Summary of conclusions and decisions from the 79th meeting of the ESRF Council held in Grenoble on 29 and 30 November 2022

(as approved by the Chair)

Item 1 - Adoption of the agenda

The Council adopted the agenda for its 79th meeting as proposed by the Chair (ESRF/COUNCIL/22.31).

Item 2 - Minutes of the 78th meeting of the Council held in Grenoble on 21-22 June 2022

(a) Approval

The Council approved the minutes of its 78th meeting held in Grenoble on 21-22 June 2022 (ESRF/COUNCIL/22.30, attached to ESRF/COUNCIL/22.32).

Item 2 - Minutes of the 78th meeting of the Council held in Grenoble on 21-22 June 2022

(b) Matters arising

The Council took note of the state of the different matters arising from the minutes of the 78th meeting of the Council, as listed in document ESRF/COUNCIL/22.33, and complemented orally by the Secretary of Council.

Item 3 - Report by the Chair of the Council

The Council took note of the oral report from the Council Chair.

Item 4 - Report by the Director General

The Council took note of the report from the Director General, as presented in his written report (ESRF/COUNCIL/22.35) and complemented orally.

Item 5 -Exchange with CSE delegation

The Council took note of the statements of the staff representatives and thanked them.

Item 6 - Scientific and Infrastructure matters

(a) Accelerator and Source Matters

The Council took note of the oral report by Management, made in reference to the first section dedicated to Accelerator and Source Matters (pages 3-7) of the Director General's Report (ESRF/COUNCIL/22.35).

Item 6 - Scientific and Infrastructure matters

(b) Report by the Chair of the Machine Advisory Committee (MAC)

The Council took note of the MAC Report from the 17th MAC meeting on 7-8 November 2021 (attached to document ESRF/COUNCIL/22.38), complemented orally by the MAC Chair.

Item 6 - Scientific and Infrastructure matters

(c) Experimental Programme Matters

The Council took note of the oral report by Management, made in reference to the second section, dedicated to Experimental Programme matters (pages 8-46), of the Director General's Report (ESRF/COUNCIL/22.35).

Item 6 - Scientific and Infrastructure matters

(d) Medium-Term Scientific Programme

The Council took note of the Medium-Term Scientific Programme (ESRF/SAC/83-03, attached to ESRF/COUNCIL/22.40), as commented orally by Management.

Item 6 - Scientific and Infrastructure matters

(e) Report by the Chair of the Science Advisory Committee

The Council took note of the SAC Report from the 85th SAC meeting held at the ESRF on 9-10 November 2022 (attached to document ESRF/COUNCIL/22.41), complemented orally by the SAC Chair.

Item 7 - Legal and procedural matters

(a) Written Procedures - settled

Referring to the document ESRF/COUNCIL/ESRF/22.42, the Council took note that, since its previous meeting, the following decisions had been made by correspondence:

- *by the deadline of 18 July 2022, the proposed award of the external audit contract for the period 2023-2027, as described in document ESRF/COUNCIL/22.01_WP, was approved unanimously; and*
- *by the deadline of 25 November 2022, the proposed Contract for the installation and operation of the cryo-electron microscope CM02 at the ESRF, as described in document ESRF/COUNCIL/22.02_WP, was approved unanimously.*

Item 7 - Legal and procedural matters

(b) Status of arrangements with Associates and status of negotiations with other possible partners

The Council, referring to the table attached to the document ESRF/COUNCIL/22.43, took note of the status of the arrangements with Associates, as complemented orally by Management.

Item 7 - Legal and procedural matters

(c) EMBL – Statistics on the use of MX beamlines

The Council:

- *took note of the EMBL's request to have access to ESRF data on the use of the jointly operated MX beamlines; and*
- *authorised Management to supply to the EMBL Grenoble the information as proposed in the document ESRF/COUNCIL/22.44.*

Item 8 -Personnel matters and Committees (Restricted Session)

(a) Operation Matters

The Council took note of the information provided orally by Management.

