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**ERC Rules for the submission of proposals
and the related evaluation, selection and
award procedures relevant to the Ideas
Specific Programme**

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EUROPEAN RESEARCH COUNCIL

Rules for the submission of proposals and the related evaluation, selection and award procedures relevant to the Ideas Specific Programme

1. PREAMBLE – DEFINITION OF TERMS

The European Research Council (ERC) is established by the European Commission¹ under the provisions of the Specific Programme “Ideas” of the seventh Framework Programme for research, technological development and demonstration (“*Ideas Specific Programme*”)² as the means for implementing that Specific Programme

The ERC consists of a Scientific Council and a dedicated implementation structure; it is accountable to the Commission and operates under conditions of autonomy and integrity, guaranteed by the Commission. The Commission will set up the dedicated implementation structure as an executive agency. Pending the establishment and operability of the executive agency, its implementation tasks shall be executed by a dedicated service of the Commission.

For clarity, the following definition of terms applies to this document:

The term “ERC DIS” refers to the dedicated implementation structure of the ERC. The term “FP7” refers to the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)³

The term “Rules for Participation” refers to the 'Rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results'⁴

2. INTRODUCTION

The purpose of this document is to set out the rules applying to the submission and peer review evaluation of proposals, and to the award of grants to successful proposals. The rules set fundamental parameters which are designed to ensure that the procedures leading up to the award of grants are rigorously fair, effective and appropriate. They have been defined in association with the ERC Scientific Council, the latter being responsible, inter alia, for establishing the Ideas work programme and the peer review evaluation methods and procedures applying for proposal peer review evaluation under the Ideas Specific Programme. They are adopted by the Commission in accordance with the *Rules for Participation*.

Section 1 describes the key principles applying to the process from submission to award excellence, transparency, fairness and impartiality, efficiency and speed; as well as ethical and considerations.

Section 2 describes the procedures for the submission of proposals and the way they are handled thereafter, including the assessment of eligibility. Proposals are submitted by Principal Investigators on behalf of their host institutions (the applicant legal entities).

1 OJ L57, 24.02.2007, p.14

2 OJ L400, 30.12.2006, p 243 corrigendum published in OJ L 54, 22.2.2007, p. 81

3 OJ L412, 30.12.2006, p 1

4 OJ L391, 30.12.2006, p 1

Section 3 describes the peer review evaluation, including the way in which experts are selected and appointed, the treatment of potential and actual conflicts of interest, the organisation of peer review evaluation. Panels of experts and expert referees for the peer review evaluation of frontier research proposals will be selected by the ERC Scientific Council. It describes also the way in which appeals and complaints will be handled, and the reporting of the peer review evaluation and award of grants.

Section 4 describes the preparation and award of grants. The recipient of the grant is the applicant legal entity; however the latter will be required to assure the independence of the Principal Investigator in the scientific management of the grant, including the allocation of resources.

2.1. Principles

The process from proposal submission to the award of grants rests on a number of well-established principles:

- **Excellence.** Projects selected for funding must demonstrate a high scientific and/or technical quality.
- **Transparency.** Funding decisions must be based on clearly described rules and procedures, and applicant legal entities and principal investigators should receive adequate feedback on the outcome of the peer review evaluation of their proposals.
- **Fairness and impartiality.** All proposals are treated consistently and in the same way. They are evaluated impartially on their merits, irrespective of their origin or the identity of the submitting entity, the principal investigator or any team member.
- **Confidentiality.** All proposals and related data, knowledge and documents communicated to the Commission are treated in confidence.
- **Efficiency and speed.** Peer review evaluation, award and grant preparation should be as rapid as possible, commensurate with maintaining the quality of the peer review evaluation, and respecting the legal framework.
- **Ethical considerations.** Any proposal which contravenes fundamental ethical principles may be excluded from the process of peer review evaluation, selection and award at any time.

2.2. Submission of proposals

2.2.1. *Calls for proposals*

Proposals are submitted in response to *calls for proposals* (“calls”)⁵. The content and timing of calls are set out in the *Ideas work programme*, and are published in the Official Journal of

⁵ With the possible exception of coordination and support actions referred to in article 14 of the Rules for Participation

the European Union (“call text”) as well as on the ERC website, which will provide hyperlinks to the CORDIS website⁶

Calls for *frontier research* projects may specify an indicative budget for the entire call or give indicative budgets for specific areas of research within the frame of the call that will be evaluated by separate Panels of independent experts. A margin may be left in the indicative budget for the call to provide for cross-disciplinary proposals.

A call will also specify whether a single or two-stage submission and peer review evaluation procedure is to be followed. For the latter case, only those whose proposals were positively evaluated in a first stage are invited to submit complete proposals in a second stage.

2.2.2. *Pre-registration*

Due to the bottom-up approach of the *Ideas Specific Programme* the ERC expects a large number of proposals in all fields of research. To enable the ERC to provide the required resources and expertise for the ERC peer review evaluation process and to determine in advance the likely demand for funds, a call may foresee a pre-registration. This means technically that a login and a password for the *Electronic Proposal Submission Service* (EPSS) must be requested as early as possible in advance of the submission of proposals. Deadline(s) for pre-registration may be set a few weeks in advance of the call deadline(s). The pre-registration is a strong recommendation but does not constitute a formal eligibility criterion.

Pre-registration may entail a statement of the intended subject matter and the envisaged research objectives of the proposal.

2.2.3. *Submission*

Proposals, and where appropriate pre-registrations, are submitted electronically via the web-based EPSS.

Proposals in all cases involve a *Principal Investigator* (PI) – a specified individual with scientific responsibility for the project. Proposals are submitted by the PI empowered by the proposed host institution, which is formally the *applicant legal entity* and to which the grant will be awarded⁷. Throughout the submission and peer review evaluation process the PI will be the main channel for communication between the ERC DIS and the *applicant legal entity*.

The preparation and uploading of all the proposal data and the agreement to the conditions of use of the EPSS and terms of the peer review evaluation must take place prior to the attempt to submit a proposal.

⁶ <http://cordis.europa.eu>

⁷ Exceptionally, the PI may himself/herself act as the applicant legal entity, if he/she is acting in the capacity of a legal entity in his/her own right.

The EPSS will carry out a number of basic verification checks, including that of completeness of the proposal, internal data consistency, and conformity to the file types and size limitations which are specified.

Only upon successful completion of these checks will the EPSS allow to initiate the submission of the proposal. Submission is deemed to take place at the moment the PI initiates the final submission process, as indicated by the EPSS, and not at any point prior to this.

Proposals sent on removable electronic storage medium (e.g. CD-ROM, diskette), by e-mail or by fax will not be regarded as having been submitted, and will not be evaluated. In exceptional cases, if a PI has no means of accessing the EPSS, he/she may request permission from the ERC DIS to submit on paper. The procedures related to such a request and formalities on paper submission are laid down in Annex C to these Rules.

A procedure for the withdrawal of a proposal is given in the *Guide for Applicants*. A withdrawn proposal will not subsequently be considered for peer review evaluation or selection.

If more than one submission of the same proposal is received, only the most recent eligible version is evaluated.

