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

Secretariat

Brussels, 11 June 2010

COST 4173/10

DRAFT SUMMARY OF CONCLUSIONS

Subject : 178th meeting of the COST Committee of Senior Officials (CSO) held in Riga, Latvia, on 25 - 26 May 2010

At the beginning of the meeting Dr Irina ARHIPOVA, Director, Department of Research, Technology and Innovation at the Latvian Ministry of Education and Science gave a presentation entitled "Changes in Latvian R&D policy mix and orientations" to the Committee[1].

The CSO President opened the meeting by welcoming all participants, in particular[2]:

- Jaroslava KOVACOVA, Slovak Republic (participating for the first time), and

- Sylvain JOFFRE, Chair of DC ESSEM, reporting for COST-ESF WG Networks (agenda item 14b)

[1] The presentation is available on the CSO website.
[2] See complete list of participants in Annex I.

1. Adoption of the agenda

The Committee adopted the agenda as set out in CM 2792/10[3] dated 30 April 2010.

2. Approval of Summary of Conclusions of the 177th meeting

The Committee approved the Summary of Conclusions of the previous meeting as set out in doc. COST 4119/10.

3. COST Office Association (COA)

The President recalled that on 15 April 2010 he had received a joint letter (in Annex III) from the German and Spanish delegations, in which they - noting the intention of 26[4] COST Member States to establish an independent legal entity in the form of an international non-profit making Association under Belgian law (AISBL) - had asked him to convene a meeting to set up the COST Office Association (COA). He had accepted the task and sent a letter to COST delegations on 19 April 2010 (in Annex IV) convening the meeting to be held in Brussels on 8 June 2010. The agenda and the draft statutes, that would need to be formally approved and signed, had been circulated to delegations on 3 May 2010. Subsequently some amendments have been made to the draft statutes and a revised version would be sent to delegations shortly. The President also recalled that Germany had confirmed in a letter dated 21 April 2010 (in Annex V) its intention to transfer the one-off sum of 10 000 EUR to the COST Fund to be used exclusively for the necessary legal and administrative steps to establish a COA.

The German and Spanish delegations informed the Committee of the background and reasoning that had led them to take the initiative towards establishing the COA[5]. The Austrian delegation reiterated its position that the COST Fund cannot be used to cover any costs related to establishing the COA.

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[3] Agenda items can be found in Annex II.

[4] Not including Slovenia which has subsequently notified its intention to become a member of COA.

[5] The German intervention is in Annex VI.

4. COST Grant Agreement in FP7: status report on the amendment process

The Committee was informed that the ESF had submitted its proposal for the next amendment to the COST Grant Agreement in FP7 to the Commission services on 4 May 2010. The current amendment will end on 1 June 2010. The COST Office informed the Committee that it had provided input for this amendment proposal already at the end of 2009, as requested by the ESF, but it was not aware of the reasons for this substantial delay in submitting the proposal to the Commission services.

During the ensuing exchange of views several delegations raised concerns about the delay in submitting the proposal to the Commission services, which might jeopardise the smooth transition between the two amendments. The President concluded by encouraging the Commission to act as swiftly as possible towards the signature of the amendment, in order to avoid any interruption in COST activities. Furthermore, the ESF would be requested to make the amendment proposal available to the CSO. The Spanish delegate suggested that this issue should also be included in the various items that need to be discussed with the ESF at the next meeting of the High Level Group COST-ESF.

5. Mid Term Evaluation of the COST contract in FP7

The President noted that the report by the independent expert Panel, nominated by the Commission to assess the implementation of the COST Grant Agreement in FP7, had been made available to COST only late evening 20 May 2010[6]. Therefore the JAF Group had not been in a position to conduct an in-depth discussion on the report at its meeting on 21 May 2010. Following a presentation by the Commission representative using slides prepared by Professor Horvat (the Panel Chair) and an exchange of views, the Committee agreed upon the following preliminary statement:

[6] The report has been circulated by e-mail to all COST delegations on 21 May 2010.

