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COMMISSION STAFF WORKING DOCUMENT

Accompanying document to the

COMMUNICATION FROM THE PRESIDENT TO THE COMMISSION

**FRAMEWORK FOR COMMISSION EXPERT GROUPS:
HORIZONTAL RULES AND PUBLIC REGISTER**

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FRAMEWORK FOR COMMISSION EXPERT GROUPS: HORIZONTAL RULES AND PUBLIC REGISTER

The new framework for Commission expert groups aims at simplifying and clarifying rules, increasing transparency and enhancing coordination, while reducing the administrative workload for services, and includes a revised set of horizontal rules for Commission expert groups ('horizontal rules').

The present Commission staff working document complements the abovementioned framework with the following documents:

- an outline of the main features of the Register of Commission expert groups and other similar entities (Annex I);
- a standard Commission decision setting up an expert group¹ (Annex II);
- a standard call for applications regarding the selection of experts appointed in a personal capacity (Annex III);
- standard rules of procedure of an expert group (Annex IV).

¹ Any Commission decision setting up an expert group has to be accompanied by a simplified financial sheet, in accordance with the provisions set out in Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 1).

ANNEX I

MAIN FEATURES OF THE REGISTER OF COMMISSION EXPERT GROUPS AND OTHER SIMILAR ENTITIES

1. INTRODUCTION

In light of the evaluation report on the implementation of the horizontal rules within the framework for Commission's expert groups¹, and of the overall experience gained since 2005, a new version of the Register of expert groups is needed, notably in order to provide more accurate information on the type of entities listed, the groups' membership and the activities carried out, as well as to improve the procedure for establishing new groups through the Register of expert groups. Encoding requirements for services should also be streamlined and simplified.

Migration tools ensuring automatic transfer of existing data from the current Register to the new one, when technically possible, should be put in place, in order to reduce the administrative burden for services and to avoid having to encode data which have already been provided. This will apply in particular to data concerning categories and members of groups.

2. CREATION OF A NEW CATEGORY "OTHER SIMILAR ENTITIES"

The existing Register of expert groups includes expert groups according to the definition provided in the Commission framework, and also a number of other entities which have not been created by the Commission, the role of which is the same as, or similar to, that of Commission expert groups and for which the Commission services ensure administrative and financial management. This situation is not satisfactory, as, by listing different entities together, the Register is likely to create confusion within the Commission and for the general public.

For transparency reasons, the new version of the Register of expert groups will clearly distinguish between, on the one hand, Commission expert groups as defined by the horizontal rules and, on the other hand, other similar entities, by creating a separate category for the latter. The title of the Register of expert groups will change accordingly as follows: "Register of Commission expert groups and other similar entities" ("the Register"). Other groups, such as joint entities and sector and cross-industry social dialogue committees, which are not currently listed shall continue not to be listed. Finally, ad hoc events and conferences will continue not to be listed in the Register. In the same way as the Register of expert groups, the Register of Commission expert groups and other similar entities will include an internal application which will be accessed by Commission departments when encoding data, and a public register on the internet where each group is transferred once all data have been encoded.

¹ SEC(2009) 486 of 2.4.2009.

3. CENTRAL MANAGEMENT OF THE REGISTER BY THE SECRETARIAT - GENERAL

The Secretariat-General ('SG') will continue to manage the Register on the basis of data encoded by services and in close collaboration with them. In order to ensure transparency, it is vital that information made available in the Register is fully reliable. All services should regularly update data.

4. PROCESS FOR ESTABLISHING NEW GROUPS THROUGH THE REGISTER

The Register will enable Commission services to create, dissolve or modify an informal group by using a rapid and simplified procedure, as is the case today. In principle, a request by a Directorate-General ('DG') to create, change or dissolve a group will be deemed to be approved unless the SG raises an objection within five working days. However, the absence of an objection by the SG within the deadline given will not imply any budgetary authorisation. In accordance with the rules in force since budgetary decentralisation, it is the task of the DGs to ensure that expenditure for expert groups' meetings remains within the limits of their available allocations under the annual procedure for the allocation of resources.

