

RULES OF PROCEDURE OF THE DATA RETENTION EXPERTS GROUP

THE DATA RETENTION EXPERTS GROUP ('the group'),
Having regard to the Commission Decision setting up the group¹,
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 the chair's own initiative or at the request of a simple majority of the group's members with the agreement of the Commission's service.
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.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced to five working days before the date of the meeting.

¹ Commission Decision of 18 April 2013 C(2013)2144.

² Framework for Commission expert groups: Horizontal rules and public register, Brussels, 10.11.2010, C(2010) 7649 final; Commission Staff Working Document accompanying the Framework for Commission Expert Groups: Horizontal Rules and Public Register, Brussels, 10.11.2010 SEC(2010) 1360.

Article 4

Opinions of the group

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by a simple majority of the members.
2. Opinions, recommendations and reports should be written clearly and concisely, with all technical terms adequately explained.
3. The group should review and evaluate its opinions, recommendations and reports on a regular basis. As part of this process, the group may where appropriate consult stakeholders outside the group.

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, on its own initiative or at the request of the group, 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. The group may decide to deliver its opinion or recommendation on a specific question via a written procedure. To this end, the secretariat will send 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 (e.g. booking of meeting venues, circulation of documents, processing of expenses claims) 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.

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. Members who consider a conflict of interest to have arisen may recuse themselves from discussing an item or items and from any vote on those 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.

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

Publication of, dissemination of and access to documents

1. In accordance with Commission Decision C(2013)2144, agendas, minutes and participants' submissions, as well as the opinions, recommendations or reports adopted

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by the group, will normally be made available on the page(s) dedicated to the group on the DG Home Affairs website.

2. Members are encouraged to help ensure that the opinions, recommendations or reports adopted by the group are disseminated to all relevant stakeholders, and to seek and to relay back to the group comments and suggestions regarding those documents.
3. Applications for access to other documents held by the expert group will be handled in accordance with Regulation (EC) No 1049/2001³ and detailed rules for its application⁴.

Article 14

Confidentiality of deliberations

1. The group's deliberations including its meetings shall be conducted under the Chatham House Rule. Members and observers shall respect the confidentiality of deliberations.
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 45/2001⁵.

Data Retention Expert Group

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³ 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).

⁴ Commission Decision 2001/937 of 5.12.2001 (OJ L 345 of 29.12.2001, p. 94).

⁵ 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).