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COMMISSION DECISION

of 2 February 2007

establishing the European Research Council

(Text with EEA relevance)

(2007/134/EC)

(OJ L 57, 24.2.2007, p. 14)

Amended by:

		Official Journal		
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COMMISSION DECISION

of 2 February 2007

establishing the European Research Council

(Text with EEA relevance)

(2007/134/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 1982/2006/EC of the European Parliament and the Council of 18 December 2006 concerning the seventh framework programme of the European Community for research, technological development and demonstration activities (2007-2013) ([1]) and in particular Articles 2 and 3 thereof,

Having regard to Council Decision 2006/972/EC of 19 December 2006 concerning the Specific Programme: 'Ideas' implementing the seventh framework programme (2007-2013) of the European Community for research, technological development and demonstration activities ([2]), and in particular Article 4(2) and (3) thereof,

Whereas:

(1) Under the seventh framework programme, the Specific Programme 'Ideas' has the objective of supporting investigator-driven frontier research across all fields of science, engineering and scholarship carried out by researchers on subjects of their choice.

(2) Decision 2006/972/EC provides that the Commission should establish a European Research Council (hereinafter referred to as the ERC) which should be the means for implementing the Specific Programme 'Ideas'.

(3) According to Article 4(3) of Decision 2006/972/EC the ERC should consist of an independent Scientific Council (hereinafter referred to as the Scientific Council), to be supported by a dedicated implementation structure.

(4) The Scientific Council should be composed of scientists, engineers and scholars of the highest repute, appointed by the Commission, and acting in their personal capacity, independent of any outside influence. It should act according to the mandate provided for it in Article 5 of Decision 2006/972/EC and exclusively in the interest of achieving the scientific, technological and scholarly objectives of the Specific Programme 'Ideas'.

([1]) OJ L 412, 30.12.2006, p. 1.
([2]) OJ L 400, 30.12.2006, p. 243.

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(5) The Scientific Council should independently select a Secretary-General who will act under its authority. The Secretary-General will, *inter alia*, assist the Scientific Council in ensuring its effective liaison with the dedicated implementation structure and with the Commission, an in monitoring the effective implementation of its strategy and positions as carried by the dedicated implementation structure.

(6) The Scientific Council should operate according to the principles of scientific excellence, autonomy, efficiency and transparency. The Commission should act as the guarantor of the Scientific Council's autonomy and integrity and should ensure its proper functioning.

(7) Rules on disclosure of information by members of the Scientific Council should be provided for, without prejudice to the rules on security annexed to the Commission's Rules of Procedure by Decision 2001/844/EC, ECSC, Euratom [1].

(8) Personal data relating to members of Scientific Council should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data [2].

(9) An independent high level expert committee was set up to identify the founding members of the Scientific Council. Following wide consultation within the scientific and scholarly community, this committee made recommendations first on the factors and criteria to be applied in the identification of the Scientific Council members and second on the founding members themselves.

(10) A dedicated implementation structure should be set up as an external structure in the form of an executive agency to be established by a separate act in accordance with Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes [3].

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[1] OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/-EC, Euratom (OJ L 215, 5.8.2006, p. 38).
[2] OJ L 8, 12.1.2001, p. 1.
[3] OJ L 11, 16.1.2003, p. 1.

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(11) Pending the establishment and operability of this executive agency, its implementation tasks should be executed by a dedicated service of the Commission.

(12) The budgetary impact of this decision will be taken into account in the financing decision in the framework of the Specific Programme 'Ideas' and in the Legislative Financial Statement of the Commission proposal for the external structure,

HAS DECIDED AS FOLLOWS:

CHAPTER 1

EUROPEAN RESEARCH COUNCIL

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Article 1

Establishment

The European Research Council is hereby established for the period from 2 February 2007 to 31 December 2013 for the implementation of the Specific Programme 'Ideas'. It shall be composed of a Scientific Council and the European Research Council Executive Agency as established by Commission Decision 2008/37/EC ([1]).

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CHAPTER 2

SCIENTIFIC COUNCIL

Article 2

Establishment

The Scientific Council is hereby set up.