The registration process at SG level for all new informal expert groups will be divided into two steps:

(1) Pre-authorisation

Under this first step, DGs wishing to create a new group will be required to encode most of the necessary data in the Register. On that basis, the SG will acknowledge the request and services may then proceed with the remaining requirements, notably the selection/invitation of experts;

(2) Validation and transfer to the public register

Under the second step, DGs will be required to encode the remainder of the data in the Register, including the names of experts. On that basis, the SG will give formal authorisation to create the group. The group would then be attributed a code and transferred to the public register.

DGs will also be able to proceed directly to step 2 in order to register a new group, provided they submit a complete file to SG, i.e. including the names of experts. In those cases, the group concerned does not need to be pre-authorised and is directly validated and transferred to the public register by SG.

5. MEMBERSHIP OF EXPERT GROUPS

The Register will clearly reflect the composition of expert groups, as described in Rule 8 of the horizontal rules. Several categories of expert groups will be foreseen in order to reflect the different types of membership of the groups. Each category will be attributed a unique identifier code. The title-description of each category will be specified (for example, Category A – experts in personal capacity, Category B – experts representing an interest, etc.).

6. PUBLICATION OF NAMES

Transparency rules on publication of names of members of expert groups which have been developed since June 2007 will be fully implemented, in accordance with Rule 18 of the horizontal rules.

7. INFORMATION CONCERNING EXPERT GROUPS' ACTIVITIES

For transparency reasons, the Register will allow the uploading of one short document reporting on the number of meetings held, as well as on the main activities carried out by each group each year. If no meetings have taken place in a particular year, the report should simply state that.

Instead of uploading the document referred to in the first paragraph, Commission services will also be able to include a link in the Register to dedicated web sites which provide relevant information on the activities of the expert groups in question.

8. SELECTION OF MEMBERS

In order to ensure transparency, relevant information on the selection process used will be made available in the Register.

9. "ON HOLD" EXPERT GROUPS

Currently, expert groups which do not operate on a permanent basis are put "on hold" in the internal application of the Register of expert groups - which can be accessed by Commission departments only - and are not visible in the public register. In the interests of transparency, in the future these groups will be listed in both the internal and public registers under the label "on hold groups", accompanied by a standard explanation on their status.

10. SEARCH CRITERIA

The Register will provide for a complete set of advanced search criteria, the general rule being that, in principle, it will be possible to use all fields as search criteria.

ANNEX II

COMMISSION DECISION

of [...]

setting up the group of experts on [name of group]

(20../.../EC)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) [Article X of the Treaty assigned the European Union and the Member States the task of ensuring that [...].]
- (2) With a view to [...], [in accordance with the Communication from the Commission entitled [...]/White Paper from the Commission entitled [...]/Green Paper from the Commission entitled [...]¹], the Commission may need to call upon the expertise of specialists in an advisory body.
- (3) It is therefore necessary to set up a group of experts in the field of [...] and to define its tasks and its structure.
- (4) The group should help to develop [...];
- (5) The group should be composed of [...];
- (6) Rules on disclosure of information by members of the group should be laid down.
- (7) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².
- (8) [Decision [...]/.../...] should be repealed]³.
- (9) [It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension]⁴,

¹ To be inserted as required.

² OJ L 8, 12.1.2001, p. 1.

³ To be inserted as required.

⁴ To be inserted as required

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The group of experts on [name of group], hereinafter referred to as “the group”, is hereby set up.

Article 2

Task

The group’s task shall be⁵:

- (a) to assist the Commission in [the preparation of legislative proposals/delegated acts/policy initiatives;
- (b) to establish cooperation between Member States bodies and the Commission on questions relating to [...];
- (c) to monitor the evolution of policy in the field of [...];
- (d) to bring about an exchange of experience and good practice in the field of [...].

