



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

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Glossary

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

Memorandum of understanding for the establishment of the ERIC Forum

The “Memorandum of understanding for the establishment of the ERIC Forum” is a legally non-binding document. It has been signed in Helsinki, in May 2017 by all existing ERICs. It constitutes the basic agreement for the ERIC Forum to operate and is open to every new established ERIC.

Rules of Procedure (RoP)

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

ERIC Forum meeting

It can be either held in person or virtual. Personal meetings are preferable.

Member of the Forum

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

Delegate of a Member

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

The subset of ERICs 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 the European Commission (EC) and the European Strategic Forum for Research Infrastructures (ESFRI) as clusters.

Consensus

A decision with no active vote against, where the quorum has been reached.

Absolute majority

More than half of the Member’s votes (in a valid meeting) have been cast in favour of a proposal (of a candidate, issue or proposal).

Simple majority

A majority of Members votes cast (in a valid meeting) for any issue, or item, not requiring an absolute or two thirds majority or a consensus.

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 part of the meeting of the ERIC Forum Assembly upon invitation.

Preface

These Rules of Procedure ensure the effective operation of the Forum, considering 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 supports and will facilitate diversity in its governing and other bodies.

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

I. 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)

II. The Forum Assembly

1. 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. An ERIC may be represented by another Member during a meeting.
2. Meetings of the ERIC Forum shall normally be held in person. In exceptional or urgent cases the Assembly may meet through virtual means, provided that each Member wishing to take part is connected and able to participate, or duly represented. Moreover, the Forum may decide to vote by means of a written or electronic procedure in response to proposals circulated to each Member.
3. 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 EC, the new ERIC can become Member of the ERIC Forum by signing the MoU.
4. Representatives from the EC, ESFRI and national Ministries can participate in a permanent observer capacity. Other stakeholders may participate upon request.
5. The Assembly can take valid decisions if a quorum of two thirds of the Members is present, meaning being represented by either their delegates or by another Member’s delegate.
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 and the Vice-Chairperson **according to the rules outlined in article III.7 of these RoP**;
 - To take all the necessary decisions on the Forum organization and 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 or more ERIC prefer not to vote but 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**;
 - Unless otherwise determined in these Rules of procedure or in the MoU all other issues

require **a simple majority of Members.**

7. The Assembly meets at least once per year for the general purpose of defining its programs and strategies and to deliberate on organizational and main issues listed in II.6 of these RoP. The invitation to the general ERIC Forum meeting shall be sent together with the draft agenda by the Chairperson (including all draft decisions to be taken) at least with three weeks' notice. The dates of the general meeting shall be communicated at least 3 months ahead and disseminated on the website. Members are invited to propose additional topics to the draft agenda. To take all necessary decisions on issues relevant documents must be circulated at least two weeks before a meeting.

Further meetings on more specific issues useful to carry out the Forum's activities can be called and held mainly in virtual mode and with a shorter advance time.

Specific meetings on a limited number of specific or urgent issues may be called with a minimum of two weeks' notice by sending an invitation and all documents needed for an informed decision.

8. Assembly meetings are in general open but can be restricted only to Members, upon decision of the Forum Assembly. In general the ERIC Forum meeting includes an internal meeting, updates and news from Stakeholders, an exchange of practices between the ERICs and, if applicable, updates and results from Working Groups.

III. The Chairperson and Vice-Chairperson of the Forum Assembly

1. The Chairperson and the Vice-Chairperson serve on a voluntary basis. He/she may be supported by a secretariat, composed of staff members belonging to any of the ERICs.
2. He/she will also ensure a smooth implementation of the activities of the Forum
3. The Chairperson of the Forum shall represent the Forum towards external Institutions, based on the positions, which have been defined within the Forum. While representing the Forum, the effective and balanced representation of all clusters must be taken into account. The Chairperson shall report back to the Forum.
4. The Chairperson coordinates responses by the Forum to requests for written contributions by the EC, ESFRI, ERAC etc. If necessary, he/she can set up a drafting group.
5. 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 Chairperson and the Executive Board. Requested opinions may only be given in agreement with the ERIC Forum Assembly, and the responses shall be reported to the Forum.
6. The Vice-Chairperson shall take over the task of the Chairperson upon request by the Chairperson or when the Chairperson is unable to act.
7. The Chairperson and Vice-Chairperson of the Forum shall be elected by the Assembly for a period of two years. Reelection is possible once for one year.
 - a. They shall be elected among the legal representatives of those ERICs, which have

expressed their interest in assuming either one or the other office for the requested period.