Article 3

Tasks

1. The Scientific Council shall be entrusted with the tasks provided for in Article 5(3) of Decision 2006/972/EC.

2. The Scientific Council shall, *inter alia*, establish an overall scientific strategy, have full authority over decisions on the type of research to be funded in accordance with Article 6(6) of Decision 2006/972/EC and act as a guarantor of the quality of the activity from the scientific perspective. Its tasks shall cover, in particular the establishment of the annual work programme, the establishment of the peer review process, as well as the monitoring and quality control of the implementation of the Specific Programme 'Ideas', without prejudice to the responsibility of the Commission.

([1]) OJ L 9, 12.1.2008, p. 15.

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3. The Scientific Council shall cooperate with the European Research Council Executive Agency to ensure coherent and efficient implementation of the Specific Programme 'Ideas' and close alignment of the scientific and administrative aspects of the ERC's operations. That cooperation shall include a coherent communication of the ERC's activities and the setting up of a common website covering the different aspects of the ERC's operations.

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Article 4

Membership

1. The Scientific Council shall be composed of up to 22 members.

2. The Scientific Council shall consist of representatives of the European scientific community of the highest repute and with appropriate expertise, ensuring a diversity of research areas, who shall act in their personal capacity, independently of political or other interests.

3. The founding members of the Scientific Council, who have been designated, based on the factors and criteria set out in the Annex I and who are listed in Annex II, are hereby appointed.

▼M1

4. Future members shall be appointed by the Commission based on the factors and criteria set out in Annex I and following an independent and transparent procedure for their identification, agreed with the Scientific Council, including a consultation of the scientific community and a report to the European Parliament and the Council. The appointment of future members shall be published in accordance with Regulation (EC) No 45/2001. For this purpose, a high level standing Identification Committee of independent experts may be set up as an expert group with honoraria paid under the operational budget of the Specific Programme 'Ideas'.

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5. Members shall carry out their tasks independently of any outside influence. They shall inform the Commission in good time of any conflict of interests which might undermine their objectivity.

6. Members shall be appointed for a term of four years, renewable once on a basis of a rotating system, which shall ensure the continuity of the work of the Scientific Council. However, a member may be appointed for a period of less than the maximum term to allow a staged rotation of membership. Members shall remain in function until they are replaced or their term expires.

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7. Upon resignation of a member or on the expiry of a term that cannot be renewed, the Commission shall appoint a new member.

8. In exceptional circumstances, in order to maintain the integrity and/or continuity of the Scientific Council, the Commission may terminate on its own initiative the term of a member.

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Article 5

Principles and methods

1. The Scientific Council shall operate in an autonomous and independent manner.

2. Where appropriate, the Scientific Council shall consult with the scientific, engineering and scholarly community.

3. The Scientific Council shall exclusively act in the interest of achieving the scientific, technological and scholarly objectives of the Specific Programme 'Ideas'. It shall act with integrity and probity and shall carry out its work efficiently and with the greatest possible transparency.

▼M1

4. The Scientific Council shall be accountable to the Commission, maintain continuous close liaison with it and the European Research Council Executive Agency, and establish any necessary arrangements for this.

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5. Information obtained in the performance of tasks shall not be disclosed if, in the opinion of the Commission or the Chairperson of the Scientific Council, that information is related to confidential matters.

▼M1

6. The Commission shall provide information and assistance necessary for the work of the Scientific Council allowing it to operate under conditions of autonomy and independence. A Coordination and Support Action as referred to in Annex III to Decision No 1982/2006/EC may be used to provide local administrative or advisory support to the Chairperson and Vice-Chairpersons of the Scientific Council.

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7. The Scientific Council regularly reports to the Commission and shall provide information and assistance necessary for the Commission's obligatory reporting tasks (i.e. Annual report, Annual Activity Report).

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8. The Scientific Council is provided access to documents and data in possession of the European Research Council Executive Agency in accordance with the procedure set out in Annex III.

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Article 6

Operation

1. The Scientific Council shall elect from amongst its members a Chairperson and two Vice-Chairpersons, who, in accordance with its rules of procedure, shall represent it and who shall guide and assist it in the organisation of its work, including the preparation of the agenda and documents for meetings.

2. The Chairperson and the Vice-Chairpersons of the Scientific Council may also hold the title of President and Vice-President of the European Research Council respectively.

▼M1

3. The Scientific Council shall adopt its rules of procedure which shall include detailed provisions for the elections referred to in paragraph 1 of this Article, as well as a code of conduct on confidentiality, potential conflict of interest, and processing of personal data in accordance with Regulation (EC) No 45/2001.

