



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change

Brussels, 5 May 2009 revised 14 May 2009
EMPL F2 EP

First meeting of the Expert Group on transnational company agreements of 14 May 2009

The Expert Group on transnational company agreements

1. OBJECTIVES AND TASKS

In the 2008 Commission Staff working Document "the role of transnational company agreements in the context of increasing international integration"¹, it was foreseen that "*With a view to promoting social dialogue and supplementing the action of the Member States as regards the representation and collective defence of the interests of workers and employers, the Commission will support initiatives to conclude transnational company agreements without prejudice to compliance with the applicable national or Community provisions.*"

To that end the Commission is now setting up an expert group on transnational company agreements whose mission is to monitor developments and exchange information on how to support the process under way, and it invites the social partners, governmental experts and experts of other institutions to take part.

The Commission will provide the expert group with its initiatives and work on the subject, which will focus on developing a data base of transnational texts, organising exchanges of experience and analyses, reviewing the effects produced by company agreements and the way norms relate to each other in the Member States and clarifying the rules of international private law in connection with transnational texts.

The expert group on transnational company agreements has informal status within the meaning of the framework for Commission expert groups².

¹ SEC(2008)2155 of 02.07.2008

² Commission staff working paper "framework for Commission's expert groups: horizontal rules and public register" SEC(2005)1004 and C(2005)2817 of 27.7.2005

2. COMPOSITION AND APPOINTMENT

The permanent members of the Expert group are:

- **EU Governmental experts:** one expert per Member State of the European Union nominated by the respective Permanent representations to the EU
- **Social Partners:** nine experts from the employers' organisations nominated by BusinessEurope, nine experts of the trade-union organisations nominated by ETUC

The permanent observers in the Expert group are:

- **EEA Governmental experts:** one expert per Member State of the European Economic Area nominated by the respective Missions to the EU
- **Institutions:** one expert of the European Parliament nominated by the Chairman of the Committee on employment and social affairs, one expert of the European Economic and Social committee nominated by the President of the SOC section, one expert of the European Foundation for the improvement of Living and Working Conditions, one expert of the ILO, one expert of the EFTA surveillance Authority.

In addition, the Commission may invite ad-hoc experts in a personal capacity to take part in the work of the expert group according to the subject of the agenda:

- **Academics** with specific competence in the subject under discussion, authors of studies commissioned by the Commission,
- **Company actors:** Management and employee representatives of companies involved in transnational company agreements presenting their experience.

3. OPERATION³

Chair: The expert group is chaired by the Director for Social dialogue, social rights, working conditions, adaptation to change at DG EMPL, European Commission.

Meetings: the expert group shall meet twice a year and the meetings shall in principle be held in Brussels

Dissemination of information: Information obtained as a result of participation to the work of the expert group shall not be disseminated where the Commission lays down that this information is confidential; the Commission may publish on the internet any summary, conclusion, part of the conclusion or working document from the expert group

Secretariat: The commission shall provide secretarial services for the expert group

³ See Commission staff working paper "framework for Commission's expert groups: horizontal rules and public register" SEC(2005)1004 and C(2005)2817 of 27.7.2005

Meeting expenses: travel and subsistence expenses incurred by members, experts and observers as part of the activities of the group shall normally be reimbursed by the Commission. Where reimbursement takes place, it shall be in accordance with the provisions in force within the Commission⁴ and within the limits of the available appropriations allocated to the DGs under the annual procedure for the allocation of resources. The tasks carried out shall not be subject to remuneration. Payment of a special allowance to members, experts and observers shall only be possible in duly justified exceptional cases and provided that it has been expressly authorised by a decision of the Commission

Duration: the expert group is established for two years starting in May 2009. The Commission shall draw conclusions from its work and re-examine with the expert group, at the end of this period, the need for an extension.

⁴

The regulations regarding the reimbursement of travel and subsistence expenses, and expenses incurred during travel by persons from outside the Commission invited as experts [SEC(94) 299 and SEC(94) 315/4 of 24 February 1994] limit the number of government and private-sector experts whose expenses may be reimbursed; See also Commission decision of 5 December 2007 on the rules for reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity C(2007)5858

DRAFT RULES OF PROCEDURE

OF THE GROUP OF EXPERTS ON TRANSNATIONAL COMPANY AGREEMENTS

THE GROUP OF EXPERTS ON TRANSNATIONAL COMPANY AGREEMENTS,

Having regard to the Commission staff working document on "the role of transnational company agreements in the context of increasing international integration"⁵, and in particular its conclusions,

Having regard to the standard rules of procedure established by the Commission⁶,

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 has given its consent.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.

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

Forwarding of documents 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 drafts on which the group is consulted and all other working documents to the group members no later than fourteen calendar days before the date of the meeting.
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.

⁵ SEC(2008)2155 of 02.07.2008

⁶ Commission staff working paper "framework for Commission's expert groups: horizontal rules and public register" SEC(2005)1004 and C(2005)2817 of 27.7.2005

Article 4

Opinions of the group

1. In addition to any conclusions drawn by the Commission, the group may issue its own opinions.
2. As far as possible, the group shall adopt its opinions by a consensus.
3. In exceptional circumstances, the group may adopt its opinions by a vote where no consensus proves possible. In this case, the adoption of the opinion or report is obtained by a favourable vote of a simple majority of the members and the summary minutes shall reflect the different positions expressed.

Article 5

Sub-groups

1. With the consent 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; they shall be disbanded as soon as they have fulfilled those terms of reference.
2. The sub-groups shall report to the group.

Article 6

Admission of third parties

1. The Commission representative may invite experts or observers with special expertise on a matter on the draft agenda to participate in the group's or sub-groups' work where appropriate and/or necessary.
2. Experts or observers are not present when the group adopts an opinion or report.

Article 7

Written procedure

1. If necessary, the group's opinion on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the drafts on which the group is being consulted and any other working documents.
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 are drafted by the secretariat under the responsibility of the Chair and submitted to the members for approval.

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

Prevention of conflicts of interest

1. At the start of each meeting, any member whose participation in the group's deliberations would raise a conflict of interest on a specific item on the agenda shall inform the Chair.
2. Members appointed in a personal capacity shall sign a declaration certifying that their participation will not result in conflicts of interest.
3. In the event of such a conflict of interest, the member shall abstain from discussing the items on the agenda concerned and from any vote on these items.

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

Transparency

1. The principles and conditions concerning public access to the group's documents are the same as laid down in Regulation (EC) No 1049/2001⁷. It is for the Commission to take a decision on requests for access to those documents.
2. The group's deliberations are confidential.
3. In agreement with the Commission, the group may, by a simple majority of its members, decide to open its deliberations to the public.

Article 14

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 45/2001⁸.

⁷ 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, 31.5.2002, p. 43).

⁸ 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).