Article 3

Consultation

1. The Commission may consult the group on any matter relating to [...]⁶.
2. [The Chairperson of the group may advise the Commission to consult the group on a specific question.]⁷

Article 4

Membership – Appointment

1. The group shall be composed of [...] members.

⁵ The following list may be adapted as required.

⁶ To be filled in as required.

⁷ To be inserted for groups which are not chaired by the Commission.

2. Members shall be individuals appointed in a personal capacity / Members shall be individuals appointed to represent an interest [...] / Members shall be organisations [...] / Members shall be Member States' authorities [...]⁸.
3. [Members shall be appointed by the Commission/the Director General⁹ of DG [...] from specialists with competence in the areas referred to in Article 2 and Article 3(1)][and who have responded to the call for applications]¹⁰ / Member States' authorities and/or organisations shall nominate their representatives [...]¹¹.
4. Members are appointed for [...] years. They shall remain in office until replaced/until the end of their term of office¹². Their term of office may be renewed¹³.
5. Provision may be made for the same number of alternates as members to be appointed. Alternates shall be appointed in accordance with the same conditions as members; alternates automatically replace any members who are absent or indisposed¹⁴.
6. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in paragraph 3 of this Article, or Article 339 of the Treaty, may be replaced for the remainder of their term of office.
7. Members appointed in a personal capacity shall act independently and in the public interest¹⁵.
8. The names of individuals appointed in a personal capacity shall be published in the Register of Commission expert groups and other similar entities ("the Register")¹⁶; / The names of individuals representing an interest shall be published in the Register; / the interest represented shall be disclosed / The names of organisations shall be published in the Register / The names of Member States' authorities may be published in the Register¹⁷.
9. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

⁸ To be deleted as required

⁹ To be deleted as required.

¹⁰ To be inserted as required.

¹¹ To be inserted as required. Provision may be made for the Commission or its services to refuse a representative nominated by an organisation if they do not consider that the nomination is appropriate on the basis of justified grounds specified when the group was set up or in the rules of procedures of the group. In such cases, the organisation concerned shall be asked to appoint another representative.

¹² To be deleted as required.

¹³ To be deleted as required.

¹⁴ Where the selection of individual experts is made through a call for applications, the Commission or its services may establish a reserve list of suitable candidates that may be used to appoint suitable replacements. The Commission or its services shall ask applicants for their consent before including their names on the list.

¹⁵ To be inserted as required.

¹⁶ Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

¹⁷ To be deleted as required.

Article 5

Operation

1. [The group shall be chaired by a representative of the Commission] / [The Commission services shall appoint the Chairperson of the group] / [The group shall elect a Chairperson from amongst its members by a [simple] [qualified] majority].¹⁸
2. In agreement with the Commission services, the group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the group. Such sub-groups shall be disbanded as soon as their mandate is fulfilled.
3. The Commission's representative may invite experts from outside the group with specific competence in a subject on the agenda to participate in the work of the group or sub-group on an ad hoc basis. In addition, the Commission's representative may give observer status to individuals, organisations as defined in Rule 8(3) of the horizontal rules on expert groups and candidate countries.
4. Members of expert groups and their representatives, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom¹⁹. Should they fail to respect these obligations, the Commission may take all appropriate measures.
5. The meetings of expert groups and sub-groups shall be held on Commission premises. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the group and its sub-groups.
6. The group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups²⁰.
7. The Commission publishes relevant information on the activities carried out by the group either by including it in the Register or via a link from the Register to a dedicated website.

Article 6

Meeting expenses

1. Participants in the activities of the group shall not be remunerated for the services they render.

¹⁸ To be deleted as required.

¹⁹ Commission Decision of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

²⁰ To be inserted as required. Adopting rules of procedure is not mandatory.

2. Travel and subsistence expenses incurred by participants in the activities of the group shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

[Article 7²¹

Repeal

Decision [.../.../EC]²² is repealed.]

Article 8

Applicability

This Decision shall apply until [...].