Item 8 -Personnel matters and Committees (Restricted Session)

(b) Chairmanship of AFC and Council beyond 2022

The Council, referring to the document attached to ESRF/COUNCIL/22.46, approved:

- *the appointment of Patrice Soom and Stéphanie Lê Vàn as Chair and Vice-Chair of the AFC respectively, for a new 2-year mandate starting on 01 January 2023; and*
- *the extension of the appointment of Helmut Dosch and Elias Vlieg as Chair and Vice-Chair of the Council respectively, for a further year, until 31 December 2023.*

Item 8 -Personnel matters and Committees (Restricted Session)

(c) Directors' appointments

The Council:

- *took note of the proposed timeline for the recruitment of the ESRF Director General for the period 1 September 2024 - 31 August 2029, and approved the appointment of the Search Committee for this recruitment, as described in the document ESRF/COUNCIL/22.47; and*
- *agreed that a further two experts should be identified no later than 21 December 2022 by the Heads of Delegation, and subsequently appointed to the Search Committee by correspondence. This process should be completed as early as possible in January 2023.*

Item 9 - Financial, personnel and commercial matters

(a) Report by the Chair of the Administrative and Finance Committee (AFC)

The Council took note of the report of the Chair of the Administrative and Finance Committee, who drew the attention of Council to the Summary of Conclusions of the 83rd AFC meeting held on 13-14 October 2022 (ESRF/AFC/22.24, attached to ESRF/COUNCIL/22.48).

Item 9 - Financial, personnel and commercial matters

(b) Final accounts for the financial year 2021

The Council, referring to document ESRF/AFC-AC/22.01, attached to ESRF/COUNCIL/22.49, and following the recommendation of the AFC:

- *approved the final accounts for the financial year 2021; and*
- *discharged the Director General with respect to the implementation of the budget for 2021.*

Item 9 - Financial, personnel and commercial matters

(c) Expenditure situation at 31 August 2022 and second revision of the 2022 budget

The Council, referring to document ESRF/AFC/22.18, attached to ESRF/COUNCIL/22.50, took note of:

- *the expenditure and income situation at 31 August 2022, including the status of calls for funds and the cash flow situation; and*
- *the transfers and other modifications decided by the Director General in accordance with his delegated authority, and with §§ 16.1, 16.6 and 16.7 of the Financial Rules.*

Item 9 - Financial, personnel and commercial matters

(d) Long-Term Planning (2022-2031) including the ESRF-EBS project

The Council took note of the information presented in the document ESRF/AFC/22.19, attached to ESRF/COUNCIL/22.51, and complemented orally by Management.

Item 9 - Financial, personnel and commercial matters

(e) Medium-Term Financial Estimates (2023-2027)

The Council, referring to the document ESRF/AFC/22.20, attached to ESRF/COUNCIL/22.52, took note of the summary by nature of expenditure of the Medium-Term Financial Estimates (including the Medium Term Scientific Plan), supplemented by the corresponding Staff Plan, for the period 2023 – 2027.

Item 9 - Financial, personnel and commercial matters

(f) Proposed budget for 2023

The Council, referring to document ESRF/AFC/22.21 (attached to ESRF/COUNCIL/22.53), approved the ESRF 2023 Budget, with a planned expenditure of 113 207 k€, based on an increase of 3% of Members' and Scientific Associates'/Associate contributions, leading respectively to a total of 106 421 k€ and 6 786 k€ (see document ref. ESRF/AFC/22.21, including ESRF/BUDG/23.01-A).

Item 9 - Financial, personnel and commercial matters

(g) Level of contributions to the 2024 budget

The Council took note that the planned expenditure budget for the year 2024, based on a 3% increase in 2023 contributions, amounts to 112 733 k€, requiring contributions from Members and Scientific Associates/Associates of 105 249 k€ (ESRF/AFC/22.22 attached to ESRF/COUNCIL/22.54).

Item 10 - Any other business

(a) DUBBLE CRG Beamlines

The Council:

- *took note of the letter from the Chair of the DUBBLE steering committee requesting a two-year extension of the existing operation contracts for the DUBBLE CRG beamlines; and*
- *subject to the positive outcome of the evaluation of the proposed project by the FWO, approved a further extension of the ongoing contracts with FWO for the operation of the DUBBLE CRG BM14 and BM26 beamlines for the period 2023-2024, each at 50% of their normal beam time delivery capacity (approximately 200 shifts/year per beamline), while respecting the usual ratio of beam time made available for CRG use and the ESRF public programme.*

Item 10 - Any other business

(b) Dates of the next Council meetings

The Council:

- *took note of the table attached to ESRF/COUNCIL/22.56;*
- *took note that its next meeting will take place on 19-20/06/2023 in Grenoble;*
- *confirmed the date of its autumn 2023 meeting, to be held on 28-29/11/2023 in Grenoble;*
- *reserved a date for its spring 2024 meeting (proposed date 25-26/06/2024), proposed to take place in Hamburg; and*
- *reserved a date for its autumn 2024 meeting (proposed date 26-27/11/2024) to be held in Grenoble.*