

# MB DECISION



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**Decision n°:** 2007/04 FRA MB

**Subject:** Provisional Rules of Procedure of Scientific Committee

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**Person responsible:** Director

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## THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HAVING REGARD to the Council Regulation (EC) No 168/2007 of 15 February 2007 (hereafter referred to as the “Regulation”) establishing a European Union Agency for Fundamental Rights (hereafter referred to as the “Agency”), and in particular Article 14.

HAS ADOPTED the following Provisional Rules of Procedure for the Scientific Committee:

### Article 1: Confidentiality

1. Members of the Scientific Committee shall not divulge to third parties information specifically identified by the Agency as “restricted or confidential”.
2. Members of the Scientific Committee shall sign a written declaration that they will comply with the rules of confidentiality set out in paragraph 1. (Annex 1)
3. Members of the Scientific Committee shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

### Article 2: Independence

1. Members of the Scientific Committee shall undertake to act independently of any external influence. For this purpose, they shall make a declaration of commitment (Annex 2) and a declaration of interests (Annex 3). The declaration of interests shall indicate any direct or indirect interests which may be considered prejudicial to their independence or the absence of any such interests. These declarations shall be made annually in writing and shall be published on the Agency’s web page.
2. Members shall declare at each meeting any interests which might be considered prejudicial to their independence in relation to the items on the agenda. This declaration shall be made in writing or verbally, following a request of the Chair. The extent of the member’s participation in

the work of the Committee shall be laid down by the Chair in agreement with the respective members and shall be recorded.

3. Any member who, in accordance with his/her declaration or in the opinion of the Scientific Committee, is not able to act independently, may not act as Chair in relation to the specific matter and may not participate in decision-making.
4. Members who receive documents or pertinent information of direct relevance to their work for the Scientific Committee directly from a third party shall ensure that the information is made available to the Agency services.

#### Article 3: Delegation of responsibilities

1. The Members of the Scientific Committee are nominated in a personal capacity. They shall therefore not delegate their responsibilities to another member or to a third person.
2. If the Chair is not in a position to fulfil his or her function, he or she may be replaced by the Vice-Chair or, failing that, in common accord of the members.

#### Article 4: Appointment of members of the Scientific Committee and their terms of office

1. The members of the Scientific Committee shall be appointed by the Management Board following a transparent call for expressions of interest and selection procedure after having consulted the competent committee of the European Parliament. The call for expressions of interest shall be published in the OJEC, in relevant leading academic publications and on the Agency's website. Candidates found suitable for the position but not appointed shall be invited to be included on a reserve list.
2. When appointing members, the Management Board of the Agency shall ensure a high level of collective scientific competence and expertise to fulfil the mandate of the Scientific Committee and, consistent with this, an even geographical distribution that reflects the diversity of scientific problems and approaches in the EU.
3. Members of the Scientific Committee shall be appointed for a five-year term of office that is not renewable.

## Article 5: Election of the Chair and Vice-Chair of the Scientific Committee

The Scientific Committee shall elect from among its members a Chair and Vice-Chair. The terms of office of the Chair and Vice-Chair shall be one year, renewable.

### 1. Election of the Chair

The Chair shall be elected by secret ballot. Subject to a unanimous decision by the Scientific Committee, the secrecy requirement for the ballot may be waived. The Director of the Agency shall chair the election procedures. The procedure shall be as follows:

- a) The names of those wishing to stand as candidates shall be notified to the Agency services before the meeting or be announced at the meeting. Members may present themselves as candidates in their own name or be proposed by another member.
- b) Where there is a single candidate or where the other candidates withdraw, leaving a single candidate, that candidate shall be elected provided that he or she receives a two thirds majority of the votes cast.
- c) Where there are several candidates, election shall take place in accordance with the following procedure. However, if there are only two candidates, the first ballot will not be held.
  - In the first ballot, the candidate who receives at least a two-thirds majority of the votes of all members is elected.
  - If none of the candidates receives a two-thirds majority of the votes of all members, the two candidates who obtained the highest number of votes go forward to the second ballot..
  - In the second ballot, the candidate who receives at least a two-thirds majority of the votes of all members is elected. If none of the candidates receives a two-thirds majority of the votes of all members, there will be a third round.
  - In the third round, the candidate who receives at least a two-thirds majority of the votes of all members is elected.
  - If a candidate does not receive a two thirds majority in the third ballot, then consecutive ballots shall be held until a candidate receives the requisite two thirds majority.
- d) Candidates may withdraw their candidature at any time during the procedure.

