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COMMISSION DECISION

of 27.8.2018

**Setting up the Expert Group - Executive Board of the European Open Science Cloud
(‘EOSC’) and laying down rules for its financing**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020), and repealing Decision No 1982/2006/EC¹,

Having regard to Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" and repealing Regulation (EC) No 1906/2006², and in particular Article 40 thereof,

Whereas:

- (1) Following the Communication 'European Cloud Initiative - Building a competitive data and knowledge economy in Europe'³, the Commission explored in cooperation with Member States and stakeholders appropriate governance mechanisms for the European Open Science Cloud (the 'EOSC') and defined an Implementation Roadmap⁴ where a possible federated model for the EOSC was highlighted. That included an elaboration of the governance structure presented in the Horizon 2020 work programme 2018-2020⁵. The governance structure is constituted of three components - a strategic body of representatives of the Member States, the Associated Countries and of the Commission, the Governance Board, an expert group including high-level representatives of the stakeholders overseeing the implementation, the Executive Board, and a Stakeholders Forum composed of a larger representation of actors providing advice. The Implementation Roadmap for the EOSC sets out the basis for the governance framework. It also further stresses that the EOSC implementation demands a high-level quality expertise and the involvement of main stakeholders
- (2) In its conclusions of 29 May 2018⁶, the Council welcomed the Implementation Roadmap and the federated model for the EOSC. Further to that, Article 12 of the Council Conclusions⁷ invited the Commission and all Member States to set up a governance framework that ensures participation of stakeholders from the research

¹ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

² Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" (OJ L 347, 20.12.2013, p. 81).

³ COM(2016) 178

⁴ SWD(2018) 83

⁵ Research Infrastructures part - INFRAEOSC Call

⁶ 9029/18

⁷ ibidem

community based on principles of transparency, openness and inclusiveness and an effective involvement of all Member States. It also invited the Commission to make every effort to launch the EOSC governance structure in 2018, in close consultation with the European Research Area and Innovation Committee⁸ and without prejudice to quality.

- (3) In the context of its involvement in the EOSC Governance Board, the Commission needs to call up upon the expertise of an expert group to oversee the EOSC implementation, provide advice on the way forward and on the implementation of the strategic and funding orientations and assist with the transition beyond 2020.
- (4) This expert group should help to develop the strategy, help oversee and steer the implementation of the agreed work plan and help to monitor the progress of the EOSC implementation in view of the second stage of the EOSC implementation, post-2020.
- (5) The expert group should be composed of highly qualified, specialised, independent members, appointed in their personal capacity acting independently and in the public interest, and of organisations of R&I stakeholders. Selection should take place based on objective criteria, following an open call for applications. For this purpose, a high level standing Identification Committee of independent experts should be set up as a special expert group.
- (6) In order to allow for flexibility in the implementation of the activities of the Executive Board, it is appropriate to define the term 'substantial change' within the meaning of Article 94(4) of Commission Delegated Regulation (EU) No 1268/2012⁹.
- (7) Rules on professional secrecy and on transparency should be laid down in accordance with the Commission Decisions (EU, Euratom) 2015/443¹⁰ and 2015/444¹¹.
- (8) Rules on disclosure of information should be laid down in accordance with the Regulation (EC) No. 1049/2001¹².
- (9) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council¹³.
- (10) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension.

⁸ <http://www.consilium.europa.eu/en/templates/configuration-detail.aspx/?id=7225>

⁹ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

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

¹¹ 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).

¹² 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.

¹³ 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 Union institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The Expert Group “Executive Board of the EOSC” (“the group”), is hereby set up.

Article 2

Tasks

1. The group’s tasks shall be to establish a cooperation between the Commission and R&I stakeholders on questions relating to the Implementation Roadmap for the European Open Science Cloud (‘EOSC’)¹⁴ in coordination with the Member States. The group shall assist the Commission in the first phase of development of the EOSC until 2020 and in the preparation of the transition to the second phase of development of the EOSC after 2020.
2. The group shall carry out the following tasks:
 - (a) provide advice and support on the strategy, implementation, monitoring and reporting on the progress of the implementation of the EOSC as set out in the Staff Working Document on the Implementation Roadmap for the EOSC¹⁵, notably in the form of:
 - (a) a strategic implementation plan and annual work plans, and of a proposed mechanism for overseeing and steering the implementation of the strategic and annual work plans, and for monitoring and reporting on progress;
 - (b) rules for participation to guide service provision and an action plan for scientific data interoperability to operationalise the FAIR principles¹⁶¹⁷,
 - (b) provide recommendations on the appropriate mechanisms and possible forms for the EOSC governance after 2020 including business models and modes of financing, and on how the user base of the EOSC could be extended to the public sector and the industry.