4. The Scientific Council shall meet in plenary up to five times a year as required by its work. A summary minute of the plenary meetings shall be published on the ERC website.

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5. The Chairperson of the Scientific Council may decide to hold restricted meetings.

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6. The Scientific Council may set up, from amongst its members, Standing Committees, Working Groups and other structures addressing specific tasks of the Scientific Council.

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Article 7

ERC Secretary-General

1. The Scientific Council shall independently select a Secretary-General, who shall act under its authority. The Secretary-General will, *inter alia*, assist the Scientific Council in ensuring its effective liaison with the Commission and the dedicated implementation structure.

2. The tasks of the Secretary-General shall be defined by the Scientific Council. These tasks shall include monitoring the effective implementation of the strategy and positions adopted by the Scientific Council, as carried out by the dedicated implementation structure.

3. Support for the establishment and activities of the Secretary-General shall be ensured by the Specific Programme ‘Ideas’.

4. The term of the Secretary-General shall not exceed a period of 30 months, renewable once.

▼M1

Article 8

Honoraria and meeting expenses

1. The Scientific Council members shall be compensated for the tasks they perform by means of an honorarium for their attendance at Scientific Council plenary meetings. The honoraria and travel and subsistence expenses shall be charged to the operational budget allocated to the Specific Programme 'Ideas'. The honoraria and related implementation rules are set out in Annex IV.

2. For other meetings than plenary meetings, the European Research Council Executive Agency shall reimburse travel expenses and, where appropriate, subsistence expenses of the members of the Scientific Council necessary for carrying out their activities, in accordance with the Commission's rules on the compensation of external experts [1]. Subject to prior approval of the European Research Council Executive Agency, travel and subsistence expenses related to such other meetings, necessary for the conduct of the Scientific Council's work may be also covered.

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CHAPTER 3

Article 9

Dedicated implementation structure

The dedicated implementation structure shall be set up as an external structure; pending the establishment and operability of the external structure, its implementation tasks shall be executed by a dedicated service of the Commission.

CHAPTER 4

GENERAL PROVISIONS

Article 10

Entry into force

This Decision shall enter into force on the day of its adoption.

[1] Commission Decision C(2007) 5858.

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ANNEX I

Factors and criteria for identification of the Scientific Council members

The composition of the Scientific Council must demonstrate that the Council can exercise scientific leadership which is authoritative and absolutely independent, combining wisdom and experience with vision and imagination. The credibility of the Scientific Council will be built on the balance of qualities amongst the men and women who make it up, and they should collectively reflect the full breadth of the research community across Europe. Members of the Scientific Council must individually have an undisputed reputation as research leaders and for their independence and commitment to research. Generally, they must be current or recent research practitioners, as well as those who have exercised scientific leadership at European or world level. Consideration should also be given to younger next-generation leaders.

Members must reflect the broad disciplinary scope of research, embracing the exact sciences and engineering, as well as the social sciences and the humanities. However, they should not be considered as representatives of a discipline or of a particular line of research and should not perceive themselves as such; they should have a broad vision which collectively reflects an understanding of important developments in research, including inter- and multi-disciplinary research, and the needs for research at European level.

Beyond their proven reputation as scientists and researchers, the membership should collectively bring a broader range of experience, acquired not only across Europe but also in other research-intensive parts of the world. This could include experience in areas such as the support and promotion of basic research, organisation and management of research and knowledge transfer in universities, academies and industry, an understanding of national and international research activities, relevant research funding schemes and the wider political context in which the European Research Council is situated.

The membership should reflect the various components of the research community and the range of scientific institutions which carry out research; it should include those with experience in universities, research institutes, academies, funding bodies, research in business and industry, for example. Members should include those who have experience in more than one country, and some should be drawn from the research community outside Europe.