Proposals are kept under secure conditions at all times. When no longer needed, all copies are destroyed other than those required for archiving and/or auditing purposes.

2.2.4. *Assistance for submission*

A *Guide for Applicants* explains in detail how PIs, team members or applicant legal entities can seek assistance or information on any matter related to a *call for proposals*. Contact details are provided for National Contact Points, ERC DIS and ERC help desks. A dedicated help desk is provided for issues related to the EPSS.

2.2.5. *Reception*

The date and time of receipt of the last version of submitted proposals are recorded. After the call deadline, an acknowledgement of receipt is sent by e-mail containing:

- Proposal title and unique proposal identifier (proposal number);
- Identifier of the call to which the proposal was addressed;
- Date and time of receipt (which is set to the time of the call deadline, for proposals submitted electronically).

Subsequent to submission, the ERC DIS only makes contact with the PI and/or *applicant legal entity* if this is necessary to clarify questions such as eligibility or to verify administrative or legal data contained in the proposal. However, in a two-stage procedure, after receiving the results of the first stage peer review evaluation the PI empowered by the *applicant legal entity* may, under conditions specified in the call, be invited to submit a further proposal or further information on the original proposal, and/or to attend an interview.

2.2.6. Eligibility check

Proposals must fulfil all of the eligibility criteria if they are to be retained for peer review evaluation. These criteria are rigorously applied. In the case of two-stage proposal submission, each stage is subject to an eligibility check. All proposals submitted under a call will be checked against the following eligibility criteria:

- Receipt of proposal before the deadline.
- Completeness of the proposal, i.e. the presence of all requested components and forms⁸
- Scope of the call: the content of the proposal must relate to the objectives and topics set out in that part of the *Ideas work programme* open in the call. A proposal will only be deemed ineligible on grounds of ‘scope’ in clear-cut cases.
- All additional eligibility criteria applying to the call that are specified in the *Ideas work programme*

If it becomes clear before, during or after the peer review evaluation phase, that one or more of the eligibility criteria has not been met, the proposal is declared ineligible and is withdrawn from any further examination. Where there is a doubt on the eligibility of a proposal, the peer review evaluation may proceed pending a final decision on eligibility. The fact that a proposal is evaluated in such circumstances does not constitute proof of its eligibility.

If the question of eligibility is not clear-cut and a more comprehensive review of the case is deemed necessary, an eligibility review committee may be convened. The committee’s role is to ensure a coherent legal interpretation of such cases and equal treatment of the *applicant legal entities* and PIs involved in the proposals⁹.

Those PIs whose proposals are found to be ineligible will be informed of the grounds for such a decision.

3. PEER REVIEW EVALUATION

3.1.1. Role of independent experts

Proposals are subject to a review by independent experts (peer reviewers) to ensure that only those of the highest quality are selected for funding. An independent expert is an expert external to the ERC and the Commission¹⁰, who is working in a personal capacity and, in performing the work, does not represent any organisation.

⁸ The completeness of the information contained in the proposal will be for the peer review experts to evaluate: the eligibility checks only concern the presence of the appropriate parts of the proposal.

⁹ This committee is composed of ERC staff, and where necessary other Commission staff having the requisite expertise in legal matters and/or information systems. It examines the proposal and the circumstances surrounding its submission and provides specialist advice to support the decision on whether or not to reject the proposal on eligibility grounds. The committee may decide to contact the PI and the applicant legal entity in order to clarify a particular issue.

¹⁰ Staff from relevant specialised EU agencies are regarded as external experts

In the peer review evaluation experts may work in Panels, focused on particular research areas, or as referees delivering individual reviews. Experts may be invited to carry out the peer review evaluation fully or partially at their home or place of work (“remote evaluation”). Some experts will allocate proposals and assign experts to Panels.

Independent experts may also be called on to perform other functions, such as programme and project monitoring, in accordance with the provisions of the *Rules for Participation*.

3.1.2. Appointment of experts¹¹

The ERC *Scientific Council* will select experts for the peer review evaluation of *frontier research* projects¹². Based on this selection the ERC DIS will appoint them formally.

Experts are required to have skills and knowledge appropriate to the areas of activity in which they are asked to assist. They must have a high level of professional experience in the public or private sector in scientific research, scholarship, or scientific management. Other skills may also be required (e.g. mentoring and education of young scientists; management or evaluation of projects; technology transfer and innovation; international cooperation in science and technology). For the appointment of experts dealing with classified information, the appropriate security clearance shall be required

The ERC has recourse to the list of experts resulting from calls for applications published in the Official Journal of the European Union, as well as other experts with the necessary qualifications, identified for example, through consultation with national research funding agencies and similar organisations. Experts may come from countries other than the Member States or states associated to the 7th Framework Programme.

In assembling pools of experts, the ERC seeks to ensure the highest level of scientific and technical expertise, in areas appropriate to the call, considering also other criteria:

- A reasonable inclusion of women and men from across the EU and associated countries as well as third countries¹³
- Regular rotation of experts, consistent with the need for continuity. On average, a turnover of at least a quarter of the experts used in each research area per calendar year is expected.

Experts must also have the appropriate language skills required for the proposals to be evaluated.

The names of the experts assigned to individual proposals are not made public. However, once a year the ERC DIS publishes in any appropriate medium the list of experts that have

11 article 17.2 of the Rules for Participation

12 The selection by the Scientific Council may not necessarily be required for the appointment of peer reviewers of co-ordination and support actions.

13 The European Communities pursue an equal opportunities policy and aims in particular at achieving in the medium term at least 40% of members of each sex in each expert group and committee (2000/407/EC: Commission Decision of 19 June 2000 relating to gender balance within the committees and expert groups established by it).

assisted it for the *Ideas Specific Programme*. In addition the list of Panel members will be published on the ERC website.

3.1.3. *Terms of appointment, Code of conduct and Conflict of interest*

The ERC DIS concludes an *appointment letter* with each expert, based on the model given in Annex A. It must be signed before the expert starts work.

The *appointment letter* binds the expert to a *code of conduct*, establishes the essential provisions regarding confidentiality and, where relevant, specifies the conditions of reimbursement (see Annex B).

Circumstances in which 'disqualifying' and 'potential' conflicts of interest may exist are described in Annex B.

All experts are required to confirm that they have no conflict of interest (disqualifying or potential) for each proposal that they are asked to examine. If an expert identifies a conflict of interest relating to a proposal, the course of action depends on whether it is a disqualifying or a potential conflict of interest.

When a disqualifying conflict of interest exists an expert must not influence the peer review evaluation of the proposal concerned. In particular an expert shall then neither assist in the individual assessment (usually remote), nor speak and vote in any Panel discussion related to this proposal. Under specific circumstances an expert may be also asked to leave the room (or electronic forum) if the Panel discusses the individual case of the proposal where such a conflict exists.

When a potential conflict of interest exists, the ERC DIS will consider the circumstances of the case and make a decision. It may be decided whether to allow the expert to take part in the peer review evaluation (the expert must then sign a declaration to that effect) or to exclude him/her in the same manner as for a disqualifying conflict.

An expert must declare any known *conflicts of interest* before a peer review evaluation session.

