

ESS ERIC Standing Orders

Associated document: ESS ERIC Statutes (current version 22.09.2023)

Number	Title	Statutes, as appropriate	Date of adoption (Minutes)
1	GA Delegation of authority to ESS Director	Article 8.3 Article 12.2	9 December 2013
2	Periodic reporting by Director	Article 8.4.a	9 December 2013
3	Meetings of the General Assembly	Article 10.1	9 December 2013
4	Participation of non-ESS ERIC Signatories (Members and Observers) in meetings : Special Category 'Guests'	Article 10.4	9 December 2013
5	Right of Chair to 'activate' Deputy Director responsibilities/powers	Article 9	9 December 2013
6	Countries can take part in a round without being members if they pay the contribution and agree to adhere to the Specifications		9 December 2013, amended 31 January 2014; Amended 18 October 2017
7	Surplus	Chapter 6	9 December 2013
8	Definition of 'Member' [Clarification of requirement to carry out national fieldwork and coordination]	Article 3	31 January 2014
9	Authorised signatories on financial transactions		30 June 2014
10	Timely payment of country contributions	Article 4	21 November 2014
11	Establishment of remuneration committee of the General Assembly	Article 11	21 November 2014 <u>Revised 7 April 2022</u>
12	Extension of 'Guest' status		29 April 2015
13	Procedures for approval of payments and amounts		29 April 2015 Amended 7 April 2021
14	Commercial use of ESS data	Article 23	25 th October 2016
15	Responsibilities of the ESS ERIC Deputy Director in the event of the Director's absence	Article 12	25 th October 2016 Amended 20 February 2018
16	Green Open Access	Article 2	20 February 2018
17	Procedure in the event of a fine levied for an infringement of the General Data Protection Regulation	Article 21	Adopted 31 May 2018
18	Relating to UK exit from the EU	Article 1	Adopted 27/2/2019
19	Guest Country Status from ESS ERIC Round 11		Adopted 7 April 2021
20	Tender waiver procedure	Article 20	Adopted 20 October 2021

Standing Orders listing at 01.10.2023

21	FINCOM: Additional experts	Article 11	Adopted 25 October 2022
22	Establishment of a GA Committee: the ESS ERIC Funding, Governance and Strategy Working Group	Article 11	Adopted 25 October 2022
23	FGWG Procedures	Article 9	Adopted 29 March 2023

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 1

Delegation of authority to act to ensure the day to day functioning of ESS ERIC, from the General Assembly to the Director

The General Assembly delegates full authority to the Director to act as he considers necessary in pursuance of the effective implementation of the ESS ERIC Work Programme subject to the approved budget. To this end, the Director shall be empowered, inter alia, to perform all necessary activities and will report on these activities at the meetings of the ESS ERIC General Assembly. Such activities will be consistent with the role of the Director as the CEO, Chief Scientific Officer and Legal Representative of the ESS ERIC.

Adopted: 9 December 2013

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 2

Periodic reporting by Director

The Director shall provide a written report on activities undertaken to at least one of the two annual meetings of the ESS ERIC General Assembly. The Director shall also provide verbal updates to the General Assembly.

Adopted: 9 December 2013

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 3

Calling Meetings of the General Assembly

It shall be the responsibility of the Chair to call the meetings of the General Assembly (The ESS ERIC HQ shall operationalise this on his/her behalf, as appropriate and as required.)

Adopted: 9 December 2013

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 4

Participation of non-ESS ERIC Signatories (Members and Observers) in meetings: Special Category 'Guests'

Non-ESS ERIC Signatories will be accorded as special category 'Guests' and may attend, receive papers for and speak at the meetings of the General Assembly. Such 'Guests' shall not have a vote and may be excluded from any part of the meeting at the discretion of the Chair or by a majority vote of members of the General Assembly.

