

Rules of Procedure of the IHI States' Representatives Group

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Article 1. Scope

These rules of procedure shall regulate the working methods and procedures of the States' Representatives Group (hereinafter "SRG") and shall apply to the extent that provisions regulating specific processes are not already set out in Council Regulation (EU) No 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 21912007, (EU) No 55712014, (EU) No 55812014, (EU) No 55912014, (EU) No 56012014, (EU) No 56112014 and (EU) No 64212014 (hereinafter "Single Basic Act"). These rules of procedure cannot deviate from and must be interpreted in accordance with the provisions set out in the Single Basic Act.

Article 2. Membership

- 1 The SRG shall consist of up to two representative(s) and up to two alternate(s) (referred to as "SRG Representatives(s)") officially nominated from each Member State and country associated to Horizon Europe (referred to as SRG Member(s)). It is the responsibility of each SRG Member to nominate its SRG Representatives by means of written notification addressed to the Chairperson of the Governing Board, unless otherwise requested by the Commission or the Programme Office.
- 2 The nominated SRG Representatives shall, to the extent possible, be senior science policy officials or researchers; they shall have access to and be capable of influencing policy-making in their own State and shall have specific expertise and competence in the field covered by the IHI Joint Undertaking.
- 3 The mandate of the SRG Representative(s) remains in force until the respective competent national authority notifies the IHI Joint Undertaking of a replacement. The effective starting date of the mandate begins after the nomination has reached the IHI Joint Undertaking Programme Office.

Article 3. Chairperson and Vice-Chairperson

- 1 The Chairperson and Vice-Chairperson shall be appointed for a term of 2 years. This term may exceptionally be extended for a maximum term of 1 year. If the Chairperson and Vice-Chairperson should, for whatever reason other than expiry of the term of their appointment, cease to be SRG Representatives, the SRG Members shall elect a successor for the remaining term of office.
- 2 The Chairperson shall be supported by a Vice-Chairperson in all functions. Both Chairperson and Vice Chairperson will have the right to attend the Governing Board meetings of the IHI Joint Undertaking as observers. Should the Chairperson be permanently unable to execute its duties, the Vice-Chairperson shall take over the responsibilities of the Chairperson until a new election procedure takes place.
- 3 The main task of the Chairperson and Vice-Chairperson shall be to organise and structure the work of the SRG and ensure the implementation of the SRG role and tasks as provided in the Single Basic Act and in particular:
 - to organise and schedule the SRG's activities;
 - to conduct meetings and moderate discussions;
 - to introduce draft agendas for meetings, and circulate the corresponding minutes;
 - to represent the SRG at the meetings of the IHI Joint Undertaking's Governing Board and of the Science and Innovation Panel and to liaise with the IHI Joint Undertaking's Governing Board;
 - to report to the SRG on the activities of the IHI Joint Undertaking's Governing Board and of the Science and Innovation Panel;
 - to perform such other tasks as may reasonably be expected.

- 4 In case of non-performance of its duties or serious misconduct and upon prior written request of at least one SRG Member giving details of the complaint(s), the Chairperson or Vice-Chairperson can be removed by the SRG Members acting by a two-thirds majority.

Article 4. Procedure for the Election of the Chairperson / Vice Chairperson

- 1 **First Term:** The IHI Joint Undertaking's Executive Director shall contact all SRG Representatives asking for proposed candidates for the two positions of Chairperson and Vice-Chairperson. Each SRG Member may nominate only one SRG Representative from another SRG Member for each position. After the completion of the nomination by the SRG Members, the Executive Director shall coordinate the vote. The Executive Director shall present the list of proposed candidates to the SRG Representatives, along with their statements of motivation and of impartiality. All supporting documents, including a short curriculum vitae, must be sent to the SRG Representatives before the vote. This procedure should be completed as soon as possible. The Chairperson and Vice-Chairperson shall be elected by consensus, or failing that, on the basis of a simple majority of the SRG Members represented at the meeting or cast through electronic voting should the need arise. If no candidate pools over 50% of the votes, a second round is initiated with the candidates garnering the highest number of votes in the first round running again. A vote must be held even if one candidate stands for election. Candidates cannot vote for themselves.
- 2 **Following Terms:** Up to six months before the end of the term of office of the Chairperson or Vice-Chairperson, the Chairperson in situ instigates a re-election procedure according to the procedure described above. In case the necessary majority is not reached, the SRG representatives will be invited to cast their vote for the candidates in the following weeks.