### 2. Election of Vice-Chair

A Vice-Chair shall be elected following a procedure identical to that of the Chair. The names of the Chair and Vice-Chair shall be recorded in the minutes of the meeting and shall be made public.

Article 6: Planning of meetings, invitations, agenda, documentation, time limits

1. The Scientific Committee shall establish a schedule of its meetings for the forthcoming calendar year. This schedule shall generally conform to the times of the year when the Agency requires, according to the Regulation, the opinion of the Scientific Committee.
2. As a general rule, the Agency services shall confirm a meeting of the Scientific Committee not less than 15 working days before the date of the meeting and shall give notification of cancellation not less than five working days before the date of the meeting.
3. Meetings of the Scientific Committee may be called at short notice according to the urgency of the matter.
4. The draft agendas of the meetings of the Scientific Committee shall be drawn up by the Agency services. The draft agenda shall be circulated to members, generally within two weeks of the meeting. The agenda shall be adopted at the beginning of the meeting taking account of any agreed amendments.
5. Wherever possible, documents including reports and draft opinions shall be made available by the Agency services to the members one week before that meeting.
6. The Scientific Committee shall issue its opinions within the time limit specified in the requests for these opinions, except in duly justified circumstances. The Scientific Committee shall prioritise its work to ensure that time limits are respected.

Article 7: Adoption of Scientific Committee Opinions

The Scientific Committee shall adopt opinions by a majority of two thirds.

Article 8: Accelerated procedure

In urgent cases and if requested by the Agency services and sanctioned by the Chair of the Scientific Committee, an accelerated procedure may be applied as follows:

1. A draft opinion may be adopted by written procedure. In this case, the Agency services shall send the draft opinion to the members of the Scientific Committee with a request for approval by a specified date.
2. The draft shall be adopted if a two thirds majority of the members of the Scientific Committee have expressed their approval before the deadline.
3. If a two thirds majority is not reached, the draft opinion must be placed on the agenda for the next meeting of the Scientific Committee or, if the urgency requires this, an ad-hoc meeting shall be convened at the earliest date at which the quorum can be assured.

#### Article 9: Adoption of scientific opinions

The Scientific Committee shall adopt its scientific opinions at its plenary meetings or, exceptionally, by the written procedure set out in Article 9.

#### Article 10: Minutes

1. The Agency services shall prepare draft minutes of plenary meetings of the Scientific Committee. These shall contain, inter alia:
  - the list of participants,
  - declaration of interests by participants concerning their independence and the action taken,
  - a summary of discussions, including important minority standpoints and agreed actions,
  - a record of decisions taken and opinions adopted.
2. The draft minutes shall be circulated to members for comments and adopted not later than the next meeting.

#### Article 11: Mission expenses of members and indemnities

1. Travel and subsistence expenses incurred by members in connection with meetings relating to the Scientific Committee shall be reimbursed by the Agency in accordance with the scales laid down by the Staff Regulations of Officials of the European Communities for officials in grades A4 to B.
2. For participation in meetings, the indemnities shall be EUR 450 for each full day participation or EUR 225 for participation in a morning or afternoon meeting of the Scientific Committee.
3. For questions requiring not less than one day of preparation of a draft opinion, and with the prior written agreement of the Chair of the Scientific Committee, the indemnity shall be EUR 450.
4. Where fully justified and subject to budget availability, this last sum may be exceptionally increased to EUR 600 for questions which are particularly demanding in terms of work load or which are particularly complex and of a multidisciplinary nature.

