



INFORMAL COMMISSION EXPERT GROUP
“EUROPEAN OPEN SCIENCE CLOUD STEERING BOARD” (EOSC-SB)
TERMS OF REFERENCE

1. BACKGROUND

Given the crucial role of Member States (MS), Associated Countries (AC) and the EU in resourcing and supporting the implementation of the EOSC environment in Europe, advancing an open science system and aligning national and EU policies to improve the production of FAIR¹ research output, it was proposed in 2020 by the governance of the European Open Science Cloud (EOSC Governance Board) that MS/AC and the Commission should maintain a high-level strategic steering role for the EOSC implementation Post-2020.

Understood in a wide sense, this comprises advising strategically the Commission on the EU policy for research data infrastructure and services, especially in view of the Commission’s role in the EOSC governance, and on how to better align EU and national policy developments and investments with the EOSC objectives. The expert group will also support the Commission in the coordination and implementation of EOSC as part of the ERA Policy Agenda, in line with the Council conclusions on the future governance of the ERA of 26 November 2021², and taking due account of the relevant Treaty provisions.

To fill this role a Steering Board of MS/AC and EEA/ EFTA countries already created in 2021 shall be continued in subsequent years as an independent expert group.

This strategic steering function will be complementary to the oversight of the programmatic implementation provided through the Horizon Europe Programme Committee. This document outlines the Terms of Reference (ToR) for the EOSC Steering Board.

2. SUBJECT MATTER

The group of experts ‘EOSC Steering Board’ (hereafter “EOSC-SB or “the group”) is set up.

The main purpose of the group is to provide advice and expertise to the Commission in relation to the strategy for the implementation of the EOSC as part of the ERA actions, to support coordination of and synergies with European and national policies and investments in EOSC and to help monitoring the overall EOSC strategic development and implementation.

¹ <https://www.nature.com/articles/sdata201618>

² <https://data.consilium.europa.eu/doc/document/ST-14308-2021-INIT/en/pdf>

As called for by the Council in its conclusions of 1 December 2020 on the new European Research Area (ERA)³, the EOSC-SB forms part of the tripartite governance⁴ arrangements post 2020 for the EOSC, where it represents the collective interests and contributions of the MS/AC and those of the European Union.

The strategic steering experience gained by the Commission with the MS, EEA EFTA and AC through the EOSC-SB will directly contribute to policy implementation objectives of the expert group of the Commission on the 'ERA Forum'. The EOSC-SB will closely coordinate with and regularly inform the ERA Forum, as suggested by the Council conclusions on the future governance of the ERA.

3. TASKS

The group's tasks shall be:

1. to provide advice and expertise to the European Commission, in relation to the European policies related to research data infrastructures and services, open science and EOSC, especially in view of the European Commission's role in the EOSC governance, and
2. to assist the strategic coordination between the Commission and MS/AC and EEA EFTA, especially in the view of the Commission's role in the EOSC Governance, and stakeholders on questions relating to the implementation of Union legislation, programmes and policies related to Open Science and EOSC, to foster the convergence of European and national open science policies and initiatives.

The group would develop joint positions and/or provide strategy papers on issues relating to convergence and alignment of European and national policies, initiatives and investments related to open science practices and the EOSC, with special attention to EU open strategic autonomy, the cross-border implications and economic impact of the EOSC, its role to deepening the new European Research Area and its articulation with the data spaces defined in the European Strategy for Data⁵.

The group will also co-operate with the EOSC Association on matters concerning the harmonised development of EOSC in Europe.

4. MEMBERSHIP

1. The EOSC-SB shall be composed of the **Member States of the European Union, EEA EFTA members and the** countries that are associated to the specific programme implementing Horizon Europe - the Framework Programme for Research and Innovation (**Associated Countries**). When an AC ceases to be associated to the framework programme its membership to the EOSC-SB is also terminated.
2. Authorities from the Member States, EEA EFTA countries and Associated Countries to Horizon Europe shall nominate their representatives⁶ and shall be responsible for ensuring that their representatives provide a high level of expertise.

³ <https://data.consilium.europa.eu/doc/document/ST-13567-2020-INIT/en/pdf>

⁴ Involving the EU represented by the European Commission, the Member States and the Associated Countries involved in the EOSC-SB and the wider EOSC stakeholder community represented by the EOSC Association.

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0066>

⁶ Article 9 (1) and (2) of Decision C(2016)3301.

5. CHAIR

The EOSC-SB will be co-chaired by a representative of the European Commission and a representative of the other members of the group. 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 by simple majority.

The chairs will also ensure EOSC-SB participation in relevant meetings of the EOSC Partnership Board.

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')⁷.

2. Meetings of the group shall, in principle, be held on Commission premises or in virtual or hybrid setting, depending on the circumstances.

3. DG Research and Innovation shall provide secretarial services. Commission officials from other associated departments may attend meetings and contribute to the work of the group and its sub-groups.

4. In agreement with DG Research and Innovation, 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 EOSC-SB shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the co-Chairs.

6. In principle, the EOSC-SB shall adopt its opinions, recommendations or reports by consensus. In the event of 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

1. DG Research and Innovation may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG Research and Innovation. 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.

2. A 'Committee' sub-group will be established consisting of the incumbent and subsequent Council Trio Presidency. The 'Committee' will support the chairs in preparing the meetings of the group.

8. INVITED EXPERTS

European Commission may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the EOSC-SB or sub-groups on an *ad hoc* basis.

⁷ See Article 13.1 of the horizontal rules.

9. OBSERVERS

1. Individuals, organisations and public entities other than MS' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the chairs to take part in the discussions of the EOSC-SB or 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 EOSC-SB or sub-groups.

10. RULES OF PROCEDURE

On a proposal by and in agreement with DG Research and Innovation, 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 rules⁸.

11. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the group 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) 2015/443⁹ and 2015/444¹⁰. 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 expert groups.
2. As concerns the EOSC-SB and sub-groups composition, the following data shall be published on the Register of expert groups:
 - (a) the name of Member States;
 - (b) the name of other public entities, including the name of third countries;
 - (c) 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 Research and Innovation 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 foreseen where it is deemed that disclosure of a document would

⁸ See Article 17 of the horizontal rules.

⁹ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

¹⁰ 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).

undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001¹¹.

13. MEETING EXPENSES

1. Participants in the activities of the group and sub-groups, i.e. members, observers and invited experts, shall not be remunerated for the services they offer.

2. Travel expenses of only one representative per Member and Observer and per meeting will be reimbursed.¹² Travel and subsistence expenses of invited experts will be reimbursed. 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 14 January 2022.

¹¹ 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.

¹² According to the horizontal rules, reimbursement of expenses are not mandatory (see Article 20).