If a hitherto unsuspected conflict becomes apparent during the course of the peer review evaluation, the expert must announce the fact immediately to a responsible official. If the conflict is finally found to be a disqualifying one, the expert must abstain from further peer review evaluation involving the proposal concerned. Any comments and scores made earlier by that expert will be discounted. If necessary, the expert will be replaced.

If an expert knowingly conceals a disqualifying or potential conflict of interest, and this is discovered during the peer review evaluation, the expert will be immediately excluded, and the sanctions indicated in the appointment letter will apply. Any peer review evaluation results in which he or she has participated will be declared null and void, and the proposal(s) concerned will be re-evaluated.

3.1.4. *Independent observers*

Independent experts may be appointed as observers to examine the peer review evaluation process from the point of view of its working and execution.

The role of the observers is to give independent advice to the ERC and the Commission on the conduct and fairness of the peer review evaluation sessions, on the way in which the experts apply the evaluation criteria, and on ways in which the procedures could be improved. They do not express views on the proposals under examination or the experts' opinions on the proposals.

The remit of observers covers the entire peer review evaluation session, including any remote assessments. In the remote case, observers have access to all communications between the ERC DIS and the peer reviewers and may make contact with some or all peer reviewers to poll their opinions on the conduct of the peer review evaluation. Observers have access to any meetings that are part of the peer review evaluation session.

The appointment letter (Annex A) and their related General Conditions (Annex B) will be used accordingly for the appointment of independent observers. The specific code of *conduct* for observers of the peer review evaluation process, describing the selection process, their profile, role and tasks is provided in Annex D.

3.1.5. *Peer review evaluation criteria*

The evaluation criteria, including any proposal scoring and associated weights and thresholds, are set out in the *Ideas work programme*, based on principles set out in the *Ideas Specific Programme* and in the *Rules for participation*¹⁴. The manner in which they will be applied is further explained in the *Guide for Applicants*¹⁵.

Special procedures are applied for proposals with ethically sensitive issues (see Annex E).

3.1.6. *Organisation of peer review evaluation*

The ERC *Scientific Council* establishes the peer review evaluation methodology, which may vary in detail for different calls, and oversees the peer review evaluation process and adopts rules of procedure for ERC Panels published on the ERC web site (Guide for ERC Peer Reviewers). The ERC Scientific Council may also delegate its members to be present during the Panel meetings.

The peer review evaluation is organised on the basis of the principles set out in section 1 above, to ensure a consistent, rigorous, quality-based assessment of proposals against the criteria set out in the *Ideas work programme*.

Where a call specifies a two-step evaluation procedure, only those proposals that pass the first step, based on the evaluation against a limited set of criteria, shall go forward for further peer review evaluation¹⁶.

14Article 15 Rules for participation (EC FP7)

15Proposals are normally evaluated against the criteria for the funding scheme for which they are submitted. However, for instance in cases where the funding scheme was chosen erroneously the ERC DIS may decide to evaluate a proposal against the criteria of a different funding scheme, This may only be done if it is clear that the proposal does not correspond, or corresponds poorly, to the originally chosen funding scheme, and if a more appropriate funding scheme is open in the call in question.

16 In accordance with article 16.1 of the Rules for Participation

3.1.6.1. Peer review evaluation of frontier research projects

The peer review evaluation is carried out by means of Panels of high-level scientists and scholars. Panels may be assisted by specialist referees. Panels are established to span the spectrum of research areas covered by the call, each Panel having responsibility for a particular set of research fields.

Panels operate under the chairmanship of a senior expert, according to the rules of procedure for ERC Panels mentioned above.

In any peer review evaluation the sequence of events is usually as follows:

Allocation of proposals to Panels: Each proposal is allocated to a Panel. Allocation of proposals to Panels is the responsibility of the Panel chairs, and is done on the basis of the subject-matter of the proposal. Initial allocation will be based on the title and content of the proposal and/or information, possibly in the form of “keywords”, provided for in the proposal. Proposals may be allocated to more than one Panel, e.g. in the case of ambiguity or interdisciplinary proposals, and may as necessary be reallocated to a different Panel during the course of the peer review evaluation.

Individual assessment: Eligible proposals are examined against the relevant criteria by at least 3 peer reviewers¹⁷, highly qualified in the scientific and/or technological fields related to the proposal, who prepare *individual assessment reports* (IARs).

Panel assessment: Panels have the duty to examine consistently proposals falling within their area of competence¹⁸ and to operate in a coherent manner with other Panels, to ensure consistency of treatment of proposals across the range of Panels and scientific/technological areas open in the call.

The judgement of a Panel on a proposal (including any scores given to the proposal for individual criteria or overall, and its position in the ranked list) is based on the individual assessments and discussion in the Panel, and is arrived at by majority vote. The outcome of the Panel assessment phase is a rank order list of those proposals retained from amongst the proposals considered by the Panel.

Interviews: Where this is specified in the *Ideas work programme*, the Panel assessment may include interviews with the PI and/or the *applicant legal entity*. Any interview will be conducted by at least three Panel members. Interviews may be conducted at the location of the peer review evaluation Panel meeting or, subject to technical feasibility, by electronic means (video link, teleconference or similar).

Cross-Panel Assessment (Assessment across Panels, domains, research fields, etc.): The cross-Panel assessment establishes a final recommended rank order of proposals retained for the call as a whole (across all fields of research open in the call), through a careful assessment

¹⁷ This may include members of Panels other than the Panel(s) to which the proposal is assigned.

¹⁸ This includes interdisciplinary proposals which may be assigned to more than one Panel and where the scientific content falls only partially within the competence of the Panel.

of the quality of proposals across the different Panels. This assessment is carried out in a forum constituted by the Panel chairs or their representatives. The cross-Panel assessment pays particular attention to proposals of an interdisciplinary nature which cross the boundaries between different Panels, proposals in new and emerging fields and “high-risk, high-gain” proposals.

If the *Ideas work programme* sets indicative budgets associated with each Panel, domain, research field, etc., the discussion may consider only those proposals outside the set of proposals that are sufficiently highly ranked as to fall within the indicative budget set for each Panel, domain, research field, etc.

The peer review evaluation results in an *Evaluation Report* (ER) for each proposal, stating the peer review evaluation experts’ judgements on the proposal, including any individual experts’ assessments and, where appropriate, the results of Panel and cross-Panel assessments.

3.1.6.2. Two- stage peer review evaluation of frontier research projects

The *call for proposals* will specify when a two stage submission procedure applies. In such cases, the evaluation criteria applicable to each stage will be set out in the *Ideas work programme*. The precise methodology for the first and second stages of a peer review evaluation may differ (for example in the use of referees and/or interviews of the PI).

PIs must submit first a reduced or outline proposal. A page limit will be stipulated in the *Ideas work programme*. This first-stage proposal is evaluated against the criteria for this stage set out in the call.

At the first stage of a two-stage peer review evaluation process, the Panel assessment may be the final phase, following which invitations are sent for second-stage submission of proposals retained. Independently of any further cross-Panel assessment, Panels are empowered at this stage within their frame of competence to recommend that proposals should proceed to the second stage evaluation.