- b. Up to six months before the end of the mandate of the Chairperson and the Vice-Chairperson, the Executive Board shall start to prepare the election process. In case an Executive Board Member (including the Chairperson and the Vice-Chairperson) has the intention to run as a candidate for the position of Chairperson or Vice-Chairperson, he or she shall not be involved in the organization of the election. The remaining non-candidate Executive Board members, shall compose the Election Committee. They can ask delegates of other ERICs to join the Committee. The Election Committee shall contact all ERICs asking for proposed candidates for Chairperson and for Vice-Chairperson. A candidate can be proposed but not elected for both positions. The work of the Election Committee shall be supported by a secretariat.
- c. The election process will be performed in two rounds: in the first round the Chairperson shall be elected, in the second round the Vice-Chairperson. Each ERIC shall have one vote for each ballot.

The election shall normally be held electronically at least one month before the end of mandate. If a candidate obtains the absolute majority of the votes of all Members, he/she is elected Chairperson. If no candidate receives enough votes in the first round, the two candidates for the Chairperson with the highest number of votes will be submitted to a second round of voting to define the one who is elected.

The same procedure will apply to the election of the Vice-Chairperson, once the election of the Chairperson is completed. In case the candidate with the highest number of votes is from the same cluster as the elected Chairperson, the candidate with the second highest number of votes is elected Vice-Chairperson.

If the voting procedure is not completed for any reason as, e.g. the necessary majority is not reached, the current Chairperson and Vice-Chairperson remain in office.

The election of the Chairperson and the Vice-Chairperson shall always precede the renewal of the Executive Board cluster members.

8. The Forum Assembly can express its mistrust in the Chairperson and/or the Vice-Chairperson by electing a new Chairperson and/or a new Vice-Chairperson with a **two thirds majority** of all ERIC Forum Members.

IV. The Executive Board

1. The Executive Board has the task to ensure the implementation of the Forum decisions, while involving all Clusters in the Forum activities.
2. The Executive Board is composed of up to seven members including:
 - a. the Forum Chairperson, who will also preside the Executive Board;
 - b. the Vice-Chairperson (if not of the same cluster of the Chairperson),
 - c. One member coming from each Cluster different from those from which the Chairperson and Vice-Chairperson are coming (Executive Board Cluster members).

3. The Forum Chairperson and the Vice-Chairperson shall not come from the same cluster. When filling the Executive Board, in line with the value of the Forum, attention must also be paid to a balanced participation of men and women.
4. There shall be in principal at least one Executive Board member per each cluster.
 - a. If a cluster contains 2 or less ERICs, it may decide to associate itself to another cluster only for the purposes of the nomination of the Executive Board.
 - b. If the number of ERICs in cluster exceeds 25% of the total number of ERICs, an additional Executive Board member can be nominated.
 - c. Two clusters who have joint activities and aim at a joint representation may ask to be represented in an ad-hoc function in the EB.
5. The Executive Board Cluster members serve on voluntary basis for two years and are elected by the Clusters. With the permission of the legal representative of one ERIC, senior staff members can also run for this office. They are expected to report to the ERICs of their cluster, involving them in the preparatory and executive activities.
6. 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.
7. The Executive Board shall circulate in advance to all members the agenda of its meetings, and inform the Forum Assembly in an adequate manner at least every three months about ongoing activities.

V. Working Groups, further cooperation

1. 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.
2. Individual ERICs are free to agree to an intensified bilateral or multilateral cooperation.

VI. 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.

VII. Costs

1. In principle, each Member shall bear its costs related to its participation to the Forum.
2. 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.

VIII. 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.

IX. Amendments

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

X. 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 cancelled.