Adopted: 9 December 2013

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 5

Right of Chair of the General Assembly to 'activate' Deputy Director responsibilities/powers

The Chair of the General Assembly shall, in circumstances in which the Director is unable to perform his duty due to illness, death or if subject to disciplinary procedures and the Host Institution has confirmed this in writing with the Chair of the GA, be empowered to assign the Deputy Director at the Host Institutions the powers of the Director in his absence.

Adopted: 9 December 2013

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 6

Countries can take part in a round of ESS fieldwork without being members if they pay the contribution and agree to adhere to the Specifications

The participation of countries that are not Members or Observers of the ESS ERIC may take part in an ESS survey round if countries fulfil two conditions (i) contribute to the central costs of the ESS ERIC for the relevant biennial period on equal terms as Members and Observers and (ii) agree to adhere to the fieldwork specifications as issued by the Director.

Such countries must confirm acceptance of both conditions by writing to the ESS ERIC GA Chair at the start of the survey round and copy this to the ESS ERIC Director. The Chair of the GA and / or the ESS ERIC director shall have the right to refuse such permission.

All activities of the ESS ERIC shall be coordinated and take place on the basis that the ESS ERIC is not liable for activities carried out by such countries

This standing order shall be reviewed in March 2014.

Adopted: 9 December 2013, amended 31 January 2014

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 7

ESS ERIC Surplus Generation (SO7)

Notwithstanding any other provision of the Statutes whilst it is not intended that ESS ERIC will make a surplus and further whilst any such surplus could be used to fund the working capital of ESS ERIC then for so long as ESS ERIC has its statutory seat in the United Kingdom (but not otherwise) nothing shall preclude the ability of ESS ERIC to distribute any such surplus to its Members.

Adopted: 9 December 2013

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 8

Article 21 Section 5

Further to the provisions of Article 21, Section 5 of the ESS ERIC Statutes, the reference to 'Members or others' refers only to the countries (the ESS ERIC Members, Observers, Non-Members and Non-Observers) which commit to carrying out fieldwork.

Article 21 [Liability] Section 5 provides that (21.5) "All activities of the ESS ERIC shall be coordinated and take place on the basis that the ESS ERIC is not liable for activities carried out for it by Members or others as set out in Standing Orders when necessary."

Adopted: 31 January 2014

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 9

ESS ERIC bank accounts

The ESS ERIC Director has the full authorisation from the General Assembly to set up bank accounts on behalf of the ESS ERIC and to be an authorised signatory to these accounts for the purposes of authorising payments for goods and services. For amounts of more than €200,000 the ESS ERIC Director is always to be one of the two signatories.

Adopted: 30 June 2014

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 10

Timely payment of country contributions

Each Member, Observer and Guest of the ESS ERIC shall pay its contribution in full within 30 days of receipt of the invoice which will be issued at the start of each financial year (the financial year runs from 01 June to 31 May), unless otherwise agreed by the ESS ERIC Director.

Adopted: 21 November 2014

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY (revised)

Standing Order 11

Establishment of remuneration committee of the General Assembly

The General Assembly hereby establishes a Remuneration Committee, as a subcommittee of the Finance Committee, the sole purpose of which will be to determine the Director's and Deputy Director's terms and conditions of employment. The Remuneration Committee shall make recommendations to the General Assembly on these terms and conditions. The membership of the Remuneration Committee will be limited to the membership of FinCom and will exclude members of the ESS ERIC HQ. The Chair of the General Assembly will also be a member. The Committee may, with the permission of FinCom, co-opt expertise and other members as it deems necessary. The FinCom chair will chair the meetings of the Remuneration Committee. The Committee shall report its decisions to the General Assembly.

This replaces the SO11 approved in November 2014.

Adopted: 7 April 2022

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 12

Guest status

The ESS ERIC General Assembly allows the availability of 'Guest' status for countries participating in the ESS Round 8. The procedures will be those approved by the General Assembly for Round 7.