Done at Brussels, [...]

For the Commission

[name of the Member of the Commission]

Member of the Commission

²¹ To be inserted as required.

²² OJ L [...], [...], p. [...] – reference to be inserted in case of an existing Commission Decision to be repealed.

ANNEX III

Call for applications for the selection of experts appointed in a personal capacity

[By decision of [...]¹, the Commission has set up a group of experts [...] / [DG [...] has set up a group of experts]². The task of the group of experts is to [...].

The Commission is therefore calling for applications with a view to selecting members of the group of experts.

The group of experts shall consist of [...] members appointed in a personal capacity, in accordance with Article [...] of the above Decision³.

The Commission will take the following criteria into account when assessing applications:

- proven competence and experience, including at European and/or international level, in areas relevant to [...],
- the need to strike a balance within the group of experts in terms of representativeness of applicants, gender and geographical origin⁴,
- members of the group of experts must be nationals of a Member State of the European Union or, if appropriate, of an acceding country or a European Economic Area country [or a state which has signed an association agreement or a third country]⁵. The duly signed applications must be sent by [...] at the latest. The date of sending will be established as follows:
 - Where applications are sent by e-mail, the date of the e-mail will be the date of sending.
 - Where applications are sent by post to the following address: European Commission, DG [...], Unit [...] secretariat, B-1049 Brussels, the postmark will be considered the date of sending.
 - Where applications are hand-delivered to the following address: European Commission, DG [...], Unit [...] secretariat – [address], the date on the receipt given upon delivery will be considered the date of sending.

Applications must be completed in one of the official languages of the European Union, clearly indicating the applicant's nationality and including the necessary documentation⁶. All applicants must document their professional experience and expertise in full [by means of a

¹ Decision [.../.../...]. To be inserted as required.

² To be deleted as required.

³ To be inserted as required.

⁴ Commission Decision 2000/407/EC of 19 June 2000 relating to gender balance within the committees and expert groups established by it (OJ L 154 of 27.6.2000, p. 34).

⁵ To be deleted as required.

⁶ To be adapted as required.

curriculum vitae⁷ and, if appropriate, a letter in support of their application]. The following information should also be included: [the list below is not exhaustive]

- The authority/organisation for which the applicant has been working and the length of time he/she has worked there.
- Other authorities/organisations, for which he/she has worked in the past.
- His/her specific competences.
- The specific projects and or tasks he/she has been involved in.
- Any works that he/she has published on [...].
- Any experience he/she has acquired at EU and international level.
- His/her major professional challenges foreseen in the near future.
- Any interests that he/she has, which may prejudice his or her independence.

The Commission shall select members in a personal capacity [for a ... year renewable mandate]⁸. Members shall give the Commission an independent opinion free from outside influence and shall respect the conditions of confidentiality mentioned in Article [5] of the Commission Decision establishing the group of experts⁹. They shall commit to act independently and in the public interest.

Travel and subsistence expenses incurred by participants in the activities of the group shall be reimbursed by the Commission in accordance with the provisions in force at the Commission within the limits of the available budgetary appropriations. Members will receive no remuneration for their duties.

The list of members of the group of experts [...] shall be published in the Register of expert groups¹⁰.

Personal data will be collected, processed and published in accordance with the provisions of Regulation (EC) No 45/2001¹¹.

For any further information please contact [Mr / Ms [...]], Telephone: (32-2) [...], Fax: (32-2) [...], e-mail: [...].

Information on the results of the call for applications will be published at least on the Internet site of the DG concerned and, if appropriate, in the *Official Journal of the European Union*.

⁷ All curricula vitae should be submitted in the European format: www.cedefop.eu.int/transparency/cv.asp.

⁸ To be inserted as required.

⁹ To be inserted as required.

¹⁰ Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

¹¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8 of 12.1.2001, p. 1).

Appointment of the members of the group of experts [...].

