



***INFORMAL COMMISSION EXPERT GROUP ‘ERA FORUM’***

TERMS OF REFERENCE

**1. BACKGROUND**

The purpose of creating this expert group is to set up a forum for the coordination and implementation of the objectives of the European Research Area (ERA), called ‘ERA Forum’. The expert group will assist the Commission and the Member States particular in implementing the ERA Policy Agenda (including its list of joint actions)<sup>1</sup>, in line with the Council conclusions on the future governance of the ERA of 26 November 2021<sup>2</sup>, and taking due account of the relevant Treaty provisions.<sup>3</sup>

Preceding the ‘ERA Forum’, during 2021 the Commission has already been working closely together with the Member States in the context of the Commission expert group ‘ERA Forum for Transition’<sup>4</sup>. The ERA Forum for Transition had been set up following the adoption of the European Commission communication on a New ERA for Research and Innovation in September 2020 (COM(2020)628) and the Council Conclusions on the New ERA (December 2020). Its purpose was to prepare the launch of the different elements proposed in these two policy documents, particularly the Pact for Research and Innovation in Europe (Pact for R&I)<sup>5</sup>, the new ERA governance framework, and the ERA Policy Agenda.

In the context of the new ERA governance framework, Member States and the Commission will have to continue working jointly together in close partnership. The rationale of the ERA Forum is, therefore, to assist in ensuring close coordination and cooperation between the Commission and the Member States in the preparation, implementation, monitoring and revision of the ERA Policy Agenda and other ERA-related initiatives. It allows both, having strategic oversight of the ERA Policy Agenda and advising on the preparation and implementation of new future joint actions, if appropriate.

Therefore, in order to fulfil the request of the Council conclusions of 26 November 2021 to implement the ERA Policy Agenda in partnership between the Commission and Member States, and in consultation with associated countries, as well as with relevant third countries and stakeholders, an informal expert group composed of Member States’ representatives should be established.

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<sup>1</sup> Council conclusions on the future governance of the ERA of 26 November 2021, Council document 14308/21.

<sup>2</sup> Idem.

<sup>3</sup> Art. 5 TEU (subsidiarity and proportionality); Art. 4(3) TFEU (shared competence in research policy).

<sup>4</sup> Reference number in the Register of expert groups and other similar bodies: E03755.

<sup>5</sup> Council Recommendation (EU) 2021/2122 of 26 November 2021 on a Pact for Research and Innovation in Europe, OJ L 431, 2.12.2021, p. 1–9.

## **2. SUBJECT MATTER**

The group of experts ‘ERA Forum’ (‘the group’) is set up.

## **3. TASKS**

- 3.1. The group’s mandate is to provide the Commission with advice and support in relation to the implementation, monitoring and revision of the ERA Policy Agenda at EU and national level, including its list of joint actions, as well as to support coordination and cooperation among the Commission, the Member States - and as appropriate the countries associated to the Framework Programme (‘associated countries’), relevant third countries and stakeholders - in line with the Council conclusions of 26 November 2021.
- 3.2. In this context, the specific group’s tasks shall be:
  - (1) to assist the Commission in the preparation of initiatives with regard to future updates of the ERA Policy Agenda and alignment with other EU policies;
  - (2) to assist the Commission in coordinating the implementation of the ERA Policy Agenda with Member States and stakeholders as well as associated countries and relevant third countries on a case-by-case basis;
  - (3) to examine the monitoring and evaluation of the implementation of the ERA Policy Agenda through the ERA Scoreboard and the information provided through the ERA policy platform;
  - (4) to contribute to the Commission’s work to draft a report for consideration by the Council on the state of play of the implementation of the ERA Policy Agenda every 18 months<sup>6</sup>;
  - (5) to facilitate the preparation and implementation of additional ERA actions in variable geometry, with support from the Union where appropriate, as well as the exchange of best practices on national ERA policies and measures.

## **4. MEMBERSHIP**

1. Members shall be Member States’ authorities responsible for research and innovation.
2. Member States’ authorities and other public entities shall nominate their representatives (one main representative and one alternate representative per member)<sup>7</sup> and shall be responsible for ensuring that their representatives provide a high level of expertise.

## **5. CHAIR**

The group will be co-chaired by a representative of the Commission and a representative of a Member State. The Commission’s Directorate-General for Research & Innovation (‘DG RTD’) shall appoint the Commission co-chair. The group shall elect a co-chair from amongst its members (Member States’ authorities) by simple majority.

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<sup>6</sup> Paragraph 10 of the Council Recommendation (EU) 2021/2122 of 26 November 2021 on a Pact for Research and Innovation in Europe, OJ L 431, 2.12.2021, p. 1–9.

<sup>7</sup> Article 9 (1) and (2) of Decision C(2016)3301.

## **6. OPERATION**

1. The group shall act at the request of its co-chairs with the agreement of DG RTD, in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')<sup>8</sup>.
2. Meetings of the group shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
3. DG RTD shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG RTD, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the co-chairs.
6. In principle, the group shall adopt its opinions, recommendations or reports by consensus. If this cannot be achieved, the co-chairs shall organise a vote. The outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

## **7. SUB-GROUPS**

DG RTD may set up sub-groups for the purpose of examining specific questions on the basis of the terms of reference defined by DG RTD. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.

A 'Steering Committee' will be established consisting of the Commission and the incumbent and subsequent Trio Presidencies of the Council of the European Union as a sub-group of the group. The 'Steering Committee' will notably provide advice on the topics for debate of the group and be consulted on background documents to be sent to the members of the group.

## **8. INVITED EXPERTS**

DG RTD may invite experts – in particular representatives from third countries – with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.

## **9. OBSERVERS**

1. Public entities of countries associated to the Framework Programme ('associated countries') shall be granted an observer status by direct invitation, in compliance with the horizontal rules.

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<sup>8</sup> C(2016) 3301, Article 13.1.

2. The Committee of the Regions and the European Economic and Social Committee shall be granted an observer status by direct invitation, in compliance with the horizontal rules.
3. Organisations, such as EU-level umbrella organisations and the following types of stakeholders: (i) academies of sciences, universities and other higher education institutions, (ii) research and technology performing organisations, (iii) R&I-intensive businesses, including SMEs, (iv) individual researchers and innovators, including at early and middle stages of their careers, (v) research infrastructures, (vi) R&I-funding organisations shall be granted an observer status by direct invitation, in compliance with the horizontal rules.
4. Organisations and public entities appointed as observers shall nominate their representatives.
5. Observers and their representatives may be permitted by the co-chairs to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group or its sub-groups.

## **10. RULES OF PROCEDURE**

On a proposal by and in agreement with DG RTD the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules<sup>9</sup>. Sub-groups shall operate in compliance with the group's rules of procedure.

## **11. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION**

The members of the group and sub-groups and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>10</sup> and 2015/444<sup>11</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

## **12. TRANSPARENCY**

1. The group and sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As regards the group and sub-groups composition, the following data shall be published on the Register of expert groups:
  - (a) the name of Member States' authorities;

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<sup>9</sup> See Article 17 of the horizontal rules.

<sup>10</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>11</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

(b) the name of observers.

3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available on the Register of expert groups. In particular, DG RTD shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be possible where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001<sup>12</sup>.

### **13. MEETING EXPENSES**

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Meeting expenses of only one representative per member and observer and per meeting may be reimbursed, according to their status (travel expenses only for governmental experts, travel and subsistence expenses for private experts). Travel and subsistence expenses may be reimbursed to invited experts on an ad hoc basis. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Done in Brussels, on 08 February 2023.

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<sup>12</sup> These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.