"The CSO takes note of the work of the expert panel chaired by Professor Horvat which acknowledged the success of COST Actions as an important activity in the ERA. The CSO welcomes the positive recommendation to allocate for COST the additional EUR 40 million thus bringing the total budget to EUR 250 million for the duration of FP7.

The CSO will continue to work with the ESF on joint efforts regarding synergies and networking, thus deepening useful scientific cooperation for the benefit of the European scientific community. The CSO, for its part, confirms the ESF as the implementing agent for COST until the end of FP7.

The CSO will give careful attention to the panel's report and will consider it in its subsequent full response."

The President concluded the discussion with his personal preliminary comments and asked for his speaking notes to be annexed to this Summary of Conclusions (Annex VII).

6. Structure and functioning of the COST Office

The COST Office gave a presentation[7] on the structure and functioning of the COST Office. As reported earlier, the COST Office has been understaffed during the past months due to the departure of several staff members. Lately the recruitments to various key posts have been finalised and new staff members have taken up their posts. However, the post of a financial controller still remains open and temporary assistance is provided by PriceWaterhouseCoopers. Furthermore, it was noted that, while the number of staff in the COST Office is based on the assumption of a fully operational COST Grant System (CGS), this is still in a transitional phase and the COST Office is currently running two funding systems in parallel (CGS and the "pay-as-you-go").

[7] The presentation is available on the CSO website.

Regarding the COST international cooperation the COST Office reported that currently 356 institutions from 36 "non-COST countries" participate in 129 COST Actions. The Committee was informed that the new reciprocal agreement[8] between the Ministry of Science, Technology and Innovative Production of Argentina and COST - to enhance co-operation between Argentina and European researchers taking part in COST Actions - had been signed and would be effective as from 1 June 2010.

7. Action-related items

(a) Results of the 8th Collection Date (26/3/2010): Schedule of assessment process

The COST Office gave a presentation[9] on the results of the 8th Collection Date of the COST Open Call, at which 586 eligible proposals had been presented. The new Action proposals following the selection process will be presented to the CSO for approval in December 2010.

(b) JAF decisions on

= Requests for participation of institutions from non-COST countries

= Requests for extension or prolongation of COST Actions

The Committee took note of the decisions taken by the JAF Group at its meeting on 28 - 29 April 2010 set out in doc. COST 4151/10.

8. Information from the CSO Presidency

The President informed the Committee of his attendance at:

- International Congress on Nanotechnology and Research Infrastructures GENNESYS in Barcelona (ES) on 28 May 2010, and
- ESF Governing Council meeting on 30 May 2010 in Frankfurt (DE).

[8] Approved by the 177th CSO meeting in March 2010, doc. COST 4119/10, p.12.

[9] The presentation is available on the CSO website.

9. Information from

- delegations

The German delegation presented a COST Study that had been carried out by Technopolis in 2009. The presentation is available on the CSO website.

The UK delegation presented a COST Survey that had been carried out by Mr Chris Reilly. The full report will be made available to CSO in due time.

- COST Office

The COST Office informed the Committee of the ongoing strategic scientific initiatives and COST Seminars, COST Office activities and future events as set out in the notes dated 12 May 2010[10].

The Committee was also informed of the JAF recommendations to the ESF regarding the COST-ESF Joint Initiative "RESCUE", set out in doc. 4154/10, p. 13.

- Commission

The Commission representative informed the Committee that Mr Hervé PERO had been appointed as the acting Director of DG Research, Directorate B, replacing Mr Robert-Jan SMITS who has been appointed as the Deputy Director-General of the Joint Research Centre. He also informed the Committee that Mr Jan-Arne EILERTSEN had returned to his home organisation, the Research Council of Norway, after four years' service at the Commission.

[10] The notes are available on the CSO website.

10. Approval of new COST Actions

The COST Office presented 30 new COST Action proposals for the approval by the CSO. A leaflet illustrating the new Action proposals was distributed to delegations.