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Article 12: Secretarial support for the Scientific Committee

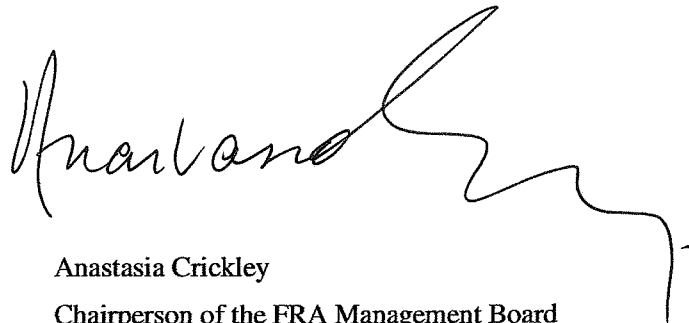
The Agency services shall be responsible for providing the secretarial support necessary to facilitate the efficient functioning of the Scientific Committee and compliance with the rules of the Agency, particularly in relation to the requirements for excellence, independence and transparency and with any rules established by the Scientific Committee. Specific duties include:

- a. Ensuring best use of the Agency's resources and the planning to meet priorities and time limits;
- b. Providing information on the legislative/policy aspects of questions;
- c. Preparing the work of the Committee, in consultation with its chair;
- d. Drafting agendas and minutes of meetings;
- e. Coordinating the work carried out by the Scientific Committee;
- f. Ensuring that the relevant background information is made available to the Scientific Committee;
- g. Assisting the Chair of the Scientific Committee in the preparation of draft opinions before adoption.
- h. Organising the travel and accommodation arrangements for the members of the Scientific Committee

Article 13: Entry into force

1. The present Decision shall enter into force on the date of its adoption.
2. The Management Board of the Agency may return to these rules whenever deemed necessary and adopt any modifications needed.

Vienna, 23 October 2007



Anastasia Crickley  
Chairperson of the FRA Management Board

ANNEX 1: DECLARATION CONCERNING CONFIDENTIALITY

Name: \_\_\_\_\_

Position :     Member of the Scientific Committee  
                   Observer

I hereby declare that I am aware of my obligation to respect confidentiality. I know that I am obliged not to divulge information acquired as a result of my position on the [.....] if this information is subject to a request for confidentiality. I shall also respect the confidential nature of the opinions expressed by members of the Scientific Committee or observers during discussions in meetings or provided in written form.

Done at \_\_\_\_\_ on \_\_\_\_\_

Signature: \_\_\_\_\_

ANNEX 2: COMMITMENT OF INDEPENDENCE

Name: \_\_\_\_\_

Position :     Member of the Scientific Committee

I hereby undertake to act independently of any external influence. In particular I know that I am obliged to make an annual written declaration of interests and to declare at each meeting of the Scientific Committee any interest which might be considered prejudicial to my independence in relation to the items on the agenda.

Done at \_\_\_\_\_ on \_\_\_\_\_

Signature: \_\_\_\_\_



ANNEX 3: DECLARATION OF MEMBER'S INTERESTS\*

Name: \_\_\_\_\_

Position :     Member of the Scientific Committee

Information on direct or indirect interests of relevance to the mission of the Agency

(1) Direct interest (financial benefits arising from, for example, employment, contracted work, investments, fees etc.):

(2) Indirect interests (indirect financial, e.g. grants, sponsorships, or other kind of benefits):

(3) Interests deriving from the professional activities of the applicant or his/her close family members:

(4) Any membership role or affiliation that you have in organisations/bodies/clubs with an interest in the work of the Agency:

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\* Any change in circumstances should be communicated immediately to the Agency's services.

(5) Other interests or facts that the undersigned considers pertinent:

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Declaration:

I declare on my word of honour that the information provided above is true and complete.

Done at \_\_\_\_\_ on \_\_\_\_\_

Signature: \_\_\_\_\_