Adopted: 29 April 2015

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 13

Approval of additional expenditure

Procedures for approval of additional expenditure:

1. In cases in which the expenditure is under €5,000 the Director may authorise expenditure and payment.
2. In cases in which the expenditure is between €5,000 and €50,000, the Chair of FINCOM may authorise expenditure and payment.
3. For all amounts over €50,000, the Chair of the GA may authorise expenditure payment.

Such expenditure is separate to that agreed by the GA for the Work Programme and ESS ERIC recurrent costs.

Such expenditure shall be in accordance with the required procurement procedures.

Adopted: 29 April 2015 (amended 7 April 2021)

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 14

Commercial use of ESS data

This Standing Order further details the ESS policy on Intellectual Property Rights Policy and Data Policy (Article 23). This article states that:

[t]he ESS ERIC shall where practicable seek to own the intellectual property rights in its work. It shall grant a royalty free non-exclusive licence over its intellectual property rights to any person for non-commercial purposes. In respect of use of the ESS ERIC's intellectual property for commercial purposes this shall be handled on a case by case basis. Such policy may be further detailed by Standing Orders.

It is agreed that the commercial use of ESS data shall generally not be allowed, except for such cases, at the discretion of the Core Scientific Team, in cases of academic relevance.

Adopted: 25 October 2016

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 15

Responsibilities of the ESS ERIC Deputy Director in the event of the Director's absence

Should the Director be absent for a period exceeding 10 days, the Deputy Director HQ (Governance and Science Communication) will assume the financial and legal responsibilities of the Director. In particular, the Deputy Director will be empowered to act as Director until such time as the Director returns. The Director may also pass such responsibility to the Deputy Director HQ (Governance and Science Communication) for shorter periods by writing to the Deputy Director with the Chair of the General Assembly in copy.

Adopted: 25 October 2016 (amended 20 February 2018)

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 16

ESS ERIC Policy on Green Open Access for publications using ESS data

The preference of ESS ERIC is to promote a 'green model of open access', as per the *Communication Towards better access to scientific information: Boosting the benefits of public investments in research* (COM (2012) 401).

The ESS ERIC supports the open access to its data and to research using ESS data. This Standing Order relates to publications in which ESS data are cited.

ESS ERIC recommends that the users of ESS data are encouraged, where possible, to deposit peer reviewed journal articles in an OpenAIRE compliant repositories that facilitate access without subscription.

For journals, authors are requested to deposit the submitted manuscript in an OpenAIRE compliant repository.

For books, following the approach of Cambridge University Press, different versions can be submitted:

SMUR (Submitted Manuscript Under Review): Any version of the manuscript that is under formal review for publication.

AM (Accepted Manuscript): The version of the manuscript that has been accepted for publication. This version may include revisions resulting from peer review but may be subject to further editorial input by Cambridge University Press.

VoR (Version of Record): The version that is formally published ((adapted from the National Information Standards Organization – NISO)

This recommendation will be included in the Conditions of Use details on the ESS website.

Adopted: 20 February 2018

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 17

Procedure in the event of a fine levied for an infringement of the General Data Protection Regulation

In the event that an administrative fine is levied by the lead supervisory authority, or a claim for compensation by a data subject is made, the following shall hold:

Scenario A Central institutions

If the fine is imposed or a claim for compensation made following to a breach due to the actions or omissions of the Data Controller or due those of a Data Processor appointed directly by the ESS ERIC (i.e. the Host Institution and CST institutions) then:

the costs will be **shared in proportion to GDP** by all participating ESS ERIC countries (Members, Observer and Guest countries).

Scenario B Country institutions

If the fine is imposed due to a breach due to the actions or omissions of the data processors at national level, including those appointed directly by the ESS ERIC or those appointed by the national representative entities/delegated bodies (i.e. the national coordinators, the fieldwork agencies), then:

the costs will be borne by the **individual country** within which the data breach occurred, i.e. as a consequence of actions/inaction by the country National Coordinator or fieldwork agency, that results in the administrative fine and/or compensation claim by a data subject.