Article 3

Consultation

1. The Commission shall consult the group on any matter relating to the EOSC, in particular on the actions required for achieving the federated model as described in the Implementation Roadmap for the EOSC, that is to say the six action lines: architecture, data, services, access & interface, rules and governance.

¹⁴ SWD(2018) 83

¹⁵ SWD(2018) 83

¹⁶ FAIR principles are a set of guiding lines to make data Findable, Accessible, Interoperable, and Reusable <https://www.force11.org/group/fairgroup/fairprinciples>

¹⁷ Commission produced guidelines on FAIR Data Management in Horizon 2020 http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/oa_pilot/h2020-hi-oa-data-mgt_en.pdf

2. The advice provided by the group shall aim at ensuring that the actions supporting the developing of the EOSC are implemented through a coherent and effective framework.
3. The advice provided by the group shall be based on strong evidence and on the principles of transparency, openness and inclusiveness.

Article 4

Membership

1. The group shall be composed of up to eleven members and shall include:
 - (a) up to three independent experts - programme managers with international experience, good knowledge of institutional framework of R&I funding and technical knowledge of data infrastructures - appointed in a personal capacity;
 - (b) up to eight pan-European organisations of R&I stakeholders most relevant for the EOSC implementation such as the large pan-European research infrastructures ('RIs') including eInfrastructures, public research organisations ('PROs'), universities, public research funding organisations and industry organisations.
2. The Director-General of the Directorate-General for Research and Innovation ('RTD') in consultation with the Director-General of the Directorate-General for Communications, Networks, Content and Technology ('CNECT') shall appoint the members of the group following a public call for applications and a selection process overseen by an Identification Committee.
3. The organisations referred to in paragraph 1(b) shall nominate their representatives while responding to the public call for applications and shall be responsible for ensuring that their representatives provide a high level of expertise.
4. Members appointed in a personal capacity shall act independently and in the public interest.
5. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in this Article, or Article 339 of the Treaty on the Functioning of the European Union, may be replaced for the remainder of their term of office.

Article 5

Selection process

1. The group's members shall be selected through a public call for applications, to be published in the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
2. Registration in the Transparency Register shall be mandatory in order for organisations to be appointed.

3. Once the applications have been received, the Director-General of DG RTD, in consultation with the Director-General of DG CNECT, shall set up an Identification Committee of independent experts that shall assist the Commission services in evaluating the applications and identifying a short list of organisations and specialists guarantying the best possible representativeness of the stakeholders' community.
4. The Identification Committee shall be set up as a special expert group in the Register of expert groups. The members of the Identification Committee shall receive a special allowance of EUR 450 per day. The Commission shall also reimburse their travel and subsistence expenses in accordance with the provisions in force within the Commission. The financing of the Identification Committee is provided for in the Commission Implementing Decision on the adoption of the work programme for 2018-2020 within the framework of the Specific Programme Implementing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) and on the financing of the work programme for 2018 (C(2017)7124).
5. The Director-General of DG RTD, in consultation with the Director-General of DG CNECT, shall appoint the members of the group, namely organisations and individual specialists with competence in the areas referred to in Article 4 and that are on the short list.
6. Members shall be appointed until 31 December 2020, with possibility of replacement. Individuals applying to be appointed as members of the group in a personal capacity shall disclose any circumstances that could give rise to a conflict of interest. In particular, the Commission shall require those individuals to submit a declaration of interests ('DOI') form on the basis of the standard DOI form for expert groups¹⁸, together with an updated *curriculum vitae* (CV), as part of their application. Submission of a duly completed DOI form shall be necessary in order to be eligible to be appointed as a member in a personal capacity. The conflict of interest assessment shall be performed in compliance with Commission Decision C(2016) 3301 establishing horizontal rules on the creation and operation of Commission expert groups¹⁹.
7. The short-list shall also serve as a pool of organisations for replacement of members of the group during its first term of office.

