIC Forum MoU becomes Member of the ERIC Forum.

Delegate

A delegate is either the Member’s legal representative or he/she is designated by a Member and is authorized to act on behalf of the Member on all ERIC Forum matters. One delegate of each Member has the right to vote.

Clusters

Research Infrastructures coming from the same thematic domain (Biomedical Science, Environment and Earth Sciences, Physics and Analytical Facilities, Social Science and Humanities and Energy) have been classified by EC and ESFRI as clusters.

Consensus

A decision with no active vote against.

Observers

Observers may attend the ERIC Forum Assembly meeting on a permanent level except when the meeting is restricted, but have no voting rights.

Guests

Guests may attend the open meetings of the ERIC Forum Assembly upon invitation.

Preface

These Rules of Procedure consider that the Mission of the ERIC Forum is defined by the objectives agreed and listed in the MoU as the following:

“The objectives of the present MoU are to establish a Forum to further intensify collaboration between ERICs and in particular:

- *To identify common challenges affecting the Forum Members as entities subject to the ERIC Regulation;*
- *To collectively develop responses to these challenges;*
- *To contribute to the further development of the ERIC regulation, ESFRI framework and European and international research context; and*
- *To foster the visibility, impact and sustainability of ERICs.”*

(Section 1. Objectives of the MoU)

and that the agreed strategic activities listed in the MoU include:

“The ERIC Forum shall carry out activities including:

- f. The definition of a Forum Governance Framework.*
- g. The organization of two meetings a year, also open to other entities, which have already formally presented their ERIC application to the EU Commission, open to the EU Commission as well as to national ministries representatives, and open to the new European research infrastructure projects (e.g. new ESFRI projects) planning to become an ERIC. The responsibility of hosting and organizing these meetings will be rotated amongst the Forum Members.
Every ERIC shall nominate a contact person.
Part of these meetings may be restricted to the Forum Members only.*
- h. The organization of Working Groups on specific matters of common interest;*
- i. The coordination of activities aimed at key stakeholders including but not limited to the following: EU institutions (Commission, Council, Parliament, Committee of the Regions), ESFRI, national ministries, funding bodies, user communities, international partnerships, regulatory authorities and industry.*
- j. Any other activity deemed necessary by the Forum Members.”*

(Section 3. Collaborative Action of the MoU)

The ERIC Forum has adopted the following Rules of Procedure in accordance with *Section 3. Collaborative Activities, a) the definition of a Forum governance framework* of the ERIC Forum MoU:

The Bodies of the ERIC Forum

The Forum Bodies are:

- The Forum Assembly (also referred to as “the Assembly”)
- The Forum Chairperson and Vice-Chairperson
- The Forum Executive Board
- Subsidiary and temporary bodies (e.g. Working Groups)

The Forum Assembly

9. The Assembly shall be composed by the Members of the ERIC Forum represented by up to two delegates for each Member. Each Forum Member can express only one vote.
10. An ERIC may be represented by another Member during a meeting. In exceptional cases the Assembly may decide to vote by means of a written procedure.
11. Research infrastructures (“RIs”) aiming to become an ERIC (namely RIs in the Step1 and Step2 as foreseen in the ERIC implementation EC procedure) may participate in an Observer capacity without voting rights. As soon as the ERIC has been set up by the European Commission, the new ERIC can become Member of the ERIC Forum by signing the MoU.
12. A European Commission representative and a representative from ESFRI can participate in a permanent observer capacity. In addition, also other stakeholders may participate as observer (e.g. representatives from national Ministries.)
13. The Assembly can take valid decisions if a quorum of two thirds of the members is present or represented by Delegates.
14. The Assembly has all the powers, which allow fulfilling the objectives and the activities of the Forum, and in particular:
 - To elect the Chairperson, the Vice-Chairperson and the Executive Board, **with a two thirds majority**;
 - To take all the necessary decisions for carrying out the common Forum activities, **with a two thirds majority**, including the setting up of Working Groups and the approval of the annual work program;
 - To decide on Forum resolutions and position papers **by consensus**; in case one ERIC prefers to opt out from a specific position this must be reported in the document.
 - To modify the MoU **by unanimous vote**;
 - To introduce a budget **by unanimous vote**;

- To approve or modify the present Governing Rules **by two thirds majority**;
- To dissolve the Forum **with a two thirds majority**.
- Unless otherwise determined in these Rules of procedure or in the MOU all other issues require a **simple majority of Members present**.