The Committee noted the recommendation by the Mid-term evaluation panel to allocate for COST the additional EUR 40 million thus bringing the total budget for COST to EUR 250 million for the duration of FP7, and agreed to approve the 30 new COST Actions as set out in doc. COST 4150/10, under the assumption that the additional funds from FP7 would be made available. The Committee also accepted in principle, in line with the Rules and Procedures for Implementing COST Actions[11], the participation of the non-COST institutions associated with the proposing groups of the Actions concerned.

11. Procedures and timetable for the COST CSO Presidency

The Committee noted that the mandate of the current President would end on 21 June 2010 and that the procedure for the election of a new President was set out in doc. COST 208/07. The Committee also recalled that the mandate of the Vice-President would expire in October 2010. The Committee agreed to the proposal by the JAF Group[12] that candidatures for the Vice-Presidency, accompanied by a CV, should be sent to the COST Secretariat by 30 September 2010 and that the election of the Vice-President would take place at the CSO meeting on 1 - 2 December 2010. The mandate of the current Vice-President would be extended until the CSO meeting in December 2010.

12. Election of the CSO President[13]

The Committee elected unanimously Dr Ángeles RODRIGUEZ PEÑA as the new CSO President for three years as from 22 June 2010.

[11] Doc. COST 270/07 (Chapter VI, paragraph 3.6).
[12] Doc. COST 4154/10, p.10.
[13] The candidate left the meeting room during this agenda item.

13. Appointment of a JAF member

The Committee agreed to the President's proposal, set out in doc. COST 4153/10, to appoint Professor Omer CEBECI (TR) as a member of the JAF Group for a 3-year mandate starting in June 2010. He will replace Mr Chris REILLY, to whom the President, on behalf of the Committee expressed his sincere gratitude for his valuable contribution to the work of the JAF Group during the past three years, in particular in his function as the Rapporteur on Action-related items.

14. COST-ESF relationship

- Report WG Implications

Dr Gorlicki, the co-Chair of COST-ESF WG Implications, informed the Group that the meeting of the WG scheduled for 27 April 2010 had been cancelled due to disturbances in air traffic. Furthermore, the meeting planned for 20 May 2010 had been postponed to be held after the CSO meeting on 25 - 26 May 2010, when the CSO would have discussed the question of the implementing agent for COST beyond 2011. He informed the Committee that the next meeting of the WG was now tentatively rescheduled for 22 June 2010 in Brussels.

- Report WG Networks

Professor Sylvain JOFFRE, a member of the COST-ESF WG Networks, gave a presentation[14] to the Committee on behalf of Professor BARTZIS, the WG Co-Chair. The WG had had constructive discussions on mapping COST and ESF in the ERA and on how to increase the COST-ESF scientific synergies by increasing the specificities of their instruments: COST for networks and ESF for programmes, aiming at simplification for the R&D community and building the ERA. Synergy interface between the two partners would be further developed by optimising the existing successful arrangements (synergy committees, liaison persons) and exploring new potentials. The labelling of different instruments would be further examined for better coherence. The Committee was informed that the next meeting of the WG was foreseen to be held in June 2010.

[14] The presentation is available on the CSO website.

- COST Implementing Agent after June 2011

Based on a proposal by the JAF Group, set out in doc. COST 4155/10, the Committee reached the following decision by consensus:

"The CSO agrees to confirm the European Science Foundation (ESF) as COST Implementing Agent until the end of FP7. In this context, the CSO agrees to reiterate its request to the ESF:

- to immediately re-establish the delegation of the COST Office Director until the end of the present assignment (31 August 2010), ensuring that all COST Office staff report to him, in order to have clear responsibilities in achieving the objectives of the FP7 EC-ESF Grant Agreement and in accordance with the COST-ESF MoU; and
- to extend the delegation of the current COST Office Director until the end of FP7 EC-ESF Grant Agreement.

The CSO agrees to inform the ESF President, the ESF Chief Executive Officer (CEO) and the members of the ESF Governing Council of this decision and waits for a written answer from the ESF Governing Council by 4 June 2010."

