



**INSPIRE**

Infrastructure for Spatial Information in Europe

## Commission expert group on INSPIRE Implementation and Maintenance – Terms of Reference

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<b>Title</b>	Commission expert group on INSPIRE Implementation and Maintenance – Terms of Reference
<b>Creator</b>	EC and EEA INSPIRE Team
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<b>Description</b>	This document contains the terms of reference (ToR) for a “Commission expert group on INSPIRE Implementation and Maintenance”. The ToR are based on the rules laid out in Communication from the President to the Commission – Framework for Commission expert groups: horizontal rules and public register [C(2010) 7649 final], and the template included in Annex II of the accompanying Commission staff working document [SEC(2010) 1360].
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<b>Note Marc Leobet</b>	- I have removed one of the two Figure 1.
<b>30/01/15</b>	- I have replaced the "MIG-P/MIG-T", which confused the colleagues, with "MIG-P and MIG-T" or "MIG-P or MIG-T", when relevant. I think it would be enough to avoid a long text explaining the workflow.
	Please check that you have the same understanding than me.
	- We were asked to explain the bi-colored boxes. Finally, I propose to reduce the

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number of colors with a legend, hoping be clearer.

- I have added a box under the comitology one, just for symmetry with the other procedures.

- in art. 6, I propose to add among its tasks " and opinion on proposals" to be compliant with the adopted workflow.

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## Background

The INSPIRE maintenance and implementation framework (MIF) was first proposed in the document “Proposal for INSPIRE Maintenance and Implementation” (INSPIRE/2011/1/1), which was presented in the INSPIRE Committee meeting of December 2011. This document presented the main principles of the MIF, which would be modelled on the participatory approach as used for the development of the implementing rules. The MIF should further be based on concrete implementation experience and take on board cross-cutting issues between the five different implementing rules to ensure coherence of the framework. It was also proposed to have dedicated working groups to deal with identified issues for which the participants will come from an established pool of experts. The high level workflow for INSPIRE maintenance was presented and discussed. Those principles still stand today.

In the Committee meeting of November 2012 the Commission presented progress and lessons learned from on-going ad-hoc activities (summarised in the document INSPIRE/2012/1/1 “INSPIRE Maintenance and Implementation – Progress and Lessons Learnt”). The main new element proposed and agreed in this meeting was the setting up of an over-arching *Commission Expert Group on INSPIRE Implementation and Maintenance*<sup>1</sup> (in short: INSPIRE MIG<sup>2</sup>). A proposal for the terms of reference (ToR) for this *Commission Expert Group* was presented and discussed at the INSPIRE Committee meeting in April 2013, and Member States were invited to submit further comments. Version 3 of this document presented a consolidated version of the ToR taking into account the comments received.

The ToR are based on the rules laid out in Communication from the President to the Commission – Framework for Commission expert groups: horizontal rules and public register [C(2010) 7649 final] and the template included in Annex II of the accompanying Commission staff working document [SEC(2010) 1360].

The Expert Group will be created as an “informal expert group”, i.e. by a Commission service with the agreement of the Secretariat General (as per Rule 2 of the Framework).

