

Rules of Procedure for the ESO Users Committee

Approved by the ESO Director General on 22 November 2010

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Rule 1 – Composition

1. The Users Committee is composed of one delegate from each of the ESO Member States and one from Chile. The delegates shall be active research astronomers experienced in the use of ESO observing facilities.
2. Delegates to the Users Committee shall be appointed by the Director General for a non-renewable term of three years in accordance with the following procedure:
 - 2.1 The Director General shall notify the competent national authorities of each Member State and Chile in writing of the need to appoint a delegate at least six months before the expiration of the term of the current delegate. The competent national authorities are:
 - a) the ESO members of Council in the case of the Member States,
 - b) the national Chilean ESO Committee in the case of Chile.
 - 2.2 Upon request from ESO, the competent national authorities shall provide to the Director General the names and curricula of three suitable candidates, who shall be affiliated with national institutes of the proposing Member State or Chile. The delegate shall be appointed by the Director General from amongst those three candidates. Should the Director General consider that none of the proposed candidates is suitable, the names and curricula of alternative candidates will be requested to the competent national authorities. The Director General shall communicate the appointment to the competent national authorities in writing no later than three months before the expiration of the term of the current delegate.
3. If an exceptional circumstance prevents a delegate from attending a meeting, (s)he may be represented by an alternate for the meeting concerned. The Director General shall be informed thereof in writing not later than two weeks before the meeting concerned by the competent national authorities, who shall propose an alternate. The Director General shall communicate to the competent national authorities her/his acceptance, or not, of the proposed alternate. The alternate shall hold full delegate's rights unless otherwise stated in the written notification. The Director General shall inform the Chair of the Users Committee thereof.

4. For the purpose of these Rules, “members of the Users Committee” refers to the Chair of the Users Committee and the delegations. A “delegation” is composed of the delegate of a Member State or her/his alternate.
5. No remunerated member of the personnel of the Organisation may act as a delegate or an alternate to the Users Committee.

Rule 2 – Chair and Vice-Chair of the Users Committee

- 1.1 The Users Committee shall elect from among its members a Chair and a Vice-Chair, who shall hold office for one year and may be re-elected twice for a further year.
- 1.2 The election of the Users Committee Chair and Vice-Chair shall take place in closed session during its annual meeting.
- 1.3 The names of the Chair and Vice-Chair shall be notified to ESO Management immediately following the closed session in which the election took place.
2. If the Chair is temporarily unable to fulfil her/his functions or has a conflict of interest during a meeting, the Vice-Chair shall act in her/his stead.
3. In the event of resignation or permanent unavailability of the Chair, the Vice-Chair shall act as Chair until the end of the term of office of the original Chair, unless the Users Committee decides to elect a new Chair.
4. If the Vice-Chair is temporarily unable to fulfil her/his functions or has a conflict of interest during a meeting, the most senior from amongst the longest serving delegates shall act as Vice-Chair in her/his stead.
5. In the event that neither the Chair nor the Vice-Chair are able to attend a meeting of the Users Committee, the meeting shall be opened by the most senior from amongst the longest serving delegates, who shall immediately invite the Users Committee to elect an ad hoc Chair. The ad hoc Chair shall then preside over the meeting while the Chair and Vice-Chair are absent.
6. The Organisation shall assume the travel and subsistence expenses of the members of the Users Committee attending the meetings of the Users Committee in this capacity.

Rule 3 – Users Committee Secretariat

1. ESO shall provide the Secretariat for the Users Committee.
2. The Secretariat shall draft the minutes.

Rule 4 – Meetings

1. The Users Committee shall meet once a year, which shall normally be immediately after the Scientific and Technical Committee meeting which is held in April of each year. Exceptionally the Director General and the Chair of the Users Committee in agreement may modify the date if so justified by other events at ESO.
2. Upon proposal of the Chair of the Users Committee to the ESO Management, a mid-term teleconference among the members of the Users Committee and ESO representatives shall take place between five to seven months after the last Users Committee meeting.
3. Meetings shall be held at the Organisation's Headquarters.
4. Meetings of the Users Committee shall be open unless the Chair, in consultation with the Director General, decides that an individual item or items shall be discussed in closed session.