15. Preparation of the COST Ministerial Conference 2010

- Draft CSO Report

The Committee examined the draft CSO report to the COST Ministerial Conference 2010[15]. A revised version of the draft document, taking account of the amendments by the JAF Group at its meeting on 21 May 2010, was circulated to delegations as a room document. The Committee approved the draft report with some further amendments proposed by delegations[16]. The COST Office was invited to issue the final text in a printed booklet to be made available for the Ministerial Conference.

[15] The draft report had been circulated to delegations on 19 May 2010.
[16] The final version is set out in doc. COST 4158/10.

- Draft Declaration

The Committee examined the draft Ministerial Declaration on COST that had been circulated to delegations on 10 May 2010. A revised version, taking account of the amendments by the JAF Group at its meeting on 21 May 2010, was circulated to delegations as a room document. The Committee agreed upon some amendments and agreed that the revised version of the Declaration would be examined by the CSO at its additional meeting on 8 June 2010.

- General

The Spanish delegation informed the Committee that invitations and the programme for the Conference had been sent to the Ministers. The host delegation was considering a further message to delegations regarding possibly 1 - 2 question(s) to be addressed in their interventions at the Conference (of short duration of approx. 3 minutes/each).

16. (a) Renewal of Terms of Reference of the COST Domain Committees

The Committee examined the draft revised Terms of Reference for a mandate of the COST Domain Committees and their domain descriptors, set out in draft documents that had been circulated to delegations on 10 May 2010.

The Committee approved the revised Terms of Reference for a mandate of the COST Domain Committees and their domain descriptors, set out in documents COST 4161/10 - 4169/10.

(b) Revision of the Rules of Procedure for a COST Domain Committee

The Committee examined the draft revised Rules of Procedure for a COST Domain Committee, as set out in a draft document dated 10 May 2010

The Committee approved the revised Rules of Procedure for a COST Domain Committee, set out in doc COST 4170/10.

17. COST Code of Conduct

The Committee examined the proposal for COST Code of Conduct as presented in a draft document dated 11 May 2010. Agreeing upon some further clarifications to Table II in the Annex to the document, the Committee approved the COST Code of Conduct as set out in doc. COST 4160/10.

18. Revision of COST Rules and Procedures for implementing COST Actions
- New procedure to approve participation of institutions from non-COST countries

The Committee examined the draft revised Rules of Procedures for implementing COST Actions, as set out in a draft document dated 10 May 2010.

The Committee approved the revised Rules of Procedures for implementing COST Actions, set out in doc. COST 4159/10.

19. COST Strategy towards increased support of early stage researchers
- Proposal for a COST conference scheme

The Committee approved the proposal for an update of doc. COST 243/08: "COST Workshops, COST/ESF High Level Research Conferences and COST Strategic Scientific Initiatives", including a conference scheme that could in particular address early stage researchers. The final version is set out in doc. COST 4171/10.

20. Follow-up of the recommendations of the reports on
- COST Impact Assessment
- Customer Satisfaction Study

The COST Office presented a follow-up report, doc. COST 4156/10, in response to the recommendations of the two recent reports on COST: the COST Impact Assessment and the Customer Satisfaction Study. It was underlined that the COST Office would continuously follow up any developments and would keep JAF/CSO duly informed.

21. Future meetings

The Committee agreed that an additional CSO meeting, in particular to prepare the COST Ministerial Conference, would be held on 8 June 2010 (afternoon only). The future meetings as agreed by the CSO are set out in doc. COST 4108/2/10 REV 2.

22. Any other business

The President thanked the Latvian delegation for their kind hospitality and excellent organisation of the meeting that was the first CSO meeting to be held in Latvia.