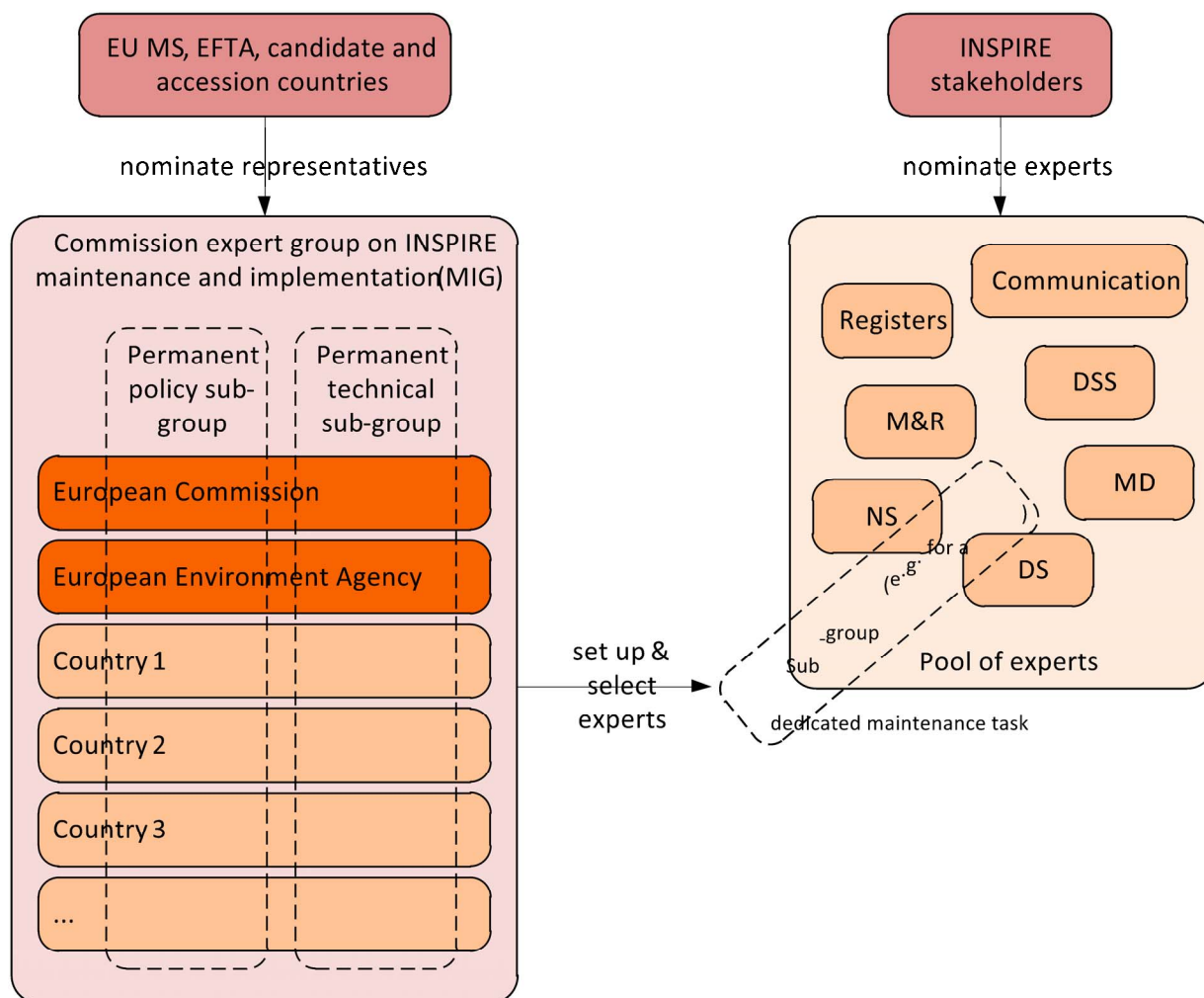
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<sup>1</sup> In the document “INSPIRE Maintenance and Implementation – Progress and Lessons Learnt”, the expert group was referred to as “INSPIRE Implementation Task Force (IITF)”. At the November 2012 IC meeting, it was clarified that the group should be a Commission Expert Group, and be named according to the rules for such groups.

2

<sup>1</sup> MIG = Maintenance and Implementation Group



Erreur : source de la référence non trouvée illustrates the relationships between the Expert Group, its sub-groups and the pool of experts described in the "Proposal for INSPIRE Maintenance and Implementation".

The INSPIRE MIG ensures the involvement of Parliament's experts in general discussions on the implementation and preparation of EU policies. This has to be done in a way that ensures legality, transparency and efficiency and that respects the institutional balance as enshrined in the Treaty.