Following the outcome of the first stage, PIs and *applicant legal entities* are informed whether or not their proposal can proceed to the second stage.

Those who are successful are invited to submit a more detailed proposal or more complete and updated information on the original proposal by a particular deadline for the second stage of the peer review evaluation.

To uphold the principle of equal treatment, proposals submitted to the second stage may be excluded if they deviate substantially from the corresponding first-stage proposal.

The second stage of a two-stage peer review evaluation process follows the sequence described under 3.1.6.1.

3.1.6.3. Peer review evaluation of coordination and support actions

The peer review evaluation of *coordination and support actions* follows the same sequence as in 3.1.6.1. The Panel assessment may be the final phase before the ERC DIS approves the final rank order list.

The sole exception to this procedure will be the case of *coordination and support actions* covered by article 14 of the *Rules for Participation*, where independent experts are only appointed if the ERC DIS deems it appropriate.

Further details on the peer review evaluation procedure of *coordination and support actions* will be set out in the *Ideas work programme*, in the *call for proposals* and its associated *Guide for Applicants*.

3.1.7. Peer review evaluation results, selection and rejection of proposals

The ERC *Scientific Council* approves the final rank order list of proposals recommended for funding by the peer review evaluation.

Based on the outcome of the peer review evaluation and the approval of the final rank order list by the ERC *Scientific Council* the ERC DIS draws up the final list(s) of proposals for possible funding.

This results in:

- A list of proposals which are of sufficiently high quality to be retained for possible funding. This list is presented in a recommended rank order, establishing the priority for funding within the limits of the budget available for the call (the *retained list*). If the call establishes indicative budgets for particular Panels, domains, fields of research, etc., separate retained lists may be prepared for each such field, in addition to the overall retained list.
- If the total recommended funding for retained proposals following peer review evaluation exceeds the budget available for the call, one (or - in the case of indicative budgets associated with separate Panels, domains, research fields, etc. – more) reserve list(s) of proposals may be established. The number of proposals kept in reserve is determined by the ERC DIS in view of budgetary considerations, and is based on the likelihood that such proposals may eventually receive funding due to eventualities such as withdrawals of proposals, or availability of additional budget.
- A list of proposals which will be rejected. This rejection list includes those proposals found to be ineligible (whether before or during the course of the peer review evaluation), proposals considered not to achieve the required threshold of quality to be funded under the call, proposals which, because they fall below a certain ranking, cannot be funded because the available budget is insufficient, and proposals remaining from the reserve list, when the budget for a particular call has been used up.

The assessment of quality, and the recommended rank order for funding of proposals on the *retained list*, is based on the peer review evaluation of the proposal against all relevant criteria. However, whenever a *call for proposals* specifies a two-step peer review evaluation procedure and thus where a proposal is judged not to achieve a quality threshold set for a particular evaluation criterion in the call, the proposal may be recommended for ultimate rejection during the course of the peer review evaluation, without necessarily assessing it further against other applicable criteria.

Any proposal that contravenes fundamental ethical principles or which does not fulfil the conditions set out in the *Ideas Specific Programme*, the *Ideas work programme* or in the *call for proposals* shall not be selected¹⁹. Proposals may be also rejected on ethical grounds following the procedures in Annex E.

Any potential PI or *applicant legal entity* to an indirect action under the *Ideas Specific Programme* who has committed an irregularity in the implementation of any other indirect action under the Framework Programmes may be excluded from the selection procedure at any time, with due regard being given to the principle of proportionality.²⁰

3.1.8. Feedback

Following the peer review evaluation (or each stage in a two-stage peer review evaluation), the ERC DIS provides feedback to the PI and the *applicant legal entity*. In all cases feedback will be sent within the required time period. If a definitive reply cannot be given at that stage, the initial reply will indicate when a full reply will be provided.

Those whose proposals are found to be ineligible will be informed of the grounds for such a decision. The ones submitting eligible proposals to the first stage (whose proposals have been evaluated) will receive a letter indicating if they are invited to submit a full proposal to the second stage.

All eligible proposals at the second stage will receive feedback on the peer review evaluation in the form of the *Evaluation Report* (ER). The ER provides the outcome of the peer review evaluation and contains, as appropriate, comments and scores overall and/or for individual criteria. For proposals on the *retained list*, where appropriate, the ER indicates any recommendation made on the maximum amount of funding to be awarded, and any other appropriate recommendations on the conduct of the project, and/or suggestions for improvements to the methodology and programme of the work.

For those proposals rejected after failing an evaluation threshold, the comments contained in the ER may only be complete for those criteria examined up to the point when the threshold was failed.

19 Article 15.2 Rules for Participation (EC FP7)

20 Council Regulation 2988/95, EC Treaty Article 5

3.1.9. Assistance and redress procedures

The ERC DIS provides the name of an official to whom PI and/or *applicant legal entities* may address any questions or request for redress concerning the results of a particular peer review evaluation²¹.

Such questions or requests for redress should be raised within one month of receipt of the results of the peer review evaluation. As a minimum they should contain the name of the call, the proposal number (if any), the title of the proposal, and a description of the problems encountered.

For issues regarding eligibility, an eligibility review committee may be convened (see section 2.2.6).

For issues regarding the peer review evaluation, a committee may be convened under the authority of the ERC *Scientific Council* to examine the peer review evaluation process for the case in question. If the committee is required to consider eligibilities issues, it may seek advice of the eligibility review committee. The committee will bring together staff with the requisite scientific/technical and legal expertise. The committee itself, however, does not evaluate the proposal. Depending on the nature of the complaint, the committee may review the CVs of the experts, the individual comments, and ER.

In the light of its review, the committee will recommend a course of action to the ERC DIS.

Any requests for redress must be raised within one month of the date of the initial information letter sent by the ERC DIS.

A reply will be sent to the *applicant legal entity* within two weeks of the date of reception of the request for redress. If a definitive reply cannot be given at that stage, the reply will indicate when such a reply will be provided.

3.1.10. Reporting on the peer review evaluation process

Following each peer review evaluation, a report is prepared by the Commission and made available to the ERC *Scientific Council* and the *Ideas programme committee*. The report gives statistical information on the proposals received (for example, number, priority themes covered, categories of *applicant legal entities* and budget requested), on the evaluation procedure and on the experts.

4. AWARD DECISION AND PREPARATION OF GRANT AGREEMENTS

Once the internal financial and legal procedures²² are completed and the award decisions have been taken by the competent authorising officer, the grant is awarded to the *applicant legal*

21 This internal procedure does not replace the normal channels applying to all Commission actions, viz: the Secretariat-General of the Commission for breach of the code of good administration (relations with the public); the European Ombudsman for “maladministration”; the European Court of Justice for a decision affecting a person or legal entity

entity by means of a formal grant agreement. The grant agreement is concluded subject to verification of the requisites mentioned in this section.