Adopted: 31 May 2018

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 18

Relating to UK Exit from EU

The General Assembly empowers the Chair of the General Assembly to move the statutory seat of ESS ERIC from the UK to another ESS ERIC Member agreed by the General Assembly at its meeting on 27th February 2019 should the Chair receive a written instruction from the European Commission that this is required due to the exit of the UK from the European Union.

Adopted: 27 February 2019

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 19

Guest Country Status from ESS ERIC Round 11

The ESS ERIC General Assembly requires that, unless otherwise agreed, a country admitted as a Guest Country in any two Rounds from Round 11 onwards shall only be admitted as Member or Observer country in subsequent ESS Rounds.

Adopted: 7 April 2021

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 20

Authority to grant waiver from procurement procedure rules

The General Assembly empowers the Chair of FINCOM to consider and grant, as appropriate, tender waivers relating to the rules of procurement of goods and services for the official use of the ESS ERIC.

These rules of procurement are aligned to those of the Host Institution, City, University of London.

In undertaking this duty, the Chair of FINCOM may consult with the members of the Committee before reaching a decision. Each and every decision relating to a request for a tender waiver will be communicated to FINCOM in writing (by email and/or recorded in minutes of a FINCOM meeting). However, at all times, the final decision shall rest with the Chair. The details of the tender waiver shall be made available to auditors.

Adopted: 20 October 2021

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 21

Composition of FINCOM: Additional Experts

The GA hereby empowers the Chair of FINCOM to co-opt up to/at least to four additional experts to contribute to the activities of FINCOM. The term of office for co-opted members is to be 1 year, renewable no more than five times. The co-opted members shall be entitled to vote. The quorum shall be 50% of the total membership of FINCOM.

Background:

ESS ERIC Statutes: Art 11.13 provides for the membership of FINCOM:

FINCOM shall comprise four specialists in budgeting and financial control, appointed by the General Assembly, following written nominations from the Members. At least two members of FINCOM shall not be National Representatives. Members of FINCOM shall be appointed for a term of 4 years, renewable.

Adopted: 25 October 2022

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 22

Establishment of a GA Committee: the ESS ERIC Funding, Governance and Strategy Working Group

The GA hereby approves the establishment of the Funding and Governance and Strategy Working Group (FGSWG) as one of the committees of the General Assembly that is to be in place at all times (art 11.3).

This committee shall have an advisory role relating to financial, governance and strategic planning matters for the ESS ERIC. It will include in its activities acting as a search committee for the GA and its standing committees.

The group shall comprise at least 3 serving National Representatives (one of which shall be from the host country) with a view to regional and gender balance.

Each shall be appointed by the GA by a vote or, as appropriate, through the appointment of volunteers by the Chair.

The term of appointment shall be four years, renewable.

The Chair of the ESS ERIC General Assembly will act as Chair of the FGSWG.

Relevant articles of the ESS ERIC Statutes: Art 11 Committees of the General Assembly, esp. art. 11.1-11.3.

art. 14. Composition and meetings of bodies.

Adopted: 25 October 2022

STANDING ORDER of the ESS ERIC GENERAL ASSEMBLY

Standing Order 23

FGWG procedures

FGWG itself agrees on internal procedures relating to this activity, as per the following two - part Standing Order:

Appointment of the GA Chair – procedure (1)

The FGWG shall hold delegated authority from the General Assembly to determine the voting procedure for the appointment of the GA Chair.

Appointment of the GA Chair – procedure (2)

The FGWG shall issue a call for nominations to GA Member representatives. Upon receipt of the nominations the FGWG shall provide a short list of nominees to the GA.

Appointment of the GA Chair – procedure (3)

The GA shall then appoint the GA Chair via an election according to the voting procedure agreed by the FGWG.

The FGWG shall instruct the Director to call a virtual Extraordinary General Meeting to elect the Chair. The Chair shall assume the role at the 26th ESS ERIC GA meeting in November 2023.

Adopted: 29 March 2023