ANNEX I

List of participants

PRESIDENT	:	Mr Francesco FEDI
VICE-PRESIDENT	:	*regrets*
AUSTRIA (AT)	:	Ms Helga MIELING
BELGIUM (BE)	:	Ms Lieve VAN DAELE
BOSNIA AND HERZEGOVINA (BA)	:	Mr Ammar MIRASCIJA
BULGARIA (BG)	:	-
CROATIA (HR)	:	Mr Bozidar BIONDIC Mr Damir JELICIC
CYPRUS (CY)	:	*regrets*
CZECH REPUBLIC (CZ)	:	Mr Milos CHVOJKA Mr Josef JANDA
DENMARK (DK)	:	Mr Gorm BRAMSNAES
ESTONIA (EE)	:	Ms Ulle MUST
FINLAND (FI)	:	Ms Arja KALLIO Mr Raimo PULKKINEN
fYR of MACEDONIA (MK)	:	-
FRANCE (FR)	:	Ms Michèle BARON Mr Michel GORLICKI
GERMANY (DE)	:	Mr René HAAK Ms Marion WOLPERS
GREECE (EL)	:	*regrets*
HUNGARY (HU)	:	Ms Orsolya TOTH

ICELAND (IS)	:	*regrets*
IRELAND (IE)	:	Ms Rita WARD
ISRAEL (IL)	:	Mr Husam MASSALHA
ITALY (IT)	:	*regrets*
LATVIA (LV)	:	Ms Maija BUNDULE Ms Signe MARTISUNE
LITHUANIA (LT)	:	Ms Birute BUKAUSKAITE
LUXEMBOURG (LU)	:	Mr Carlo DUPREL
MALTA (MT)	:	*regrets*
NETHERLANDS (NL)	:	Ms Yvonne SCHAAP
NORWAY (NO)	:	Ms Trude DYPVIK
POLAND (PL)	:	Mr Marek ZDANOWSKI
PORTUGAL (PO)	:	*regrets*
ROMANIA (RO)	:	*regrets*
SERBIA (RS)	:	Ms Biljana STOJANOVIC
SLOVAKIA (SK)	:	Mr Jaroslava KOVACOVA
SLOVENIA (SI)	:	Mr Primoz PRISTOVSEK
SPAIN (ES)	:	Ms Ángeles RODRIGUEZ PEÑA
SWEDEN (SE)	:	Ms Birgitta BOMAN
SWITZERLAND (CH)	:	Ms Eva KLAPER
TURKEY (TR)	:	Mr Omer CEBECI
UNITED KINGDOM (UK)	:	Mr Chris REILLY Mr Steve RINGER

COMMISSION, DG Research	:	Mr Markku WARRAS
COST OFFICE	:	Mr Martin GRABERT Ms Inge DE PRINS
COUNCIL SECRETARIAT	:	Mr Kimmo PEIPPO Ms Ulla MESIÄ Ms Laurence VANHULLE

ANNEX II

Agenda

1. Adoption of the agenda
2. Approval of Summary of Conclusions of the previous meeting

Information items

3. COST Office Association
4. COST Grant Agreement in FP7: status report on the amendment process
5. Mid Term Evaluation of the COST contract in FP7
6. Structure and functioning of the COST Office
7. Action-related items
   (a) Results of the 8th Collection Date (26/3/2010): Schedule of assessment process
   (b) JAF decisions on
      = Requests for participation of institutions from non-COST countries
      = Requests for extension or prolongation of COST Actions
8. Information from the CSO Presidency
9. Information from
   - delegations
      = presentation on German COST Study carried out by Technopolis in 2009
      = presentation on UK COST Survey
   - COST Office
      = strategic scientific initiatives
      = COST Seminars, COST Office activities and future events
      = COST-ESF Joint Initiative "RESCUE"
   - COST Secretariat
   - Commission

Items for approval

10. Approval of new COST Actions
11. Procedures and timetable for the COST CSO Presidency
12. Election of the CSO President
13. Appointment of a JAF member
14. COST-ESF relationship
    - Report WG Implications
    - Report WG Networks
    - COST Implementing Agent after June 2011
15. Preparation of the COST Ministerial Conference 2010
    - Draft Declaration
    - Draft CSO Report