The ERC DIS prepares grant agreements for projects within the available budget on the basis of the recommendations of the peer review evaluation experts. On the basis of the peer review evaluation additional conditions for the conclusion of a grant agreement may be defined for particular proposals. Such conditions might relate for example to the adjustment of the budget, or funding up to a certain milestone with the possibility to grant complementary funding following a subsequent *call for proposals*. Such conditions will be duly documented and communicated to the PI and the *applicant legal entity* concerned in addition to the ER.

During the preparation of the grant agreement, the PI and the *applicant legal entity* may receive requests for further information on the project and its envisaged management²³. In cases where more than one participant is associated with the project, the PI may be required to obtain such information and assurances from the other participants.

Grants may not be awarded to *applicant legal entities* who are, at the time of a grant award procedure, in one of the situations referred to in articles 93 (bankruptcy, etc.) and 94 (false declarations, etc.) of the *Financial Regulations*. They must certify that they are not in one of the situations listed in article 93.²⁴

Ethical issues (see Annex E) shall also be further clarified at this stage, if necessary.

If it proves impossible to reach agreement with the PI and the *applicant legal entity* or if one or both of them have not signed any necessary supplementary agreement within a reasonable deadline that may be imposed, grant preparations may be terminated.

The grant preparation involves no negotiation of scientific/technical substance. A grant is subsequently offered to the *applicant legal entity* on the basis of the proposal submitted and the funding recommended following the peer review evaluation, and subject to the agreement of the *applicant legal entity* with the PI.

Grant agreement preparation for proposals on the *reserve list* may begin once it is clear that sufficient budget has become available to fund one or more of these projects. Subject to budget availability, grant preparation will begin with the highest ranked proposal and continue in descending order of the final ranking.

22 including, if necessary, the completion of the procedure for consulting the programme committee provided for in the Ideas Specific Programme

23 Rules to ensure consistent verification of the existence and legal status of participants, as well as their financial capacity, in FP7 indirect actions,

24 Financial Regulation Article 114

5. ANNEXES

5.1. Annex A - Appointment letter for European Research Council experts in peer review evaluations²⁵

[town], [date]

(name of the expert)

(function)

(mailing address)

(registration number of the letter...)

Subject: European Research Council Peer Review Evaluation

Dear [Title][Name]

Thank you for agreeing to assist the dedicated implementation structure of the ERC ("ERC DIS") in the peer review evaluation of proposals submitted under the *Ideas Specific Programme*.

Upon your signature this *appointment letter* will constitute an agreement between you and the European Community (the "Community"), represented by [the Commission of the European Communities, (the "Commission")] / [the European Research Council Executive Agency ("the Agency") acting under powers delegated by the Commission of the European Communities (the "Commission")], to contribute to the ERC peer review evaluation.

In accordance with the "**General conditions**" (see Annex I) you may be assigned peer review evaluation tasks, subject to your availability and subject to the maxima indicated below.

The terms and conditions included in the annexes to this appointment letter form an integral part of this appointment letter.

Specific conditions

This agreement enters into force on the date of receipt of a signed copy of this letter by the ERC DIS, and terminates on *DATE*.

OPTION: The maximum number of times you may be requested to participate in meetings under this agreement (in Brussels or elsewhere) is *NUMBER*. These meetings will take place at the place(s) referred to in Annex II.

²⁵ Experts in peer review evaluations may be appointed as Panel Chair, Panel Member, remote referee, or expert in other well-defined tasks. Experts may also assist the ERC DIS in other functions in accordance with Article 27 of the EC Rules for Participation (independent observers, programme monitoring and evaluation, project review). The model appointment letter will be adapted accordingly to reflect the specificities of these different functions of independent experts..

OPTION: The corresponding maximum number of meeting days is *NUMBER*

OPTION: The corresponding maximum number of meeting preparation days is *NUMBER*

OPTION: The maximum number of days you may be requested to perform remote work (at home or your own place of work) is *NUMBER*.

OPTION: The maximum number of proposals you may be requested to review remotely (at home or your own place of work) is *NUMBER*.

OPTION: The point of origin for travel under this agreement is [*the place of residence as indicated above in the mailing address*] or [*insert other address, to be agreed (prior to the signature of the appointment letter with the ERC DIS)*]

OPTION: The number of working days for the completion and submission of remote referee reports is *NUMBER* from the date of receiving the request to evaluate the relevant proposals.

The address for all correspondence regarding this appointment is²⁶:*(name)*

ERC DIS

(office)

B-1049 Brussels

Email or functional mailbox

Telephone or helpdesk

Done in two originals

For the Commission as ERC DIS:

*Signature*²⁷:

Brussels, date:

26 For deliveries by hand or by representatives (including by private courier), the delivery should be to the following address, and labelled as follows:

European Commission
Rue du Bourget, 1
B-1140 Brussels

27 The ERC DIS may put in place an electronic signature system, which would be applicable to the signature of this letter and its annexes.

For the expert:

By signing and returning this *appointment letter* to the address indicated above I accept the **General conditions**, set out in Annex I. Inter alia:

- I undertake to abide by the code of conduct for independent experts covered in Annex I. **(Code of conduct)**
- I undertake to inform the ERC DIS immediately if I discover any disqualifying or potential conflict of interest with any proposal that I am asked to evaluate or which is the subject of discussion in any peer review evaluation meeting at which I am present. **(Declaration of conflict of interest)**

In particular, I declare that I have not submitted, nor am I, to my knowledge involved in any proposal currently under peer review evaluation or submitted for peer review evaluation, under the *Call for Proposals* of the *Ideas Specific Programme*.

In particular, I declare that my participation in the peer review evaluation of the following proposal(s) could create a conflict of interest (please indicate whether this would be a "disqualifying" or "potential" conflict of interest; see Annex B for explanation):

Short title Title Area disqualifying (D) or

potential (P)

I undertake not to reveal any detail of the peer review evaluation process and its outcomes or of any proposal submitted for peer review evaluation without the express written approval of the ERC DIS. In case of peer review evaluation carried out outside ERC DIS controlled premises, I understand that I will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent and for returning, erasing or destroying all confidential documents or files upon completing the peer review evaluation, unless otherwise instructed. **(Declaration of confidentiality)**

- I agree to the use of my personal data for the sole purpose of peer review evaluation and according to the provisions set out in the general conditions. **(Use of personal data)**

For acceptance:

*Signature*²⁸:

Place,

date:

²⁸ The ERC DIS may put in place an electronic signature system, which would be applicable to the signature of this letter and its annexes.

Annex I: General conditions (incl. Code of conduct, Conflict of interest issues) [see Annex B]

(not included here:)

Annex II: Provisional planning

OPTIONAL (just in case of reimbursement of expenses and/or financial compensation):

Annex III: Provisions for reimbursement of expenses²⁹

Annex IV: Financial Identification form and Legal entities form for individuals

Annex V: Reimbursement of expenses and/or financial compensation form

5.2. Annex B - Annex I to Appointment letter for ERC experts in peer review evaluations³⁰

General Conditions

Scope

These general conditions apply to *appointment letters* for peer-reviewers assisting the ERC DIS with peer review evaluation of proposals submitted for funding to the European Research Council (ERC) under the *Ideas Specific Programme*³¹. Please note that peer review evaluation assignments for the ERC are overseen by the *ERC Scientific Council*.