15. The Assembly meets at least once per year.

16. Assembly meetings are in general open but can be partly restricted to Members, upon decision of the Forum Assembly.

The Chairperson and Vice-Chairperson of the Forum Assembly

7. The Chairperson and Vice-Chairperson of the Forum Assembly shall be elected by the Assembly for a period of one year. Reelection is possible.
8. They shall be elected among the legal representatives of those ERICs, which have expressed their interest in assuming this office for the requested period.
9. The Chairperson of the Forum Assembly is the spokesperson of the Forum.
10. The Chairperson serves on a voluntary basis. He/she may be supported by a secretariat, composed of staff members belonging to any of the ERICs.
11. The Chairperson coordinates responses to requests for written contributions by the EC, ESFRI, ERAC etc. If necessary he/she can set up a drafting group.
12. Upon consultation of the Executive Board the Chairperson of the ERIC Forum may delegate a person for a specific meeting, such as working groups initiated by the European Commission or other stakeholders. This person reports back to the Executive Board. Requested opinions may only be given in agreement with the ERIC Forum Assembly.

The Executive Board

5. The Executive Board is composed of up to seven representatives, including:
 - a. the Forum Chairperson, who will also preside the Executive Board;
 - b. the Vice-Chairperson,
 - c. at least three other members coming from different clusters. In case the Forum Chairperson and

the Vice Chairperson are from the same cluster: four other members, each coming from another of the four remaining clusters. In case the Forum Chairperson and the Vice Chairperson are from different clusters: three other members, each coming from another of the three remaining clusters.

6. The Executive Board members serve on voluntary basis for two years and are elected by the Clusters.
7. The Executive Board shall oversee the daily management of the ERIC Forum and the implementation of the activities approved by the Forum Assembly. To this end, the Executive Board shall produce an annual work program, which plans the key activities for the year.
 - a. The work program shall include the organization of the Forum General Assembly meetings.
 - b. The work program can be accompanied by a budget, if necessary.
 - c. Each ERIC shall be allowed by the Executive Board to propose activities and/or to contribute to the activities proposed by the Executive Board.
 - d. The work program and the eventual accompanying budget are approved by the Forum Assembly.
 - e. The Executive Board can set up an advisory board if this is deemed to be necessary.
8. The Vice-Chairperson substitutes the Chairperson if he/she cannot fulfill his/her role.

Working Groups, further cooperation

3. The ERIC Forum may decide to set up working groups.

Every working group elects a Chair.

Working groups report to the ERIC Forum Assembly, if necessary in a written format.

4. Individual ERICs are free to agree to an intensified bilateral or multilateral cooperation.

Support by external project

In case the ERIC Forum is partly supported by an externally funded project under a responsibility different from the Chairperson, the relationship between the ERIC Forum and the project shall be subject to a specific written agreement. In any case, the representation and main tasks of the Forum cannot be transferred to the project without agreement by the Forum.

Costs

3. In principle, each Member shall bear its costs related to its participation to the Forum.
4. In case it deemed to be necessary, the Executive Board or a Member may propose a budget to the ERIC Forum. The accounting of the expenditures on the Forum budget shall be submitted yearly to the GA.

Confidentiality/ conflict of interest

1. In case an information is classified as confidential by a Member or by the owner of the information, each Member shall undertake to treat as confidential all and any confidential information and agree not to disclose the same to any third party except with the prior written consent of the disclosing Member or other owner.
2. Any conflict of interest on the part of a Member shall be immediately disclosed to the Assembly.

Amendments

These Rules of Procedure can be approved or amended **with a two thirds majority** of all ERIC Forum Members.

Termination of the Temporary Rules of the ERIC Forum

With the adoption of these Rules of Procedure, the previously agreed Temporary Rules for the ERIC Forum are suspended.