It is important to distinguish the process defined in Article **291 TFEU (implementing acts)** and general policy discussions in **Commission expert groups**<sup>3</sup>. The Framework Agreement on the relations between Commission and Parliament<sup>4</sup> ensures that Parliament's experts can, upon request, be invited to expert groups established by the Commission and that Parliament receives full information and documentation on such meetings.

3

<sup>1</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=faq.faq&aide=2>

4

<sup>1</sup> SEC(2010)1568 (see point 15 of the Framework Agreement).

In accordance with the Treaty and Regulation 182/2011 (Comitology Regulation)<sup>5</sup>, the role of comitology committees is the control by Member States of the Commission's exercise of implementing powers through opinions on draft implementing acts. Parliament and Council are informed of the work of the committees as provided for in Article 10 of the Comitology regulation and their right of scrutiny is exhaustively defined in Article 11 of the Comitology regulation.

**Therefore, neither Parliament's experts nor staff from the Council secretariat can participate in comitology committee meetings.** The Commission has always insisted that the role of comitology committees is fully defined by the Comitology Regulation, adopted on the basis of Article 291 TFEU.

When there is a need for a substantial discussion on matters other than those linked to the implementing powers of the Commission, expert meetings should be organised for such discussions. These expert meetings may be organised directly following comitology meetings and be attended by the same experts. But in such cases, the rules on expert groups and Parliament's involvement fully apply. The comitology meeting and the expert meeting should each have different agendas, the first being uploaded in the comitology register, the second being sent to the Parliament's functional mailbox at the same time as it is sent to the national experts and being uploaded in the register of expert groups

For more information on the roles, functions and procedures related to Experts Groups see: "Expert Groups explained" at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=faq.faq&aide=2>

This version 7 of the document therefore proposes an update to the terms of reference for the MIG, in order to include two permanent sub-groups, one for discussions on the political aspects and evolution of INSPIRE and its relationship with other policies, and one for discussions of technical issues. The former sub-group is expected to have the same levels of political representation as the INSPIRE Committee, while the latter sub-group is expected to consist of the representatives previously included in the MIG. In practice, future INSPIRE Committee meetings will only address issues where articles of the Directive<sup>6</sup> refer to article 22 (role of assistance of the Committee in providing opinion on implementing rules designed to amend non-essential elements of this Directive). General discussions on implementation issues and the evolution of INSPIRE and its relation to other policies will be addressed in meetings of the permanent MIG sub-group on policy issues.

## Overview

Figure 21 shows an updated version of the maintenance workflow originally presented in the "Proposal for INSPIRE Maintenance and Implementation", which incorporates the INSPIRE MIG and its responsibilities (shown in green).

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<sup>1</sup> OJ L 55 of 28.2.2011, p. 13.

6

<sup>1</sup> articles 4.7, 5.4, 7.1, 7.2, 7.5, 16, 17.8, 21.4

Note that creating temporary sub-groups is just one of the options for developing a solution for a specific implementation or maintenance issue. Other options include the following:

- the INSPIRE MIG will propose a solution for the issue based on discussions within the group;
- the EC & EEA INSPIRE Team proposes a solution for the issue, possibly based on the results of a dedicated workshop to address the issue with relevant experts selected from the INSPIRE MIG, the pool of experts, and when appropriate additional experts selected by the Commission;
- an INSPIRE National Contact Point (NCP) or another INSPIRE stakeholder organisation (e.g. a European or global umbrella organisation, a standardisation organisation) offers to develop a proposed solution for the issue.

This workflow also illustrates the internal structure of the MIG, composed of the permanent policy sub-group and the permanent technical sub-group.

The permanent technical sub-group prepares the rolling work programme, the permanent policy sub-group will, through its advisory role to the Commission, endorse this together with the Commission.

Furthermore, proposals to formally change the INSPIRE legal acts will, where legally required, involve the comitology procedure.

