European Cooperation in the field of Scientific and Technical Research - COST -

Secretariat

Brussels, 17 November 2009

COST 289/09

DRAFT SUMMARY OF CONCLUSIONS

Subject : 175th meeting of the COST Committee of Senior Officials (CSO) held in Brussels on 3 November 2009

The CSO President opened the meeting by introducing those attending for the first time[1]:

- Ms Demetra DULEVA Bulgaria
- Ms Yvonne SCHAAP Netherlands (new CSO member)
- Ms Marion WOLPERS Germany (new CNC)
- Ms Marie-Cécile ROUILLON Commission, DG Research

1. ADOPTION OF THE AGENDA

The Committee adopted the agenda as set out in CM 4300/1/09 REV 1 of 27 October 2009 (agenda items in Annex II).

[1] See complete list of participants in Annex I.

2. APPROVAL OF SUMMARY OF CONCLUSIONS OF THE 174th MEETING

The Committee approved the Summary of Conclusions of the previous meeting as set out in doc. COST 253/09.

3. COST-ESF RELATIONSHIP AND FUTURE OF COST

The President recalled that this additional CSO meeting had been convened at the request of 17 COST Member States to discuss issues related to the future of COST and, in particular, the relationship between COST and the ESF as its implementing agent. It was considered important that the CSO, after a debate, would take a decision as to the future legal status of COST and as to whether it should be based on the model of the COST Office Association (COA). After his opening remarks (Annex III) the President opened the floor for discussion.

The proposal to set up a COA was supported by several delegations during the debate. These delegations underlined the importance to bring clarity to the matter and to decide upon establishing a legal entity that could later become the implementing agent for COST, if so decided by the CSO. In such a scenario delegations stressed the need for a detailed plan for well-managed transitional arrangements from one implementing agent to another. They did not expect any further insight to emerge into the fundamental question of whether or not COST should set up a legal entity. At the same time they stressed the synergies between COST and ESF at the scientific level.

On the other hand some delegations that took the floor wondered about the urgency and were of the opinion that it was premature for the CSO to take a decision on the possible establishment of COA. They stressed the importance to first have the outcome of the mid-term review of the COST grant agreement in FP7, the results of which are foreseen to be available in May 2010 and possibly also to get some insight into future FP8. They also recalled that a COST-ESF High Level Group meeting was scheduled for 9 November 2009 to discuss the questions related to the co-operation. It was also noted that the SWOT analysis "Options for Implementing COST", issued in September 2009 by Technopolis, had not yet been considered by the CSO. Some delegations commented as to why COST as an AISBL (or COA) was considered to be the "no change" scenario in the SWOT analysis.

The Commission representative recalled the position of the Commission that the ESF should continue as the implementing agent for COST for the whole duration of the FP7, and that it was up to the COST Member States themselves to decide upon the implementing agent of the intergovernmental COST initiative. He noted that the decision on any possible changes should be based on evidence, through further work of the COST-ESF High Level Group and discussions on the SWOT analysis, and following the outcome of the COST FP7 mid-term evaluation in spring 2010 (one element of which will be the COST-ESF synergy). In case COST decides upon a new independent implementing agent, the Work Programme (WP) of the Cooperation Specific Programme has to be modified to take account of the changed named beneficiary and the WP should be approved by relevant procedures involving EU Member States (Programme Committee). Moreover, a new grant agreement has to be negotiated, necessitated by changes in several areas compared to the current situation, where ESF's services in Strasbourg are involved. The financial viability of the new implementing agent should be verified and judged acceptable by the Commission services before any new grant agreement can be concluded. He drew the attention notably to the fact that a new legal entity would by definition lack financial track record. He recalled that contrary to the last transition period when extraordinary financial support had been made available to ensure a smooth transition from Commission services to the ESF, no such support can be expected, if the implementing agent is changed during FP7 by COST. In light of the above, he emphasised the need to ensure a solid and secured transition period, long enough to avoid undue disturbances in the continuity of the COST scientific activities. He stressed that ensuring this transition does not fall into the prerogatives of the Commission – which is only responsible for the management of the COST FP7 contract – and remains in the hand of ESF/COST Office. If the CSO decides at the end of this year, the earliest transfer could be in summer 2011, if no major difficulties arise in the process.

At the end of the debate the President proceeded to a vote, asking delegations to state their position. With one exception delegations that were absent from the meeting had submitted their written vote to the COST Secretariat prior to the meeting. At the end of the vote, the following result regarding the establishment of COA was announced: 24 in favour, 6 against, 4 abstentions and 1 absent (Annex IV).

The President concluded that the proposal to establish a COA did not receive a qualified majority (27) of the votes. He noted that a prior decision of the CSO was not necessary for the establishment of a COA (see COST 254/09), but that any number of Member States wishing to do so could establish a COA. However, as President of the CSO he felt that the CSO should be asked to take a position and to vote on this question.