Rule 5 – Attendance

1. Meetings shall not be held in public.
- 2.1. An open meeting or session may be attended by the members of the Users Committee, the Director General assisted by such members of personnel of the Organisation as (s)he deems necessary and, at the invitation of the Director General, by other persons whose presence is required for the discussion of selected items in the agenda. Open meetings or sessions shall be recorded.
- 2.2. Community representatives shall participate in the session devoted to the Special Topic (Rule 6 para. 2.3). These representatives shall be invited by ESO upon consultation with the Chair of the Users Committee.

3. To deal with matters of particular confidentiality the Users Committee shall meet in closed session. In this case only members of the Users Committee shall be present. Closed sessions shall not be recorded. The Chair shall formulate the conclusions of closed sessions for the minutes, if appropriate.
4. The Director General or a member of the personnel assisting her/him may submit to the Users Committee, orally or in writing, statements on any matter before the Users Committee meeting.
5. Exceptionally, a delegation or other persons participating in a Users Committee meeting may, at the sole discretion of the Chair, attend via teleconference or videoconference subject to technical feasibility and upon acceptance by the Director General.

Rule 6 – Agenda

1. ESO shall prepare a draft agenda in consultation with the Chair, and shall make it available to the members of the Users Committee not less than three weeks before each meeting. ESO and the Chair of the Users Committee shall jointly determine whether any items for discussion should be treated as confidential, and shall clearly indicate the confidentiality on the draft agenda and on any documents relating to those agenda items. Documents concerning matters on the draft agenda shall be made available to the members of the Users Committee at least two weeks before each meeting.
 - 2.1. The draft agenda shall comprise, in particular,
 - reports from the La Silla Paranal Observatory,
 - reports from ALMA,
 - reports from Operations,
 - reports from the Observing Programmes Office,
 - a tour de table where each delegation will highlight the most relevant points on behalf of her/his represented community,
 - a session devoted to a Special Topic (Rule 6 para. 2.3),

- a review of the implementation of previous recommendations from the Users Committee to ESO,
- a session on new recommendations from the Users Committee to ESO.

2.2 In preparation for the meeting, the following documents shall be provided by ESO and made available to the members of the Users Committee not less than three weeks in advance of the meeting:

- La Silla end-of-mission reports,
- Paranal end-of-mission reports,
- Feedback from Service Mode users,
- Data Management and Operations fact sheet,
- La Silla Paranal Observatory fact sheet,
- ALMA fact sheet,
- Observing Programmes Office fact sheet.

In parallel, fact sheets collecting the feedback received from their respective communities shall be prepared by each delegation and sent to the Chair of the Users Committee, who shall collate them and make them available to ESO at least two weeks in advance of the Users Committee meeting.

2.3 A Special Topic shall be selected each year by ESO in consultation with the Chair of the Users Committee for discussion on the basis of its relevance to the current performance of the ESO Observatories, or the imminent availability of a new facility of interest to the ESO users' community. Preference shall be given to topics on which ESO is particularly interested in seeking feedback from the users' community.

2.4 The Special Topic session shall be open and shall consist of presentations given by ESO and, whenever it applies to the selected item, by at least two representatives of the users' community with ample experience in that topic, who have been invited by ESO after consultation with the Chair of the Users Committee.

- 2.5 The Special Topic session shall include ample time for discussion among the members of the Users Committee, the ESO representatives and the community representatives.
3. The draft agenda with any proposed modifications shall be discussed and approved by the Users Committee immediately after the opening of each meeting. Other items may be added to the draft agenda.

Rule 7 – Conflict of Interest

1. All members of the Users Committee are in a position of trust.
2. It is the responsibility of all members of the Users Committee to recognize and declare to the Users Committee any such actual or potential conflict of interest immediately they become aware of it.
3. If an actual or potential conflict of interest arises, the delegate or alternate concerned may be requested by the Chair to withdraw from the discussion of that item.
4. The request to withdraw may be challenged, in which case the Users Committee shall decide if the delegate or alternate concerned should withdraw from the discussion of that item.
5. The Users Committee shall decide what action shall be taken in case of failure to report a conflict of interest.

