



Brussels, 5.12.2012
C(2012) 8881 final

COMMISSION DECISION

of 5.12.2012

amending Commission Decision 2007/623/EC setting up the High Level Group of Independent Stakeholders on Administrative Burdens, as amended by Commission Decision of 17 August 2010 (2010/C 223/03)

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THE EUROPEAN COMMISSION,

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

Whereas:

- (1) By Commission Decision 2007/623/EC¹, the Commission created a High Level Group of Independent Stakeholders on Administrative Burdens, hereinafter referred to as 'the group', for a fixed term of three years.
- (2) The group's mandate was extended until 31 December 2012 by Commission Decision of 17 August 2010 (2010/C 223/03) to fully exploit the savings potential of the Action Programme for Reducing Administrative Burdens in the European Union which will be completed by the end of 2012.
- (3) The group's November 2011 report on best practice in Member States to implement EU legislation in the least burdensome way showed that there is ample scope to help Member State public administrations implement EU legislation more efficiently.
- (4) Reducing the administrative burden and simplifying the legislation, especially for small and medium-sized businesses (SMEs), are priorities for the Commission.²
- (5) The mandate of the group and its members should therefore be extended accordingly.
- (6) The group should continue to work closely with stakeholders and Commission services, and to have a regular and structured exchange of views and experience with the Deputy Secretary General and the Chair of the Impact Assessment Board,

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision 2007/623/EC as amended by Commission Decision of 17 August 2010 (2010/C 223/03) is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The High Level Group on Administrative Burdens

The High Level Group of Independent Stakeholders on Administrative Burdens is hereby set up with effect from 31 August 2007. From 1 January 2013 the official name shall be 'High Level Group on Administrative Burdens', hereinafter referred to as 'the group'.'

¹ OJ L 253, 28.9.2007, p. 40.

² COM(2011)803 – Minimising regulatory burden for SMEs – Adapting EU regulation to the needs of micro-enterprises.

2. Article 2 is replaced by the following:

*‘Article 2
Task*

The group’s task shall be to advise the Commission on the administrative burden placed on business, in particular on SMEs and micro companies, arising from EU legislation, and on simplifying existing EU legislative acts appropriate for review and on how to make public administrations in the Member States more efficient and responsive to the needs of stakeholders, in particular SMEs, when implementing EU legislation.

In particular, the group shall provide advice to the Commission

- on the measures aiming to reduce the administrative burden and simplify existing legislation, with a particular focus on the needs of small businesses;
- on its simplification rolling programme, focusing on acts with a high potential for reducing the administrative burden;
- on the basis of the roadmaps, concerning potential administrative burden placed on business, in particular on SMEs and micro companies when applying EU legislation;
- on measures that can be taken at national level to help Member States apply the EU legislation adopted under the Administrative Burden Reduction Programme in the least burdensome way;
- on measures that can be taken at national level to make administrations more responsive to the concerns of SMEs and more responsive to the needs and the imperative on growth when applying EU legislation.

and assist the Commission in ensuring progress is made by the Council and Parliament to adopt proposals on simplification and administrative burden reduction.

The mandate of the group is given until 31 October 2014.’

3. Article 3 (1) is replaced by the following:

‘1. The Commission may consult the group on any matter relating to reduction of unnecessary burden on SMEs, especially micro companies, when applying EU legislation, and on its simplification rolling programme.’

4. Article 4 is amended as follows:

(a) In paragraph 2 the second sentence is replaced by the following:

‘The members of the group shall then be appointed by the Secretary-General in consultation with the Chairperson.’

(b) Paragraph 3 is replaced by the following:

‘3. Members shall be individuals appointed in a personal capacity or individuals appointed to represent a common interest shared by stakeholders having expertise in administrative burden reduction.’

(c) In paragraph 4, the first sentence is replaced by the following:

‘The terms of office of the members of the group are extended until 31 October 2014.’

(d) Paragraph 5 is replaced by the following:

‘5. 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 on the Functioning of the European Union may be replaced for the remainder of their term of office.’

(e) Paragraph 6 is replaced by the following:

‘6. Members appointed in a personal capacity shall act independently and in the public interest.

Members appointed to represent a common interest shared by stakeholders shall not represent an individual interest.’

(f) Paragraph 7 is replaced by the following:

‘7. The names of individuals appointed in a personal capacity and the names of individuals representing an interest shall be published in the Register of Commission expert groups and similar entities (‘the Register’). In addition, the names of members shall be published on the internet site of the Secretariat-General of the European Commission.’

(g) The following new paragraph 8 is inserted after paragraph 7:

‘8. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.’

5. Article 5 is amended as follows:

(a) Paragraph 3 is replaced by the following:

‘3. The members of the group 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, Euratom³. Should they fail to respect these obligations, the Commission may take all appropriate measures.’

(b) Paragraph 6 is replaced by the following:

‘6. The Commission publishes all relevant documents on the activities carried out by the group (such as agendas, minutes and participants' submissions) either directly in the Register or via a link from the Register to a dedicated website where information can be found. Exceptions to publication should be foreseen where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001.’

6. Article 7 is replaced by the following:

*‘Article 7
Applicability*

This Decision shall apply until 31 October 2014.’

³ Commission Decision of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p.1)

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 31 December 2012.

Done at Brussels, 5.12.2012

For the Commission
José Manuel Barroso
The President