16. (a) Renewal of Terms of Reference of the COST Domain Committees
    (b) Revision of the Rules of Procedure for a COST Domain Committee
17. COST Code of Conduct
18. Revision of COST Rules and Procedures for implementing COST Actions
    - New procedure to approve participation of institutions from non-COST countries
19. COST Strategy towards increased support of early stage researchers
    - proposal for a COST conference scheme
20. Follow-up of the recommendations of the reports on
    - COST Impact Assessment
    - Customer Satisfaction Study
21. Future meetings
22. Any other business

ANNEX III

BMBF, Germany MICINN, Spain

To: Professor Francesco Fedi
President COST Committee of Senior Officials (CSO)

Cc: COST CSO Delegations, COST Secretariat

15 April 2010

Dear Mr. President,

the German and the Spanish COST CSO Delegations, taking into account:

- the intention of 26 COST Member States to establish an independent legal entity in the form of an international non-profit making Association under Belgian law ("AISBL", *association internationale sans but lucratif*) denominated "COST Office Association" (COA) recently confirmed last February;

- the decision unanimously taken by the 35 COST Member States to reject the solution of the European Science Foundation taking over COST;

ask you in your capacity as COST CSO President:

- to convene - as soon as possible and in any case before the COST Ministerial Conference of next June - and chair the first meeting of the General Assembly (GA) of the COA;

- to propose a draft Agenda for this meeting;

- to consult a law firm to assist for the establishment of the COA;

- to circulate the Statutes of the COA as in COST doc. 255/09 revised by the law firm mentioned before to be approved during the first meeting of the GA of the COA ; a suitable venue could be the German Permanent Representation in Brussels (propose the 8 June for the meeting).

We are grateful for your accepting this additional task and send you our best regards and wishes.

W. Mönig
Director for European Affairs, BMBF

Angeles-Rodriguez-Peña
Dep Director Europen Programmes, MICINN

European **CO**operation in the field
of **S**cientific and **T**echnical Research

President

To: Representatives of the COST Member States in the COST Committee of Senior Officials
From: President of the COST Committee of Senior Officials (CSO)

19 April 2010

Dear Sirs,

The German and Spanish COST Delegations, by the attached letter dated 15 April 2010, have asked me to facilitate the setting up, by the interested COST member states, of the COST Office Association (COA), an independent legal entity in the form of an international non-profit making Association under the Belgian law ("AISBL", *association internationale sans but lucratif*).

I have accepted this task, being aware that this is not a formal undertaking by the President of the COST CSO. However, I was greatly encouraged in this regard, as I am sure were also the delegations concerned, by the very broad understanding which has emerged on this issue amongst the CSO members, even in the absence of formal CSO decisions. I also trust that such an endeavour by the interested COST member states will facilitate the further examination of the matter by COST, without prejudice to decisions to be taken concerning the nomination of the COA as COST implementing agent.

I therefore convene a meeting to set up the COA. The meeting will be held on the 8th of June 2010 from 9 a.m. to 1 p.m. The venue will be the Permanent Representation of the Federal Republic of Germany to the European Union, 8-14 Rue Jacques de Lalaing, 1040 Brussels.

The provisional Agenda of the meeting and the Statutes of the COA which will have to be formally approved and signed during the meeting along with proxies and documents that are needed from each member to formally set up the COA will be circulated as soon as possible.

Prof. Dr. Ing. Francesco Fedi
President

European **CO**operation in the field
of **S**cientific and **T**echnical Research

President

The COST Member States which have the intention to become members of the COA are kindly requested to inform me by 20 May at the latest (francesco.fedi@tiscali.it) - with copy to the COST Secretariat for information (cost@consilium.europa.eu) - about the name and the coordinates (E-mail address, postal address, telephone number) of:

- the person authorized to sign the Statutes of the COST Office Association ;
- the person representing your Member State in the General Assembly of the COST Office Association.