Article 5. Decision-Making

- 1 The SRG should, whenever possible, strive to reach decisions by consensus. When consensus cannot be reached and subject to any exception set out in these Rules of Procedure, decisions are taken by simple majority of the SRG Members represented at the meeting or through electronic voting should the need arise.
- 2 Each SRG Member shall have one vote cast by the lead SRG Representative designated for this purpose by each respective SRG Member.
- 3 Each of the SRG Members votes shall have equal weight. Votes can be cast by electronic communication to the Chairperson and the Programme Office of the IHI Joint Undertaking.
- 4 Absence of a vote is considered as abstention.

Article 6. Quorum

A quorum is required to enable a decision to be adopted by the SRG Members. A quorum is achieved if at least two thirds of the total number of SRG Members are represented at a given meeting.

Article 7. Agreed position related to the application of Article 22(5) HE

- 1 Decisions related to the agreed position to be reached with the Commission in terms of Article 17(2)I of the Single Basic Act shall be solely adopted by the SRG Members that are Member States. The SRG Representatives from Associated Countries shall not participate in relevant deliberations.
- 2 The Commission representatives in the Governing Board and the participating SRG Members' representatives shall be invited to attend a meeting convened by the Chair for the purpose of agreeing on a common position. The meeting shall be chaired by the Chair of the SRG where the incumbent is a Representative of a Member State, otherwise, the meeting will be chaired by the Vice-Chair of the SRG where the incumbent is a representative of a Member State. In the case where both the Chair and the Vice Chair of the SRG are not representatives of a Member State, the meeting shall be chaired by a representative of a Member State elected by simple majority by representatives of Member States.
- 3 The representatives of the participating SRG Members shall actively participate in the dialogue and shall endeavour to reach an agreed position with the Commission representatives. An agreed position will require a qualified majority of the votes of the participating SRG Members¹.
- 4 In reaching an agreed position the participating SRG Members shall seek to ensure coherence with the approach taken for actions funded under the Horizon Europe work programme regarding the application of Article 22(5) of the Horizon Europe Regulation, as well as Union legislation and guidance relevant for its application in similar topics.

Article 8. Meetings

- 1 The SRG shall meet at least twice a year. Meetings shall be convened by its Chairperson through the Programme Office, either on its own initiative or upon request from at least one-third of the SRG Members. Extraordinary meetings can be convened by the Chairperson on its own initiative or upon request by any of the SRG Members. Physical meetings of the SRG will be attended by a maximum of 2 SRG Representatives for each SRG Member.
- 2 The chairperson of the Governing Board and the Executive Director or their representatives shall attend the meetings as observers upon request of the Chairperson for the purpose of delivering information on specific matters. Other persons² may also be invited to attend on an ad hoc basis. Notification of invitation to attend the meeting shall be sent by the Programme Office. The IHI Joint Undertaking will not bear the costs for the attendance of these observers.

Article 9. Documentation

- 1 The Chairperson shall draw up the draft agenda of the meeting. He/she shall send the invitation to the meeting, the draft agenda and any supporting documents to the SRG Representatives no later than 15 calendar days before the date of the meeting. An invitation to the meeting shall be sent to each of the SRG Representatives and to any observers.

¹ By analogy with Article 238(3)(a) of the Treaty on the Functioning of the European Union, qualified majority is defined as at least 55 % of the members of the States' Representatives Group representing Member States, comprising at least 65 % of the population of these States.

² in particular representatives of relevant federal or regional authorities within the Union, representatives of higher education institutions and research performing organisations, SME associations or industry associations and representatives of other bodies of the joint undertaking.

- 2 In urgent cases the Chairperson may shorten the time limit for transmission referred to in paragraph 1 to 5 calendar days before the date of the meeting.
- 3 Any agenda item requiring a decision by the SRG Members must be identified as such on the agenda. Any SRG Representative may add an item to the original agenda by written notification to all of the other SRG Representatives within a minimum of 5 calendar days preceding the meeting (2 calendar days for extraordinary meetings). The item must be discussed if at least 3 SRG Representatives, each representing a different SRG Member, support its addition to the agenda.
- 4 The agenda shall be adopted by the SRG Representatives at the start of the meeting.
- 5 Minutes and related documents should be made available as soon as possible after the meeting. The minutes shall be considered as accepted if, within 20 calendar days from sending no objection has been raised in writing by any SRG Representative. The accepted minutes shall be sent to all SRG Representatives by electronic means.