According to the Lisbon treaty changes regarding the comitology procedure, the Committee will no longer formally vote for the implementing rules that require scrutiny (PRAC). Under the PRAC both the Parliament and the Council have a right of scrutiny over the substance of draft implementing measures of a quasi-legislative nature. They may oppose adoption of the draft measure on certain specific grounds (e.g. if it exceeds the implementing powers conferred upon the Commission or if it is not compatible with the objective of the basic instrument).

For more information on the changed role of Committees see: Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011R0182>

Please note the statement attached to Regulation (EU) 182/2011, the Commission undertook to review the provisions attached to the regulatory procedure with scrutiny, PRAC in each instrument it intends to modify, in order to adapt them to the new Treaty (including INSPIRE). The overall objective of the Commission is that, **by the end of the 7th term of the Parliament (2014)**, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments. A timetable is attached to this statement.

As such, the regulatory procedure with scrutiny (RPS) will continue to apply until the acts referring to this procedure (like INSPIRE) are adapted to the new treaty.

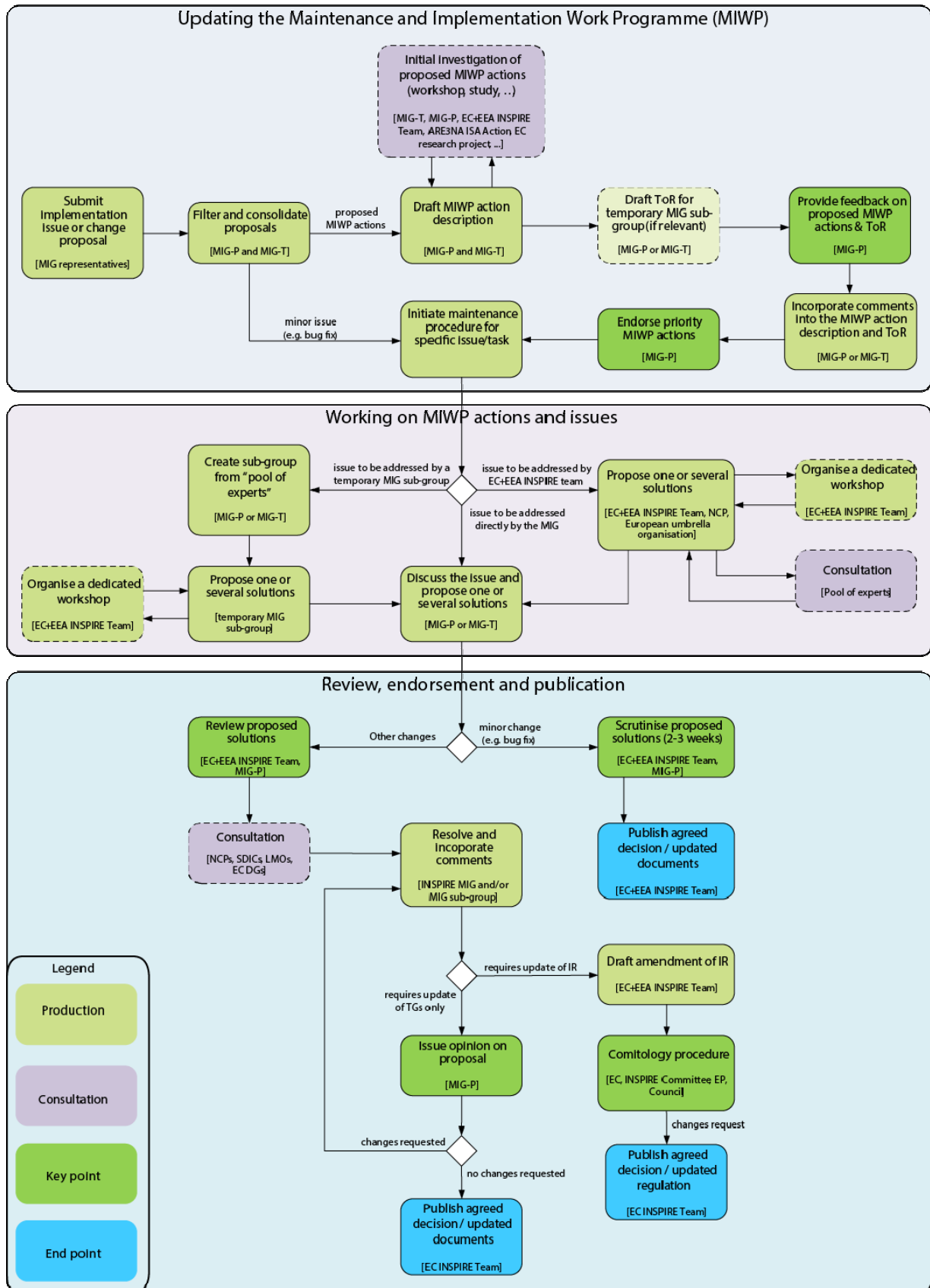


Figure 21. Workflow for INSPIRE maintenance.

# Terms of reference for the Commission expert group on INSPIRE Implementation and Maintenance

## *Article 1*

### **Set up of the Expert Group**

The Commission expert group on INSPIRE Implementation and Maintenance, hereinafter referred to as "the INSPIRE MIG", is set up as an informal expert group through a request to the Secretariat General via the Register of Commission expert groups and other similar entities (hereinafter referred to as "the Register").

## *Article 2*

### **Tasks**

The tasks of the INSPIRE MIG shall be:

- (a) to bring about an exchange of experience and good practice related to the implementation of the INSPIRE Directive and the Implementing Rules;
- (b) to identify and give advice about the priority issues to be addressed in the maintenance of the INSPIRE Directive, Implementing Rules and/or Technical Guidance documents;
- (c) to identify issues related to INSPIRE implementation (including, but not limited to, technologies, standards, methods, coherence across INSPIRE chapters and communication measures to be adopted) and advise the Commission on how to address them;