Looking forward to seeing all of you on the 8th of June, with my best regards,

Yours sincerely

Bundesministerium
für Bildung
und Forschung

Freiheit
Einheit
Demokratie

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DATUM Bonn, 21 April 2010
GZ
(Bitte stets angeben)

POSTANSCHRIFT Bundesministerium für Bildung und Forschung, 53170 Bonn

Mr. Kimmo Peippo
COST
Council of the European Union
Rue de la Loi 175
1048 BRUXELLES
BELGIEN

RE **Establishment of a COST Office Association (COA)**

Dear Mr. Peippo,

Dear Sirs or Madams,

I herewith confirm that Germany will transfer the one-off sum of €10,000 to the COST Fund to be administered by the COST Secretariat. This amount is to be used exclusively for the necessary legal and administrative steps to establish an independent legal COST entity in the form of an international association under Belgian law (AISBL) – the COST Office Association.

Yours sincerely,

German position concerning the development of COST

Ladies and Gentlemen,
I would like to take this opportunity to explain to you why Germany is in favour of giving COST a separate legal status. I feel it would be useful to give a brief description of the background and process involved.

COST has **an excellent reputation in the European scientific community**. This is shown by the continuously increasing number of applications and the very positive response by participants, for example in the COST Impact Study or the **COST survey** conducted in Germany. We will present some results later on. Due to the reforms in recent years, COST has become a pillar of the European Research Area. **Germany is therefore greatly interested in ensuring that COST will continue even after the conclusion of FP7.** We take the view that COST should continue to play its central, or an even stronger role in the European Research Area as we move towards the Eighth Research Framework Programme.

The ongoing debate – internally and with the ESF – in the past two years **concerning a suitable legal status for COST has caused some concern and uncertainty among all participants.**
By establishing the COST Office at the ESF in 2002, Germany wanted to **use synergy** in external relations and save costs through the joint use of infrastructure and administrative staff.
Recent experience has shown that, due to the different missions of COST and ESF, a genuine integration of programmes will not be possible if, at the same time, both organizations want to retain their independent governance structures and keep their scope with regard to organizing their activities.

Whether or not the ESF intends to act as implementing agency in the future is still unclear. **Contradictory statements have been made by the ESF management and the ESF member organizations** on this point. **In our view, it is therefore extremely important that we now find a stable and viable solution which ensures that COST will continue as a separate programme. The creation of a separate legal structure for COST is the right path** and is supported by a majority of 26 of the 35 COST member states.

One recommendation in all reports and analyses – for example the Monfret Report (2007), the Kneucker Report (2008) and the SWOT analysis (2009) – **is that COST should establish a separate legal entity in order to be able to negotiate with all partners on an equal footing.** We have discussed this point in detail both within this body and in Germany and reached the conclusion that a separate legal status for COST would be the best solution in the long term. **Germany has therefore taken the initiative together with Spain and asked Professor Fedi to invite the COST member states to a meeting to establish a COST Office Association in the form of an international non-profit organization under Belgian law (Association internationale sans but lucratif**, **AISBL).**

With the COST Office Association (COA), a separate legal entity will be created for COST which – after receiving its mandate from the Committee of Senior Officials (CSO) – should conduct negotiations with the Commission on behalf of COST and will, in the medium term, be able to act as implementing agency for COST if the member states so wish. **A separate legal status will enable COST to act as an equal partner.**

This would settle the matter for all stakeholders and remove past concerns and uncertainty. Future efforts could then completely focus again on the best possible implementation of scientific activities.

In order to enable a smooth transition, Germany endorses the approach of **confirming the ESF as implementing agency for COST for the entire FP7.**

By establishing the COST Office Association and mandating it as implementing agency for COST, considerable savings can be achieved in the long term compared with the current arrangement, under which ESF is acting as implementing agency, as our French colleague explained at the last CSO meeting. **We welcome the support by Italy, Denmark and Finland for our joint initiative with Spain** to establish a COST Office Association under Belgian law and would be pleased if more countries would approve this approach.