Following a short exchange of views, it was agreed that, with a view to the next CSO meeting on 1 - 2 December 2009, delegations that had abstained, and who so wish, would be kindly invited to inform the COST Secretariat by 20 November 2009 at the latest of any changes to their current position. Furthermore, the Committee agreed to invite Dr Erik ARNOLD from Technopolis to present the results of the SWOT analysis to the Committee at its next meeting in December. Finally, it was agreed not to invite the ESF President to that meeting.

4. IMPLEMENTING AGENT FOR COST

5. COST OFFICE ASSOCIATION, ITS STATUTES AND GENERAL ASSEMBLY

Items 4 and 5 were not discussed due to the outcome of item 3.

6. COST-ESF HLG MEETING ON 9 NOVEMBER 2009

The Committee took note of the provisional agenda for the COST-ESF HLG meeting on 9 November 2009[2].

The Committee suggested that, further to the agenda items proposed, the COST Delegation should also inquire about the implications of the possible transition from the ESF to a new implementing agent, should COST choose for this option in the future. Furthermore, it was agreed that the meeting would also address questions related to the procedure and state-of-play for filling the posts of the COST Office Director and the COST Head of Science Operations which will expire in the summer 2010.

[2] The provisional agenda is available on the CSO website.

7. PREPARATION OF THE COST MINISTERIAL CONFERENCE 2010

The Spanish delegation informed the Committee of the tentative programme for the COST Ministerial Conference (MC) scheduled in Madrid on 28 - 29 January 2010

28 January 2010:

18:30	Guided tour to *Museo del Prado*
20:30	Gala Dinner

29 January 2010:

09:00 - 14:00	Ministerial Conference
14:00	Lunch

Delegations have been requested to confirm to the COST Secretariat the name and the contact details of the Minister responsible for COST in their country. Delegations that had not yet sent the information were encouraged to do so at their earliest convenience. The invitation letters by the Spanish Minister would be expected to be sent by mid-November 2009. The President recalled that some financial support for the organisation of the MC could be envisaged from the COST Fund.

It was recalled that the CSO would need to prepare the following documents to the MC:

- the CSO report on achievements since the latest MC to be presented by the CSO President and
- the draft Ministerial Declaration for the approval by the Ministers.

The President noted that draft Declarations prepared by the COST Secretariat had been made available to the CSO (latest versions dated 24 April 2009). He concluded that revised draft documents would be presented to the next CSO meeting in December.

8. FUTURE MEETINGS

The Committee took note of the future meetings as set out in doc. COST 205/3/09 REV 3. The Italian delegation informed the Committee of its intention to host a CSO meeting in Italy during the first half of 2010. It was recalled that the Latvian delegation had also invited the CSO to meet in Latvia early 2010. These two delegations would discuss bilaterally the timing (March or May 2010) and the CSO would be informed of the proposed sequence at its next meeting.

9. ANY OTHER BUSINESS

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ANNEX I

List of participants

PRESIDENT	:	Mr Francesco FEDI
VICE-PRESIDENT	:	Mr John BARTZIS
AUSTRIA (AT)	:	Ms Helga MIELING
BELGIUM (BE)	:	Ms Lieve VAN DAELE
BOSNIA AND HERZEGOVINA (BA)	:	*Regrets.*
BULGARIA (BG)	:	Ms Demetra DULEVA
CROATIA (HR)	:	Mr Bozidar BIONDIC Mr Damir JELICIC
CYPRUS (CY)	:	Ms Constantina MAKRI
CZECH REPUBLIC (CZ)	:	Mr Milos CHVOJKA Mr Jaroslav CIHLAR
DENMARK (DK)	:	Mr Gorm BRAMSNAES
ESTONIA (EE)	:	*Regrets.*
FINLAND (FI)	:	Mr Kustaa MULTAMÄKI
fYR of MACEDONIA (MK)	:	*Regrets.*
FRANCE (FR)	:	Mr Michel GORLICKI
GERMANY (DE)		Ms Marion WOLPERS Ms Nadja ROHRBACH
GREECE (EL)	:	*Regrets.*
HUNGARY (HU)	:	*Regrets.*
ICELAND (IS)	:	*Regrets.*
IRELAND (IE)	:	Ms Rita WARD
ISRAEL (IL)	:	-

ITALY (IT)	:	Ms Maria UCCELLATORE
LATVIA (LV)	:	Ms Signe MARTISUNE
LITHUANIA (LT)	:	Ms Birute BUKAUSKAITE
LUXEMBOURG (LU)	:	Ms Josiane ENTRINGER Mr Carlo DUPREL
MALTA (MT)	:	-
NETHERLANDS (NL)	:	Ms Yvonne SCHAAP
NORWAY (NO)	:	*Regrets.*
POLAND (PL)	:	Mr Marek ZDANOWSKI
PORTUGAL (PO)	:	Ms Fernanda SOUTO-SEPULVEDA
ROMANIA (RO)	:	Mr Mircea SBARNA
SERBIA (RS)	:	*Regrets.*
SLOVAKIA (SK)	:	*Regrets.*
SLOVENIA (SI)	:	Mr Primoz PRISTOVSEK
SPAIN (ES)	:	Ms Ángeles RODRIGUEZ PEÑA
SWEDEN (SE)	:	Mr Stefan CAIREN Ms Birgitta BOMAN
SWITZERLAND (CH)	:	Ms Eva KLAPER
TURKEY (TU)	:	Mr Arif ADLI
UNITED KINGDOM (UK)	:	Mr Chris REILLY Mr Steve RINGER
COMMISSION, DG Research	:	Mr Markku WARRAS Ms Marie-Cécile ROUILLON
COST OFFICE	:	Mr Martin GRABERT
COUNCIL SECRETARIAT	:	Mr Kimmo PEIPPO Ms Ulla MESIÄ