- (d) to prepare and regularly update the rolling work programme for INSPIRE maintenance and implementation;
- (e) to discuss the evolution of INSPIRE and its relationship with other policies.

## *Article 3*

### **Consultation**

The INSPIRE MIG may be consulted on any matter relating to INSPIRE implementation, maintenance or evolution and/or relation with other policies.

## *Article 4*

### **Membership – Appointment**

The INSPIRE MIG shall be composed of two permanent sub-groups; hereafter the INSPIRE MIG, as

1. defined in articles 5 and 6 with representatives of
  - a. the public authorities in countries listed in paragraph 2 responsible for contact with the Commission in relation to the INSPIRE Directive;
  - b. the European Environment Agency; and
  - c. the Commission.
2. Representatives of the permanent INSPIRE MIG sub-groups shall be nominated by the competent public authority of the EU Member State, EFTA country, EU acceding country or EU candidate country.



3. The Commission or its services may refuse a nominated representative if they consider that the nomination is not appropriate on the basis of justified grounds as specified in the INSPIRE MIG rules of procedure. In such cases, the country concerned shall be asked to appoint another representative.
4. Representatives are appointed for a period of two years. Their term of office may be renewed.
5. Representatives who are no longer capable of contributing effectively to the INSPIRE MIG or who resign may be replaced for the remainder of their term of office.
6. The names of permanent representatives nominated by the countries shall be maintained in the Register.
7. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001 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.

#### *Article 5*

#### **Permanent sub-group on strategic and policy-related aspects**

1. A permanent MIG sub-group shall be set up for the specific purpose of discussing and providing advice on the evolution of INSPIRE and its relationship with other policies, including the endorsement of the MIG's work programme and opinion on proposals.
2. The sub-group shall be composed of one representative and one alternative representative for each EU Member State, EFTA country, EU acceding country and EU candidate country.
3. The countries shall ensure that their representatives have a solid understanding of the strategic aspects of the INSPIRE implementation in their country and are aware of the relation of INSPIRE to other policies.