Article 6

Chair

1. The Director-General of DG RTD, in consultation with the Director-General of DG CNECT, shall appoint, on an annual basis, a Chair and (a) Deputy Chair(s). The group shall act at the request of its Chair, with the agreement of the Commission and in compliance with Decision C(2016) 3301. The deputy-Chair shall assist the Chair and may substitute the Chair.
2. The Chair shall convene meetings of the Group in agreement with the other Members.

¹⁸ See Article 11 of Commission Decision C(2016) 3301 and its Annex 4.

¹⁹ See footnote 13.

Article 7

Operation

1. The group shall meet up to eight times a year. The Chair may convene additional ad-hoc meetings when urgent advice is needed. The group shall meet, in principle, on Commission premises.
2. The Commission shall ensure the provision of the secretariat for the group and any sub-group created pursuant to Article 8. The sub-groups and the Coordination Structure funded through Horizon 2020 (the Call INFRAEOSC-05-2018-2019²⁰) may support the work of the group.
3. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the members shall decide by simple majority of its members. Members who have voted against shall have the right to have a document summarising the reasons for their position attached to the opinions, recommendations or reports.
4. In agreement with DG RTD and DG CNECT, 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. The secretariat under the responsibility of the Chair shall draft the minutes.

Article 8

Sub-groups

1. DG RTD, in consultation with DG CNECT, may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the Commission. Subgroups shall operate in compliance with Decision C(2016) 3301 and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the group shall be selected from the shortlist established by the Identification Committee or through additional public calls for applications, in accordance with Article 5 and Decision C(2016) 3301²¹.

Article 9

Invited experts

1. The Commission may invite experts 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.

Article 10

Observers

1. Organisations may be granted an observer status, in accordance with Decision C(2016) 3301 by direct invitation.

²⁰ <http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/infraeosc-05-2018-2019.html>

²¹ See Articles 10 and 14.2 of Decision C(2016) 3301 .

2. Organisations appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group.

Article 11

Rules of procedure

1. On a proposal by and in agreement with DG RTD and DG CNECT 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 accordance with Decision C(2016) 3301.

Article 12

Professional secrecy and handling of classified information

1. The members of the group and their representatives, as well as invited experts and observers, shall be 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) 2015/443²² and 2015/444²³. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 13

Transparency

1. The group and sub-groups shall be registered in the Register of expert groups.
2. As concerns the composition, the following data shall be published in the Register of expert groups:
 - (a) the name of member organisations; the interest represented shall be disclosed;
 - (b) the name of individuals appointed in a personal capacity;
 - (c) the name of observers;
 - (d) the name of organisations' representatives.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available either on the Register of expert groups or through a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be provided where it is

²² Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

²³ 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).

deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001²⁴.

Article 14

Meeting expenses and compensation for the members

1. The representatives of pan-European organisations of R&I stakeholders participating as members in the activities of the group and subgroups shall not be remunerated for their services.
2. A special allowance of EUR 450/day for each full working day spent assisting the Commission shall be paid to the independent experts appointed in their personal capacity who act in the public interest within the meaning of Article 21 of Decision C(2016) 3301 .
3. Travel and subsistence expenses incurred by members in the activities of the group and subgroups shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
4. All payments and reimbursements related to the functioning of the group shall be covered by Horizon 2020 operational expenditure and financed from appropriations entered in the following budget line of the general budget of the Union for 2019²⁵: budget line(s): 08.020103 and/or 08.025001.

Article 15

Flexibility clause

1. Changes to the Union contribution set in Article 14 of this Decision not exceeding 20 % of the maximum Union contribution shall not be considered to be substantial within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012, where those changes do not significantly affect the nature of the action.
2. The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

²⁴ See footnote 12.

²⁵ The amounts for 2019 are subject to the availability of the appropriations provided for in the draft budget for 2019 after the adoption of the budget for 2019 by the budgetary authority or if the budget is not adopted as provided for in the system of provisional twelfths.

The overall payments on 2019 commitments in 2019 will be within the amount finally voted in 2019 budget for the relevant budget line.

Article 16

Applicability

This Decision shall enter into force on the day of its adoption and shall apply until 31 December 2020.

Done at Brussels, 27.8.2018

For the Commission
Carlos MOEDAS
Member of the Commission