

**Rules of Procedure of
the CBE JU States' Representatives Group**

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) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe (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 Executive Director of the CBE Joint Undertaking, who will keep the Governing Board informed.
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 CBE Joint Undertaking.
3. The mandate of the SRG representative(s) remains in force until the respective competent national authority notifies of a replacement by means of written communication, addressed to the CBE Joint Undertaking Programme Office, represented by the SRG Secretariat. The effective starting date of the mandate begins after the nomination has reached the CBE Joint Undertaking Programme Office.
4. The CBE Joint Undertaking shall only bear the travel costs of one SRG Representative for each of the SRG Members.

Article 3. Chair and Vice Chair

1. The Chair and Vice Chair shall be appointed for a term of two years. This term may exceptionally be extended once for a maximum of two years. If the Chair and Vice Chair 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 Chair shall be supported by a Vice Chair in all functions. Both the Chair and vice-Chair may attend the Governing Board meetings as observers. Should the Chair be permanently unable to execute his or her duties, the Vice Chair shall take over the responsibilities of the Chair until a new election procedure takes place.
3. The main task of the Chair and Vice Chair 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 CBE Joint Undertaking's Governing Board and CBE Scientific Committee meetings and to liaise with the CBE Joint Undertaking's Governing Board;
 - to report to the SRG on the activities of the CBE Joint Undertaking's Governing Board
 - to coordinate the drafting of reports, opinions and recommendations;
 - to perform such other tasks as may reasonably be expected.

4. The Chair and the Vice-Chair shall be supported in the preparation of meetings by the CBE JU Programme Office, represented by the SRG Secretariat.
5. In case of non-performance of his or her duties or serious misconduct and upon prior written request of at least one SRG Member giving details of the complaint(s), the Chair or Vice Chair can be removed by the SRG Members acting by a two-thirds majority.

Article 4. Specific Procedure for the Election of the Chair / Vice Chair

1. **First Term:** The CBE Joint Undertaking's Executive Director shall contact all SRG Representatives asking for proposed candidates for the two positions of Chair and Vice Chair. Each SRG Member may propose only one candidate for each position. After the deadline for proposing candidates expires, the Executive Director shall coordinate the vote. The Executive Director shall present the list of proposed candidates to the SRG Representatives, along with a short curriculum vitae and the motivation. All supporting documents must be sent to the SRG Representatives before the vote. This procedure should be completed within one month. The Chair and Vice Chair shall be elected by consensus, or failing that, on the basis of a two thirds majority of the SRG Members represented at the meeting or cast through electronic voting should the need arise. If no candidate pools the requested majority, a second round is initiated with the candidates having garnered 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 Chair or Vice Chair, a new election for the Chair and vice-Chair will be organised according to the procedure described above.

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 secret ballot by the 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 Chair and the CBE JU Programme Office.
4. Absence of a vote is considered as abstention.

Article 5-bis. Written Procedure

1. In alternative to the procedure in Article 5, decisions, opinions and recommendations may also be obtained from the members by written procedure. The Executive Director, following consultation with the Chairperson, shall send the proposal and any other necessary documents to all the members, identifying a deadline for replies, which shall not be less than fifteen days. In duly justified cases of urgency, a shorter deadline of not less than five days may be set. The tacit agreement principle is applied if no reply is received in writing within the deadline set. The proposal

shall be considered adopted if it receives the agreement (explicit or tacit) of at least two thirds majority of the members.

2. A proposal for an opinion to be taken by written procedure shall not be subject to amendments; it shall be approved or rejected in its entirety. If a proposal is rejected, it may be included in the agenda of the next meeting at the request of at least one third of the Members.
3. The result of the written procedure shall be notified to the members by the Executive Director within ten days after the deadline for replies to the procedure has lapsed.

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)(l) of the SBA 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 Chair through the CBE Joint Undertaking's programme office, either on his/her own initiative or upon request from at least one-third of the SRG Members. Invitation to the meetings shall be sent out by the CBE Joint Undertaking's programme office at least thirty calendar days before the proposed date. Extraordinary meetings can be convened by the Chair on his/her own initiative or upon request by any of the SRG Members. Invitation to the meetings shall be sent out by the CBE Joint

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.

Undertaking's programme office at least fifteen calendar days before the proposed date. Physical meetings of the SRG will be attended by a maximum of 2 SRG Representatives for each SRG Member.

2. The chair and vice chair of the Governing Board and the Executive Director or their representatives will be invited to participate in the meetings.
3. Other persons may also be invited to attend as observers on an ad hoc basis. Notification of invitation to attend the meeting shall be sent by its Chair through the CBE JU Programme Office. The CBE Joint Undertaking will not bear the costs for the attendance of these observers.

Article 9. Documentation

1. The Chair 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, through the CBE Joint Undertaking's programme office, no later than 14 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.
2. In urgent cases the Chair may shorten the time limit for transmission referred to in paragraph 1 to 6 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 10 calendar days preceding the meeting (5 days for extraordinary meetings).
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 and no later than 10 calendar days after the meeting. The minutes shall be considered as accepted if, within 15 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 CBE Joint Undertaking's 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.

Article 11. Transparency

1. The SRG shall authorize the CBE Joint Undertakings to make public the names of the SRG Representatives on the joint undertaking's web site.
2. The SRG's opinions, recommendations and proposals shall be subject to the provisions of Article 34 of the SBA and measures taken for its implementation. Unless confidential or decided otherwise, they shall be published on the joint undertaking's web site.

Article 12. Confidentiality and Conflict of interest

1. In application of Article 33 of the SBA, 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.
2. The SRG Representatives shall sign confidentiality agreements and declarations of conflict of interest after being nominated. Any other participants in meetings of the SRG shall sign confidentiality agreements and declarations of conflict of interest.
3. All SRG members and their SRG Representatives shall be bound by the rules on conflict of interest adopted by the Governing Board to give effect to Article 42 of the Single Basic Act
4. Declarations of confidentiality and conflict of interest for the State Representatives and other participants at meetings of the SRG shall be based on 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. Adoption and Review of the Rules of Procedures

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

Adopted on 24 March 2022

Annex

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

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

..... [Function and Organisation] and
[State].

hereby, undertake, as a [SRG Representative] / [participant in meetings] of the CBE 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 CBE Joint Undertaking, or of the participants in the activities of the Joint Undertaking.

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.

I undertake to respect the rules for the prevention, avoidance and management of conflicts of interest adopting by the CBE Joint Undertaking's Governing Board to give effect to Article 42(2) of the SBA

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, on

Signature