For further information relating to the peer review evaluation you may consult the *ERC Guide for Peer Reviewers* or the *Rules on Proposal Submission, Evaluation, Selection and Award Procedures relevant to the Ideas Specific Programme* available at the following web-site address: (...insert web address: [http:// cordis.europa.eu/fp7/...](http://cordis.europa.eu/fp7/).)]

All correspondence related to the performance of the peer review evaluation and all documents related to the reimbursement of your travel and subsistence expenses should, if required, be sent to the address specified in the *appointment letter*.

Description of the work

Peer review evaluation may involve either remote review (at your home or place of work) using electronic communication, or attendance of review meetings, or both.

Four distinct types of peer reviewers are distinguished.

²⁹ Pending a Commission's regulation relating to the compensation for foreign persons to the Commission invited in their experts' capacity

³⁰ Experts in peer review evaluations may be appointed as Panel Chair, Panel Member, remote referee, or expert in other well-defined tasks. Experts may also assist the ERC DIS in other functions in accordance with Article 27 of the EC Rules for Participation (independent observers, programme monitoring and evaluation, project review). The model appointment letter will be adapted accordingly to reflect the specificities of these different functions of independent experts.

³¹ OJ L400, 30.12.2006, p.243, corrigendum published in OJ L 54, 22.2.2007, p. 81

1. Chair-persons of the ERC review Panels: organise the work within their Panel, chair Panel meetings, and attend a final consolidation meeting.
2. Members of the ERC peer review evaluation Panels: assist in the preparation of Panel meetings, attend those meetings and may also contribute as referees.
3. Referees: individual assessments of proposals, usually remote.
4. Experts other than Chairs and Members of Panels or referees: assist in other well-defined tasks where their scientific expertise is required.

CARRYING OUT PEER REVIEW EVALUATION IS SUBJECT TO YOUR AVAILABILITY AND SUBJECT TO THE MAXIMA INDICATED IN THE APPOINTMENT LETTER. PRIOR TO PROPOSING A SPECIFIC ASSIGNMENT, THE ERC DIS WILL REQUEST YOU TO CONFIRM YOUR AVAILABILITY, WHICH MAY BE BY ELECTRONIC MAIL. YOUR CONFIRMATION OF AVAILABILITY SIGNIFIES YOUR ACCEPTANCE OF THE ASSIGNMENT.

The maxima indicated in the *appointment letter* may be extended by mutual agreement, in writing. Appointments may be cumulative (i.e. that a referee can be assigned to a Panel and in addition a relevant Panel appointment).

Inability to perform obligations and termination

If for some reason you are not able to fulfil your obligations under a given review, please inform the ERC DIS immediately.

You may not delegate another person to carry out the review tasks or be replaced by any other person without the prior written agreement of the ERC DIS.

In case of breach of any substantial obligation arising from the performance of the peer review evaluation or in respect of the terms of the *code of conduct* or the *confidentiality and conflict of interest declaration*, the ERC DIS may terminate your appointment immediately at any time without formal notice or payment of any compensation whatsoever. The termination of appointment shall become effective on the date of receipt of the notification by the expert. The notification should be sent by the ERC DIS in writing.

Start of review

The ERC DIS will not make available to you any proposals or any other confidential material until it has received your signed original of the *appointment letter*, including the *declaration of conflict of interest and confidentiality*.

Financial compensation for carrying out peer review evaluation

Certain types of assignments are eligible for financial compensation³².

If your assignment is eligible for compensation you are entitled to a payment of €450 in the form of a lump sum for each full working day.

³² Guidelines for compensation will be also published on the ERC website.

The total amount will be calculated by the ERC DIS to the nearest half day on the basis of the number of half-days deemed necessary for preparatory work, the number of meeting days and the number and type of proposals reviewed.

The amount shall not exceed the maximum possible contribution for that appointment, specified in the *appointment letter*, or its amendments.

The ERC DIS reserves the right to refuse to provide a financial contribution for work deemed of insufficient quality and/or where disqualifying conflict of interest or confidentiality obligations have been breached. In determining whether or not review is of insufficient quality, the ERC DIS shall rely on the advice, in writing, of at least three fellow peer reviewers.

The ERC DIS reserves the right to refuse to make a contribution for any report or other deliverable required by the *appointment letter* that is submitted beyond the agreed applicable deadline.

To obtain the payment of the **financial compensation** for carrying out the peer review evaluation work, you will also be required to send to the ERC DIS the duly completed and signed Annex IV (*Financial Identification form and Legal entities form for individuals*) and Annex V (*Reimbursement of expenses and/or Financial compensation form*) together with all required supporting documents within 30 days from the last day of meeting or of remote assessment for each peer review evaluation session, whichever is the latest.

Reimbursement of travel and subsistence expenses

Claims for expenses relate only to the travel and subsistence costs³³. Travel costs are reimbursed on the basis of actual expenditure and subsistence costs are based on a flat rate per diem.

To obtain the reimbursement of the travel and subsistence expenses the expert will be required to send to the ERC DIS (address of the European Commission specified in the *appointment letter*) the duly completed and signed Annex IV (*Financial Identification form and Legal entities form for individuals*) and Annex V (*Reimbursement of expenses and/or Financial compensation form*) together with all required supporting documents, within 30 days from the last day of meeting or of remote assessment for each peer review evaluation session, whichever is the latest.

Except in the case of "force majeure"³⁴ the reimbursement of expenses shall be based on the fulfilment of the actual obligations under this *appointment letter* by the experts.

Payments

The ERC DIS shall disburse the payments corresponding to financial compensation for carrying out peer review and/or the reimbursement for travel and subsistence expenses within 45 days of their receipt³⁵.

33 and not for instance to equipment or other resources required for peer review evaluation

34 "Force majeure" shall mean any unforeseeable and exceptional event affecting the fulfilment of any obligation under this appointment letter by the experts, which is beyond their control and cannot be overcome despite their reasonable endeavours.

Processing of personal data

All personal data contained in the appointment letter shall be processed in accordance with Community legislation³⁶. Enquiries and requests relating to the processing of personal data shall be sent to the address indicated in the appointment letter.

Other conditions

Any results obtained by you in performance of the peer review evaluation shall be the property of the European Community, which may use them as it sees fit, except where industrial or intellectual property rights already exist.

Arrangements as regards payment and reimbursement are between you and the ERC DIS, even if you are employed by an organisation. It will be for you and your employer to come to any particular agreement concerning the final destination of any payments; the ERC DIS will not intervene in this agreement.

You commit yourself to respect applicable national legislation with regard to any payments or reimbursement received from the ERC DIS and with regard in particular to taxation, social security matters and working rights. Upon request by any competent national authorities, the ERC DIS may inform them about any payment made for the performance of the peer review evaluation.

The ERC DIS reserves the right to recover any payment made and to exclude from further peer review evaluation any expert who has breached the obligations arising from the declaration of confidentiality and conflict of interest.

The ERC DIS shall not under any circumstances or for any reason whatsoever be liable for damage sustained by you during the performance of the peer review evaluation work.