#### *Article 6*

#### **Permanent sub-group on technical aspects**

1. A permanent MIG sub-group shall be set up for the specific purpose of discussing and providing advice on the technical aspects, including the preparation and regular update of the rolling work programme for INSPIRE maintenance and implementation.
2. The sub-group shall be composed of one permanent and one alternative representative for each EU Member State, EFTA country, EU acceding country and EU candidate country.
3. The countries shall be responsible for ensuring that their representatives have a solid understanding of the technical and architectural aspects of the INSPIRE implementation in their country, but are also aware of the wider political and organisational context.

#### *Article 7*

#### **Operation**

1. The permanent INSPIRE MIG sub-groups shall be chaired by a representative of the Commission.
2. The Commission's representative may invite experts from outside the INSPIRE MIG sub-groups with specific competences in a subject on the agenda to participate in the work on an *ad hoc* basis. In addition, the Commission's representative may give observer status to individuals or organisations, as defined in Rule 8(3) of the horizontal rules on expert groups.
3. Representatives of the INSPIRE MIG sub-groups, 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 of 29 November

2001 amending its internal Rules of Procedure 2001/844/EC, ECSC, Euratom. Should they fail to respect these obligations, the Commission may take all appropriate measures.

4. In agreement with the Commission services, the permanent INSPIRE MIG sub-groups may set up **temporary sub-groups** to examine specific questions on the basis of terms of reference defined by the permanent INSPIRE MIG sub-groups. Such temporary sub-groups shall be disbanded as soon as their mandate is fulfilled. In particular, sub-groups shall be tasked to work on specific issues related to the maintenance or implementation of INSPIRE.
5. The meetings of the permanent INSPIRE MIG sub-groups shall, where possible, be held on Commission premises. In order to cut down costs and commitments, the meetings of the temporary sub-groups should, where possible, be organised virtually (i.e. using tele-, video- or web-conferencing facilities).
6. The Commission shall provide secretarial services to the permanent INSPIRE MIG sub-groups.
7. Other Commission officials with an interest in the proceedings may attend meetings of the INSPIRE MIG sub-groups.
8. The physical and intellectual products generated by the members of the INSPIRE MIG sub-groups a under these terms of reference will remain the property of the Commission. Any published deliverable or paper will acknowledge the authorship and other contributions of the members of the INSPIRE MIG a sub-groups.
9. The INSPIRE MIG shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups<sup>7</sup>.
10. The Commission publishes relevant information on the activities carried out by the INSPIRE MIG either by including it in the Register or via a link from the Register to a dedicated website.

#### *Article 8*

#### **Meeting expenses**

1. Participants in the activities of the INSPIRE MIG sub-groups shall not be remunerated for the services they render.
2. Travel and subsistence expenses incurred by participants in the activities of the INSPIRE MIG shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

#### *Article 9*

#### **Setting up temporary sub-groups**

1. The members of the temporary sub-groups shall be selected by the INSPIRE MIG permanent sub-groups, in agreement with the Commission, from a database of experts established through an open call, hereinafter referred to as “the pool of experts”.
2. When selecting members for a temporary sub-group, the INSPIRE MIG should aim at striking a balance within the temporary sub-group in terms of representativeness of members, gender and geographical origin.
3. The Commission may invite experts from outside the pool of experts with specific competence in a subject on the agenda to participate in the work of a temporary 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.

<sup>7</sup> A template for the rules of procedures for Commission Expert Groups is provided in Annex IV of [C(2010) 7649 final].

4. The Commission shall provide secretarial services if not otherwise provided.
5. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

*Article 10*

**Setting up the pool of experts**

1. The pool of experts shall be set up and maintained based on an open-ended call for experts by the Commission.
2. The call shall be open to all interested stakeholders.
3. The Commission shall keep the pool of experts up-to-date. In particular, it shall regularly check whether the experts listed in the pool are still available for work supporting INSPIRE maintenance and implementation.