Rule 8 – Conduct of Meetings

1. The organisation of the Users Committee meetings shall be the sole responsibility of ESO.
2. Before the beginning of a meeting ESO shall verify whether all delegations have been duly appointed.
- 3.1. The Chair shall, subject to the provisions of these Rules, control the proceedings of the Users Committee and maintain order during its meetings.
- 3.2. (S)he shall declare the opening and closing of each meeting, direct the discussions and sum them up, ensure observance of these Rules, accord or withdraw the right to speak and announce the decisions and recommendations.

- 3.3. (S)he may adjourn or close a debate, or adjourn or suspend a meeting.
- 4.1. The Chair may call to order a speaker whose remarks are not pertinent to the subject at issue.
- 4.2. The amount of time to be allowed to each delegate or alternate and the number of times each delegate or alternate may speak on any question may at any time be limited by the Chair. This also applies to any other person attending Users Committee meetings.

Rule 9 – Minutes

1. Draft minutes shall be prepared giving the substance of the discussions in the open sessions and the recommendations formulated to ESO by the Users Committee. Exceptionally draft minutes of closed sessions shall be prepared if so decided by the Chair. After approval by ESO and the Chair of the Users Committee they shall be made available to the delegations, normally at least thirty days before the next Users Committee meeting.
 - 2.1. Proposals for amendment of the draft minutes shall be sent by the delegations to the Chair of the Users Committee in writing within fifteen days after the date of their communication, who shall compile and communicate them to ESO.
 - 2.2. Exceptionally, amendments may be proposed orally by a delegation during the Users Committee meeting at which the minutes are due to be approved.
3. At the beginning of each meeting the draft minutes of the previous meeting, after consideration of any amendment(s) proposed, shall be approved by the Users Committee.

Rule 10 – Confidentiality and Access to Information

1. Members of the Users Committee and all other persons attending Users Committee meetings shall maintain the confidentiality of proceedings and documents relating to all matters identified as confidential, regardless of the manner of their transmission.
 - 2.1 Requests by members of the Users Committee for access to supporting documentation or information beyond that provided shall remain exceptional.

- 2.2. Such requests, providing a detailed and specific case for access to the information requested, shall be made by a written communication addressed to the Chair of the Users Committee, who shall inform ESO.
- 2.3. ESO shall decide on the basis of the case made whether or not to grant the request in full or in part.
- 2.4. If the request is granted, the information to which access has been approved will be made available to the delegation to the Users Committee of the Member State concerned. The document consultation will take place at the Organisation's Headquarters for a duration of no more than one day. Notes may be made but documents may neither be reproduced nor transmitted outside the ESO premises by any means.

Rule 11 – Communications

1. In the interests of rapid and efficient communication among members of the Users Committee and other persons attending Users Committee meetings, the Users Committee shall whenever possible make use of generally available electronic communications facilities, especially electronic mail (e-mail) and the internet. The Secretariat shall maintain a list of e-mail addresses relevant to the work of the Users Committee, and shall provide such information to the members of the Users Committee upon request.
2. The implementation of Users Committee recommendations to ESO will normally be communicated by ESO to the Users Committee at the annual meetings and, if applicable, at the mid-term teleconferences (Rule 4 para. 2). ESO may also contact the Chair of the Users Committee outside these periods to communicate the implementation of services of special interest to users, or to transfer information that can best be conveyed to the national user communities through their delegations.
3. Where documents and other communications subject to deadlines have to be transmitted, the relevant deadline shall be deemed to be met if within the time limit the documents or other communications are transmitted by e-mail or made available on the internet link provided by the Secretariat. The Secretariat shall notify the members of the

Users Committee by e-mail when such documents have been made available on the internet.

Rule 12 – Interpretation of these Rules

1. The Director General shall be the sole authority for the interpretation of these Rules.
2. Where applicable and possible, interpretation of these Rules shall correspond to the principles laid down in the Rules of Procedure of the Council.

Rule 13 – Entry into Force

These Rules shall come into effect on the date of their approval by the Director General. As from the date of their entry into force, any previous rules of procedure applicable to the Users Committee are repealed.