The provisions of the *appointment letter*, of the present *general conditions*, including the *code of conduct* and the *confidentiality and conflict of interest declaration* do not constitute an employment agreement and the ERC DIS is not liable to provide you with any compensation or coverage in the event of injury or illness.

Except in the case of "force majeure", you may be required to indemnify the European ERC DIS for any damage it may sustain in the performance, poor or otherwise, of the peer review evaluation work.

This *appointment letter* shall be governed by the relevant *Community* legislation and, on a subsidiary basis, by the law of Belgium.

The Court of First Instance or on appeal the Court of Justice of the European Communities, shall have sole jurisdiction to hear any dispute between the *Community* and any *expert* concerning the interpretation, application or validity of this *appointment letter*.

35 In accordance with the Financial Regulation this time limit can be suspended if the claim for payments is incomplete or if additional information is required.

36 Regulation (EC) No 45/2001 of the European Parliament and of the Council (OJ L8 of 12.01.2001, p1) on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

Code of Conduct for Independent Experts in peer review evaluations (“experts”)

1. The task of an expert is to participate in a confidential, fair and equitable peer review evaluation of each proposal according to the procedures described in the *rules on proposal submission, evaluation and award procedures relevant to the Ideas Specific Programme* and in any programme-specific evaluation document. He/she must use his/her best endeavours to achieve this, follow any instructions given by the ERC DIS to this end and deliver a constant and high quality of work.
2. The expert works as an independent person. He/she is deemed to work in a personal capacity and, in performing the work, does not represent any organisation.
3. The independent expert must sign the *appointment letter* before starting the work, by which he/she accepts the present *Code of Conduct*.
4. In doing so, the expert commits him/herself to strict confidentiality and impartiality concerning his/her tasks.
5. If an expert has a direct or indirect link with a proposal or any other vested interest, is in some way connected with a proposal, or has any other allegiance which impairs or threatens to impair his/her impartiality with respect to a proposal, he/she must declare such facts to the responsible ERC DIS official as soon as he/she becomes aware of this.
6. In addition the expert signs a declaration at the bottom of the individual assessment report for each proposal that he/she examines for the ERC DIS notifying that no conflicts of interest for this particular proposal exist. The ERC DIS ensures that, where the nature of any link is such that it could threaten the impartiality of the expert, he/she does not participate in the peer review evaluation of that proposal, and, if necessary, competing proposals.
7. Experts may not discuss any proposal with others, including other experts or ERC DIS officials not directly involved in the peer review evaluation of the proposal, except during the formal discussion at the meetings moderated by or with the knowledge and agreement of the responsible ERC DIS official.
8. Unless foreseen by the procedure, experts may not communicate with persons involved in the proposal, namely principal investigator, eventual team members or any person linked to the *applicant legal entity*, except in the case of Panel hearings or interviews between experts and *principal investigators* organised by the ERC DIS as part of the peer review evaluation process. No proposal may be amended during the peer review evaluation session. Experts’ advice to the ERC DIS on any proposal may not be communicated by them to the *applicant legal entity* or to any other person.
9. Experts are not allowed to disclose the names of other experts participating in the peer review evaluation. The ERC DIS makes public lists of names of appointed experts at regular intervals without indicating which proposals they have evaluated.
10. Where it has been decided that proposals are to be posted or made available electronically to experts, who then work from their own or other suitable premises, the expert will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent and returning, erasing or destroying all

confidential documents or files upon completing the peer review evaluation as instructed. In such instances, experts may seek further information (for example through the internet, specialised databases, etc.) in order to allow them to complete their examination of the proposals, provided that the obtaining of such information respects the overall rules for confidentiality and impartiality. Experts may not show the contents of proposals or information on *applicant legal entities, principal investigators* or eventual team members to third parties (e.g. colleagues, students, etc.) without the express written approval of the ERC DIS. It is strictly forbidden for experts to make contact with anyone involved in the proposals.

11. Where the peer review evaluation takes place in an office or building controlled by the ERC DIS, experts are not allowed, after the peer review evaluation, to take with them outside the evaluation building any parts of proposals, copies or notes, either on paper or in electronic form, relating to the peer review evaluation of proposals. Experts may be given the possibility of seeking further information (for example through the internet, specialised databases, etc.) to allow them to complete their examination of the proposals, but they may not contact third parties without the express consent of the ERC DIS staff supervising the peer review evaluation.
12. Experts are required at all times to comply strictly with any rules defined by the ERC DIS for ensuring the confidentiality of the peer review evaluation process and its outcomes. Failure to comply with these rules may result in exclusion from the immediate and future peer review evaluation processes, without prejudice to penalties that may derive from other applicable Regulations.

Circumstances in which a conflict of interest may exist

A disqualifying conflict of interest exists if an expert:

- Was involved in the preparation of the proposal
- Stands to benefit directly should the proposal be accepted
- Has a close family relationship with any person representing an applicant legal entity in the proposal
- Is a director, trustee or partner of an applicant legal entity
- Is employed by one of the applicant legal entities in a proposal
- Was employed by one of the applicant legal entities in a proposal within the previous three years
- Is in any other situation that could compromise his or her ability to evaluate the proposal impartially

A potential conflict of interest may exist, even in cases not covered by the clear disqualifying conflicts indicated above, if an expert:

- Is already involved in a contract or research collaboration with an applicant legal entity, or had been so in the previous three years

- Is in any other situation that could cast doubt on his or her ability to evaluate the proposal impartially, or that could reasonably appear to do so in the eyes of an external third party

5.3. Annex C - Procedures for Proposal Submission on paper

In exceptional cases, if an applicant has absolutely no means of accessing the EPSS and if it is impossible to arrange to do so, it may request permission from the ERC DIS to submit on paper. Such a request, which must clearly explain the circumstances of the case, must be received by the ERC DIS no later than one month before the call deadline. The ERC DIS will reply to such a request within five working days of receipt. If a derogation is granted, the ERC DIS will send proposal forms for paper submission to the applicant concerned.

If the characteristics of a certain call mean that web-based submissions would be generally inappropriate, the ERC DIS may decide at the outset to accept paper submissions. In such cases the possibility will be stated in the call for proposals, and proposal forms for paper submission will be made generally available.

When paper submission is allowed, either by special or general derogation as described above, delivery of packages containing proposals on paper may be carried out using normal post, private courier service or by hand. Versions of proposals submitted on a removable electronic storage medium (e.g. CD-ROM, diskette), by e-mail or by fax will be excluded. Proposals submitted on paper must be submitted in a single package. If applicants wish to submit changes to a proposal or additional information, they must clearly indicate which parts of the proposal have changed and the changes/extra parts must be submitted and received before the call closure. Additional or amended proposal contents received after the call closure will not be treated or evaluated.

The ERC DIS takes no responsibility for delays caused by the postal system or courier services in the transmission of the material to prepare the paper proposal. Packages containing proposals may be opened, on arrival, by the ERC DIS³⁷ for the purposes of registering the administrative details in databases and to permit the return of an acknowledgement of receipt.

5.4. Annex D - Guidelines on and Code of Conduct for Independent Observers of the peer review evaluation process

Profile

With a view to ensuring a high degree of transparency, the ERC DIS may appoint independent experts to act as observers of the peer review evaluation process.