ANNEX II

Agenda items

1. Adoption of the agenda (CM 4300/1/09 REV 1)

2. Approval of Summary of Conclusions of the previous meeting

3. COST- ESF Relationship and future of COST
   - vote on the COST Office Association

4. Implementing Agent for COST
   - vote on COST Office Association to become the COST implementing agent after June 2010

5. COST Office Association, its Statutes and General Assembly
   - date and venue of the first General Assembly, use of the COST Fund for its establishment, timetable for collecting comments on the Statutes (depending on the results of the decisions on items 3 and 4)

6. COST-ESF HLG meeting on 9 November 2009
   - mandate to the COST Delegation as a result of the decisions on the previous items

7. Preparation of the COST Ministerial Conference 2010
   - presentation of the programme

8. Future meetings

9. Any other business

ANNEX III

CONSIDERATIONS OF THE COST CSO PRESIDENT

This additional meeting was convened at the request of 17 COST Member States to deal with delicate matters concerning the future of COST.

The agenda of the meeting includes important decisions on the legal status of COST. The decision to re-examine the COST legal status, following the recommendations of the Monfret report, was taken by this Committee two years ago, in November 2007, appointing Prof. Kneucker as Rapporteur. After the presentation of the Kneucker report and on the basis of a series of documents prepared by JAF on the various possible solutions, the subject was debated for more than one year and the Committee was invited to express its orientation three consecutive times (November 2008, March and May 2009). In May 2009 this Committee decided to commit an independent SWOT analysis to Technopolis. The results of this analysis were distributed to all CSO members last September.

The following considerations are in place:

1. The independent SWOT analysis entitled "Options for Implementing COST" took it for granted that - whatever the solution of the COST-ESF relationship - COST would establish its own legal personality.

2. The Monfret report clearly recommended that: either ESF takes over COST or that COST establishes its own legal personality.

3. It has to be expected that the first documents that will be considered by the Panel of independent experts that will be nominated by the European Commission for the Mid Term Review early 2010 will be the Monfret report and the SWOT analysis to check in which way COST took their assumptions and recommendations into account.

4. The situation inside the ESF is a reason of some concern. It refers not so much to the results of the meeting of the ESF Go Co on 1 October, but to the fact that many ESF Member Organizations want that the ESF ceases as soon as possible its role as COST implementing agent. This Committee has received two written confirmation of this from the French and the Spanish COST National Coordinators. This is in contrast with what the ESF President stated in his letters dated 6 and 29 October[1].

It has to be noted that this situation could be extremely delicate for the future of COST, should there be any uncertainty as to the willingness of the ESF to propose the continuation of the EC-ESF contract for COST after it expires early June 2010. If the ESF were to take a decision to cease to be the COST implementing agent after February or March 2010, then COST – not having a legal

[1] Letters from ESF President to CSO President dated 6/10/2009 and 29/10/09 and letters from CSO President to CSO dated 8/10/2009 and 23/10/2009 are available on the CSO website.

personality and not being ready to cope with this situation - would have to cease its activities for at least a full year with the loss of credibility in the European scientific community that you can imagine. This is due to the time that would be necessary to establish a new implementing agent, to allow the European Commission to audit this new body and to transfer all activities of the COST Office to the new agent. Some believe that this could even be the end of COST.

5. The COST CSO is in a much better position than in 2002 when COST was in a similar situation and had to approve a COST Office Association. On one side this is due to the detailed documents (Questions and answers, Statutes etc.) that the CSO received in the last year. And on the other side this is due to the fact that at present there is already a COST Office functioning and it would only imply the transfer of the COST Office to the new implementing agent (in 2002 no COST Office was available and it would have been necessary to start from scratch). And yet in 2002 all CSO delegations (with the only exception of two delegations) were in favour of the COST Office Association.

I believe that it was on the basis of the above considerations that the 17 COST Member States asked for this additional meeting.

There are two main decisions to be taken:

First - a vote if to give a legal personality to COST establishing a COST Office Association.
Second - a vote if and when to appoint this Association as the COST implementing agent.

ANNEX IV

Member States' votes on the establishment of COST Office Association (COA)

In favour (24)[1]:

Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, fYR of Macedonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Romania, Serbia, Slovakia, Spain, Sweden, Switzerland, Turkey

Not in favour (6):

Austria, Belgium, Ireland, the Netherlands, Norway, United Kingdom

Abstention (4):

Finland, Poland, Portugal, Slovenia

Absent (1):

Iceland

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[1] Israel (cooperating State with no voting right) supports the establishment of COA.