SPEAKING NOTES OF THE COST CSO PRESIDENT PROFESSOR FRANCESCO FEDI ABOUT THE HORVAT REPORT

The Report of the Panel established for the mid term evaluation in FP7 and chaired by Professor Manfred Horvat was received only a few days ago. The COST Committee of Senior Officials (CSO) already adopted a preliminary statement in response to the report. In addition, I think it is worthwhile to share with you my first, more personal, reactions to the Report, pending the more detailed examination by the CSO.

a) About the additional 40 M€ for COST

I noted with pleasure, as did the CSO, that the Panel acknowledged the success of COST Actions as an important activity in the ERA. The CSO also welcomed the positive recommendation to allocate for COST the additional EUR 40 million thus bringing the total budget to EUR 250 million for the duration of FP7. As indicated in the statement by the CSO, COST will continue to work with the ESF on joint efforts regarding synergies and networking, thus deepening useful scientific cooperation for the benefit of the European scientific community. Moreover COST, for its part, confirmed the ESF as the implementing agent for COST until the end of FP7.

b) About the recommendations concerning the COST Governance

Here, I must confess, I have some reservations.

1. The Horvat Report, after a period of only about two years from the previous one (the Monfret Report), recommended significantly different solutions for the governance of COST. I take this to reflect the fact that identifying perfect solutions to European wide governance of R&D cooperation is indeed a complex task.

2. The recommendations of the Monfret Report (either COST establishes an independent legal status or ESF takes over COST) were based on the consideration that the present solution of EC-ESF contract for COST is certainly not the best solution from a legal point of view. Somebody calls it a "juridical monster" referring to the fact that two bodies (ESF and EC) establish a contract about a third body (COST) which, not having a legal personality, cannot enter in the contract and yet the action by ESF in the implementation of the contract has to be approved by COST. In a previous report (Kneucker Report) this was defined as an "Institutio claudicans" (limping institution): a table with only two legs needs a third leg to be stable or otherwise is "claudicans".

3. COST took very seriously the Monfret recommendations into account. On one side COST confirmed ESF as its implementing agent until the end of FP7 not to stop abruptly the COST research activities. On the other side the 75% majority of COST Member States were of the opinion to set up an AISBL – the COST Office Association - which could give COST access to legal personality and be nominated implementing agent of COST, if and when COST so decided.

4. My reservations concern in particular the three recommendations of the Horvat Report. The first recommendation **"ESF takes over COST"** had already been considered and unanimously rejected by the 35 COST Member States. The second one **"COST should be included in the Framework Programmes"** seems to be in contrast to the decision taken by the Commission in 2002 and confirmed several times later that COST is not the EC core business and therefore should find another solution for its governance. The third one **"COST Member States should fund the COST activities themselves"** seems not to acknowledge that this is exactly what happens in COST where research activities are nationally funded, and moreover the FP budget comes from the Member States and thus could also be already considered a "common pot". In any case the funding that COST receives from the Framework Programmes is only about 1% of the total value of the COST Actions and is used simply for the networking: a fortunate intuition of the father founders of COST in 1970 that makes COST one of the most efficient models for international R&D cooperation. Notwithstanding the academic merits of the options identified in the Horvat reports, it was the feeling within the CSO that they lack realism and do not cover the whole spectrum of possible solutions. **For its part, the CSO has been focussing on the second recommendation indicated in the Monfret Report,** i.e. that COST should establish **an independent legal entity**, on which the attention of COST was concentrated for more than two years. As you will be aware, this examination has lead to a large majority of COST member states to conclude that this solution would best serve the interests of the European scientific community and ensure maintaining the characteristics of COST, which were considered of great value also by the Horvat panel. **Consequently, on the 8th of June 2010 a meeting has been convened to set up a non profit Association – the COST Office Association (COA) - which would give COST an access to a legal personality and which, as I said previously, may be nominated COST implementing agent if and when COST so decides.**

5. It is acknowledged that, in general, reports prepared by independent experts are of advisory nature to the Commission. Obviously, such reports have the same advisory nature in so far as the Member States' political decisions on the COST governance are concerned. I trust that COST member states have already taken the arguments expressed in the Horvat report, and in fact already well known notably on the basis of the Monfret report, into careful consideration when establishing their positions on this matter.

c) About the rest of the Horvat report

As I said the report was received only a couple of days before this meeting. I am sure that the COST CSO will give careful attention to the Horvat report and will consider it in its subsequent full response.