Article 10. Information and Reporting

- 1 Information shall be circulated through the Programme Office. The main channel of information to national authorities should flow through the SRG Representatives themselves.
- 2 To facilitate communication and efficient working, all documents should be made available on a confidential internal web-platform, where the SRG Representatives have access and may upload and download the relevant documents. The necessary operational procedures are organised by the Programme Office. An alert-service should be implemented to make the representatives aware of any news.

Article 11. Transparency

- 1 The SRG shall authorize the IHI Joint Undertakings to make public the names of the SRG Representatives (including the CV of the main delegates) on the web site of the IHI Joint Undertaking.
- 2 The SRG's opinions, recommendations and proposals shall be subject to the provisions of Article 33 of the Single Basic Act and measures taken for its implementation. They shall be published on the IHI Joint Undertaking's web site.

Article 12. Confidentiality and Conflict of interest

- 1 In application of Article 33 of the Single Basic Act, the SRG Representatives and any other participants at meetings of the SRG are required to refrain from divulging information given in the context of its activities unless it has been confirmed that the information has been made public. Such confidential information includes but is not limited to personal, commercial, sensitive non-classified and classified information.
- 2 All SRG Members and their SRG Representatives shall avoid any conflict of interest in the exercise of their functions³.

³ See Article 2(14) of the Single Basic Act - A 'conflict of interest' means a situation involving a financial actor or other person as referred to in Article 61 of Regulation (EU, Euratom) 2018/1046

- 3 The SRG Representatives shall sign confidentiality agreements and declarations of conflict of interest after being nominated and before getting access to the confidential internal web-platform. Any other participants in meetings of the SRG shall sign confidentiality agreements and declarations of conflict of interest before attendance of the relevant meeting(s).
- 4 Declarations of confidentiality and conflict of interest for the SRG Representatives and other participants at meetings of the SRG shall be based on the template annexed to these Rules of Procedure.
- 5 Any SRG Representative acting in breach of any of the relevant rules on confidentiality and/or conflict of interest shall, due to such misconduct, be considered as no longer being in a position to maintain the status of SRG Representative.

Article 13. Resources

- 1 The IHI Joint Undertaking shall only bear the cost of one SRG Representative for each of the SRG Members. The IHI Joint Undertaking JU shall cover the cost of travel for 2 meetings per year of the SRG. Other costs and the costs incurred by additional meetings must be covered by national delegations unless otherwise agreed by the Programme Office.
- 2 The Programme Office may provide meeting accommodation, internet and communication support, depending on budget availability.

Article 14. Adoption and Review of the Rules of Procedures

These Rules of Procedure shall be adopted by consensus or, failing that, by a majority of at least two thirds of the SRG Members. Any amendment shall also require a consensus or, failing that, a two third majority. Provisions having a budgetary implication must be approved by the IHI Joint Undertaking's Governing Board.

Adopted on 11 March 2022

Annex Confidentiality and non-conflict of interest declaration by the SRG Representatives/participants in meetings of the IHI Joint Undertaking's States' Representatives Group

I, undersigned..... [Name],

..... [Function and State].

hereby, undertake, as a [SRG Representative][participant in meetings] of the IHI Joint Undertaking's States' Representatives Group, during and after the course of my mandate/participation:

1. To ensure the confidentiality of sensitive oral or written information the disclosure of which could damage the interests or the reputation of the IHI Joint Undertaking, or of the participants in the activities of the Joint Undertaking. Such confidential information includes but is not limited to personal, commercial, sensitive non-classified and classified information.
2. To declare promptly any conflict of interest that may arise from my participation in the States' Representatives Group. I further undertake to refrain from participating in any discussion/vote on the item and to leave the meeting room accordingly in case of conflict of interest.
3. I undertake to respect the rules for the prevention, avoidance and management of conflicts of interest in accordance with the general principles set in the Commission Notice Guidance on the avoidance and management of conflicts of interest under the Financial Regulation 2021/C 121/01⁴, to give effect to Article 42(2) of the Single Basic Act⁵.

I understand that the obligations of non-disclosure set forth above shall not extend to information which are or became publicly known or available through no fault of my own.

Signed on the , in one original copy, in

Signature

Signature

⁴ Commission Notice Guidance on the avoidance and management of conflicts of interest under the Financial Regulation 2021/C 121/01, published in OJ C 121 on 9.4.2021, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2021.121.01.0001.01.ENG&toc=OJ:C:2021:121:TOC#ntc5-C_2021121EN.01000101-E0005.

⁵ Council Regulation (EU) 2085/2021 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R2085&qid=1640607250887>.