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ANNEX II

MEMBERS OF THE ERC SCIENTIFIC COUNCIL

Name and Institute	End of term of office
Claudio BORDIGNON, San Raffaele Scientific Institute, Milan	1 February 2013
Nicholas CANNY, National University of Ireland, Galway	31 December 2013
Sierd A.P.L. CLOETINGH, Free University of Amsterdam	26 April 2013
Mathias DEWATRIPONT, Université Libre de Bruxelles	1 February 2013
Tomasz DIETL, Polish Academy of Sciences	31 December 2013
Daniel DOLEV, The Hebrew University of Jerusalem	31 December 2013
Carlos M. DUARTE, Spanish Council for Scientific Research, Majorca	26 April 2013
Daniel ESTEVE, CEA Saclay	31 December 2013
Pavel EXNER, Doppler Institute, Prague	31 December 2013
Hans-Joachim FREUND, Fritz-Haber-Institute, Berlin	1 February 2013
Timothy HUNT, London Research Institute	31 December 2013
Carl-Henrik HELDIN, Ludwig Institute for Cancer Research	31 December 2013
Norbert KROO, Hungarian Academy of Sciences	1 February 2013
Maria Teresa LAGO, University of Porto	1 February 2013
Henrietta L. MOORE, University of Cambridge	26 April 2013
Helga NOWOTNY, Wissenschaftszentrum, Wien	31 December 2013
Christiane NÜSSLEIN-VOLHARD, Max-Planck-Institute for Developmental Biology, Tübingen	1 February 2013
Alain PEYRAUBE, CNRS, Paris	31 December 2013
Jens ROSTRUP-NIELSEN, Haldor Topsoe A/S	1 February 2013
Mart SAARMA, University of Helsinki	31 December 2013
Anna TRAMONTANO, University of Rome La Sapienza	31 December 2013
Isabelle VERNOS, Centre Regulació Genómica, Barcelona	31 December 2013

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ANNEX III

ACCESS TO DOCUMENTS AND DATA

Access to documents and data

1. In order to perform the tasks entrusted to it, the Scientific Council may request access to documents and to process data which are in possession of the European Research Council Executive Agency.

2. Beyond the material to which they have the right of access under the regime related to public access to documents ([1]), the European Research Council Executive Agency shall provide the Scientific Council with documents and data necessary for the performance of the tasks entrusted to the Scientific Council as long as this is done in compliance with and within the limits of the obligations on confidentiality, security and protection of personal data as provided by the European Union law.

3. The members of the Scientific Council shall use such documents and data only for the purposes and tasks for which they are provided and shall be bound by an obligation of confidentiality.

4. Appropriate organisational and technical measures to ensure the security and confidentiality of access and processing shall be set out, in order to prevent any unauthorised disclosure or access, accidental or unlawful destruction, loss or alteration of data and documents.

Access to personal data

5. For the processing of personal data, the members of the Scientific Council who receive these personal data shall guarantee the level of protection of personal data in accordance with the provisions of the Regulation (EC) No 45/2001 and the Directive 95/46/EC of the European Parliament and of the Council ([2]).

6. The members of the Scientific Council shall not process any personal data in a way incompatible with the purposes and tasks for which they are transmitted.

7. The members of the Scientific Council shall give due care to the legitimacy, adequacy, relevance, accuracy, necessity and the limitation in time of personal data collected and processed.

Information

8. In case access to documents and data or access to personal data may not be granted because of protection of personal data, confidentiality, security or public interest reasons, the European Research Council Executive Agency shall provide the Scientific Council with a written explanation of the reasons why access may not be granted, as well as any information on the topic in question that it considers possible to provide within the provisions of the regulations.

([1]) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

([2]) OJ L 281, 23.11.1995, p. 31.

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ANNEX IV

Honoraria and implementation rules for the participation of the ERC Scientific Council members at Scientific Council plenary meetings

Honoraria, travel expenses and subsistence expenses for the participation in up to five plenary meetings per year shall be implemented via an ad-hoc appointment-letter according to the following modalities.

The Scientific Council plenary meeting is normally of 1,5 days duration.

The honoraria of the members of the Scientific Council members shall be EUR 2 000 for full attendance at a plenary meeting of the Scientific Council or EUR 1 000 for partial attendance.

The honoraria of Vice-Chairpersons of the Scientific Council shall be EUR 3 500 for full attendance at a plenary meeting of the Scientific Council or EUR 1 750 for partial attendance.

The honorarium of the Chairperson of the Scientific Council shall be EUR 5 000 for full attendance at a plenary meeting of the Scientific Council or EUR 2 500 for partial attendance.

Payment will be authorised by the Director of the European Research Council Executive Agency or his/her duly authorised deputy on the basis of an attendance list validated by the Chairperson of the Scientific Council and the Director of the European Research Council Executive Agency or their duly authorised deputies. The attendance list will indicate if each member's attendance covered the full extent of the meeting (full attendance) or otherwise (partial attendance).