In accordance with Article [...] of the Commission decision of [date] setting up a group of experts to [...] ¹² and the call for applications published on the Internet site of DG [...] and/or in the *Official Journal of the European Union* ¹³, the Commission appointed on [date], the following members of the group of experts in a personal capacity [for a [...] year renewable mandate], from [...]:

- Name, title
- etc.

Personal data have been collected, processed and published in accordance with the provisions of Regulation (EC) No 45/2001.

¹² To be inserted as required.

¹³ Please give the reference.

ANNEX IV

RULES OF PROCEDURE OF THE GROUP OF EXPERTS ON [Name of group]

THE GROUP [*name of group*],

Having regard to the Commission Decision setting up the group [...]¹,

Having regard to the standard rules of procedure of expert groups²,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Convening a meeting

1. Meetings of the group are convened by the Chair, either on its own initiative, or at the request of a simple majority of members after the Commission's service has given its agreement.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the group shall be held on Commission premises.

Article 2

Agenda

1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group.
2. The agenda shall be adopted by the group at the start of the meeting.

Article 3

Documentation to be sent to group members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than thirty calendar days before the date of the meeting.
2. The secretariat shall send documents on which the group is consulted to the group members no later than fourteen calendar days before the date of the meeting.

¹ To be inserted as required.

² SEC(2010) yyy.

3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced to five calendar days before the date of the meeting.

Article 4

Opinions of the group

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus.
2. In the event of a vote, the outcome of the vote shall be decided by a simple majority of the members.

Article 5

Sub-groups

1. In agreement with the services of the Commission, the group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the group; such sub-groups shall be disbanded as soon as their mandate is fulfilled.
2. The sub-groups shall report to the group.

Article 6

Admission of third parties

The Commission's representative may invite on an ad hoc basis experts from outside the group with specific competence in a subject on the agenda to participate in the work of the group or sub-groups. In addition, the Commission's representative may give observer status to individuals, organisations as defined in Rule 8(3) of the horizontal rules on expert groups, and candidate countries.

Article 7

Written procedure

1. If necessary, the group's opinion or recommendation on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the document(s) on which the group is being consulted.
2. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

Article 8

Secretariat

The Commission shall provide secretarial support for the group and any sub-groups created under Article 5(1) above.

Article 9

Summary minutes of the meetings

Summary minutes on the discussion on each point on the agenda and the opinions delivered by the group shall be drafted by the secretariat under the responsibility of the Chair. The minutes shall not mention the individual position of the members during the group's deliberations. [The minutes shall be adopted by the group.]³

Article 10

Attendance list

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list specifying, where appropriate, the authorities, organisations or bodies to which the participants belong.

Article 11

Conflicts of interest

1. Should a conflict of interest in relation to an expert arise, the Commission services may exclude this expert from the group or a particular meeting thereof or they may decide that the expert in question shall abstain from discussing the items on the agenda concerned and from any vote on these items.
2. At the start of each meeting, any expert whose participation in the group's work would raise a conflict of interest shall inform the Chair.
3. Conflicts of interest shall be reported in writing, e.g. in the summary minutes of the group's meeting.
4. Paragraphs 1, 2 and 3 shall also apply to deliberations taken by the group in written procedure.

³ To be deleted as required.

Article 12

Correspondence

1. Correspondence relating to the group shall be addressed to the Commission, for the attention of the Chair.
2. Correspondence for group members shall be sent to the [e-mail] address which they provide for that purpose.

Article 13

Access to documents

Applications for access to documents held by the expert group will be handled in accordance with Regulation (EC) No 1049/2001⁴ and detailed rules for its application⁵.

Article 14

Confidentiality of deliberations

1. The group's deliberations shall be confidential.
2. In agreement with the Commission's services, the group may, by a simple majority of its members, decide to open its deliberations to the public.

Article 15

Protection of personal data

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001⁶.

⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁵ Commission Decision 2001/937 of 5.12.2001. OJ L 345 of 29.12.2001, p. 94.

⁶ Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. (OJ L 8, 12.1.2001, p. 1).