The ERC DIS will inform the Programme committee of the choice of experts as observers, and their terms of reference.

Tasks

The task of the observers is to look at the operation of peer review evaluation sessions from the point of view of their working and not the outcome, unless the outcome of the peer review evaluations is a direct result of the operational aspects. For this reason, it is not necessary that the observers have expertise in the area of the proposals being evaluated. Indeed, it is

³⁷ Or any contractor retained for the purpose of providing administrative services for evaluation sessions.

considered advantageous to avoid having observers with too intimate a knowledge of the particular S&T area in order to avoid conflicts between their opinions on the outcome of the peer review evaluations and the functioning of the sessions. In any case, they will not express views on the proposals under examination or the experts' opinions on the proposals.

The role of the observers is to give independent advice on the conduct of the peer review evaluation sessions, ways in which the procedures could be improved and the way in which the experts apply the evaluation criteria. The observers verify that the procedures set out or referred to in these rules are adhered to and report to the programme management on ways in which the process could be improved.

Observers are required to respect the same confidentiality obligations as experts (see *Annex B*) and to sign appointment letters including confidentiality agreements. They are not permitted to divulge details of the proposals, the experts assigned to examining the proposals, nor the discussions in the peer review evaluation Panels.

Reporting

The observers report their findings to the ERC DIS and the ERC *Scientific Council*. The observers are also encouraged to enter into informal discussions with the ERC DIS officials involved in the peer review evaluation sessions and to make observations on any possible improvements that could be put into practice immediately.

The ERC DIS will inform the programme committee of the observers' findings and may make available publicly a summary of their report.

5.5. Annex E - Ethical Review Procedures

Introduction

In order to implement Article 6 of the *Framework Programme* and Article 15 of the *Rules for Participation*, the evaluation procedure includes a check of ethical issues raised by the proposals. An ethical review of proposals involving sensitive ethical issues may take place after the evaluation and before any selection decision by the ERC DIS.

The objective of this ethical review is to make sure that the European Union does not support research which would be contrary to fundamental ethical principles as embodied in the Decisions on the *Seventh Framework Programme* and the *Ideas Specific Programme*.

Proposals

Where appropriate and/or required by the call, proposals include a section which:

- describes the potential ethical aspects of the proposed research regarding its objectives; the methodology and the possible implications of the results;
- justifies the design of the research project;
- explains how the ethical requirements set out in the work programme will be fulfilled;
- indicates how the proposals meets the national legal and ethical requirements of the country where the research is performed;

- indicates the timing for approval by any relevant authority at national level.

GENERAL PROCEDURAL MODALITIES

The evaluation

In the first instance the experts make a check of any ethical issues raised by a proposal. During the evaluation experts check whether the proposal raises specific ethical issues (such as clinical trials, use of human tissues and in particular foetal and/or embryonic tissues, use of animals and in particular non-human primates and genetically modified animals).

They identify those proposals which may require special attention due to the importance of the ethical issues raised and/or the inadequacy of the way the ethical issues are addressed in the proposal. The evaluation report (ER) includes any comments of the experts concerning ethical issues raised by the proposal.

Where appropriate, the experts examining the proposal at this stage may include experts specialised in ethical issues.

Ethical review procedure and organisation of the Ethical Review Panel

Submission to the Ethical Review Panel

The ERC DIS may decide to submit any of the proposals proposed for funding to a specific Ethical Review Panel. Projects raising specific ethical issues such as research interventions on human beings³⁸, research on human embryos and human embryonic stem cells and non-human primates are automatically submitted for ethical review.

Composition of the Ethical Review Panel

The Ethical Review Panel is composed of experts from different disciplines such as law, sociology, psychology, philosophy and ethics, medicine, molecular biology, veterinary science with a reasonable balance of scientific and non-scientific members. The Panels are transnational.

Representatives of civil society may be invited.

The experts are bound to the requirements concerning conflicts of interest and confidentiality defined in *Annex B*.

The review phase

The experts individually read the proposals, and then meet as an Ethical Review Panel to discuss and arrive at a consensus. The Panel produces an Ethical Review report. The ethical review report includes the list of the different ethical issues, an account of the way the issues are handled by the PI and his/her team and the recommendations of the Ethical Review Panel. The report is signed by the experts of the Ethical Review Panel.

In case no consensus can be reached, the report reflects the opinion of the majority of the Ethical Review Panel.

The Ethical Review report

The PI is informed of the outcome of the ethical review through the ethical review report. This is sent without the signatures of the experts.

The ethical review report may indicate the need to organise a follow up review at a later stage of the project.

In its decision to fund a project the ERC DIS takes into account the results of the ethical review. This may entail changes in the technical annex of the project grant agreement, or in extreme cases, termination of grant agreement preparation.

SPECIFIC PROCEDURAL MODALITIES FOR RESEARCH ACTIVITIES INVOLVING HUMAN EMBRYONIC STEM CELLS³⁹

38 Such as clinical trials, and research involving invasive techniques on living persons (e.g. taking of tissue samples, examinations of the brain).

39 Taking into account the declaration of the Commission of 24 July 2006 (OJ L 412 of 30.12.2006, p. 42).

When evaluating, and selecting proposals involving the use of human embryonic stem cells (hESC) and negotiating the related contracts, the ERC DIS uses the following procedure:

The evaluation

The general procedural modalities apply. In addition, the independent external experts assess whether the use of hESC is necessary in order to achieve the scientific objectives set forth in the proposal.

The ethical review procedure

The general procedural modalities apply. In addition, the panel assesses specifically:

- that the proposal does not include research activities which destroy human embryos, including for the procurement of stem cells⁴⁰;
- whether the applicants have taken into account the legislation, regulations, ethical rules and/or codes of conduct in place in the country(ies) where the research using hESC is to take place, including the procedures for obtaining informed consent;
- the source of the hESC;
- the measures taken to protect personal data, including genetic data, and privacy;
- the nature of financial inducements, if any.

National approvals and opinions of competent ethics committee

The ERC DIS ascertains that the participants have received appropriate approval from the national authority and/or a favourable opinion from the competent ethics committee before the signature of the grant agreement, or before hESC are to be used in the project.

The result of the ethical review is reflected in the technical annex of the grant agreement. Where the approval of the national authority and/or a favourable opinion from a local ethical committee is/are not obtained before the start of the grant agreement, the grant agreement includes a special clause requiring that the relevant authorisation or opinion be obtained before the start of the corresponding research.

Selection

In accordance with Article 6.9 of Council Decision 2006/972/EC⁴¹, the regulatory procedure laid down in Articles 5 and 7 of Decision 1999/468/EC shall apply for the approval of the funding and adoption of actions involving the use of hESC.

40 Any step(s) of research of such kind will have to be excluded from the research activities that will be supported by Community funds in line with the Commission's declaration of 24 July 2006. The exclusion of funding of this step of research will not prevent Community funding of subsequent steps involving hESC.

41 OJ L400 of 30.12.2006, p.243, corrigendum published in OJ L 54, 22.2.2007, p.81, concerning the Ideas Specific Programme