

COMMISSION DECISION

of 16 May 2011

establishing a forum for the exchange of information pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions

(2011/C 146/03)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (Recast) ⁽¹⁾ (the Directive), and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of the Directive requires the Commission to organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection and the Commission.
- (2) Article 13(3) of the Directive requires the Commission to establish and regularly convene a forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection and to obtain the opinion of the forum on the practical arrangements for the exchange of information foreseen under that Article.
- (3) Article 13(4) of the Directive requires the Commission to obtain and make publicly available the opinion of the forum on the proposed content of BAT reference documents.
- (4) It is therefore necessary to establish a forum and to define its tasks and its structure.
- (5) The forum should provide its opinion on the practical arrangements for the exchange of information and on the proposed content of BAT reference documents.
- (6) The forum should be composed of Member States, international organisations representing industries concerned by the activities covered by Annex I of the Directive and non-governmental organisations promoting environmental protection.
- (7) Rules on disclosure of information by members of the forum should be laid down.
- (8) 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 data ⁽²⁾,

HAS DECIDED AS FOLLOWS:

*Article 1***Subject matter**

A forum to promote the exchange of information pursuant to Article 13(3) of the Directive is hereby established.

*Article 2***Task**

The forum's task shall be:

- (a) to provide its opinion on the practical arrangements for the exchange of information in accordance with the second subparagraph of Article 13(3) of the Directive;
- (b) to provide its opinion on the proposed content of BAT reference documents in accordance with Article 13(4) of the Directive.

*Article 3***Consultation**

The Commission may consult the forum on any matter relating to Article 13 of the Directive or on any matter relating to BAT as defined in Article 3(10) of the Directive.

*Article 4***Membership — Appointment**

1. Members shall be Member States, international organisations representing industries concerned by the activities covered by Annex I of the Directive and non-governmental organisations promoting environmental protection. Those organisations shall have an acceptable degree of European representation.
2. Members of the Commission Expert Group 'Information Exchange Forum on Best Available Techniques under legislation on industrial emissions' (E00466) shall automatically be considered as members of the forum.
3. New members who are not Member States shall be appointed by the Director General of DG Environment.
4. Members who are no longer capable of contributing effectively to the forum's deliberations, who resign or who do not comply with Article 339 of the Treaty, may be replaced.

⁽¹⁾ OJ L 334, 17.12.2010, p. 17.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

5. The names of member organisations shall be published in the Register. The names of Member States' representatives may be published in the Register.

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

Article 5

Operation

1. The forum shall be chaired by the Commission.

2. In agreement with the Commission, the forum may establish sub-groups to examine specific questions on the basis of terms of reference defined by the forum. Such sub-groups shall cease to exist as soon as their mandate is fulfilled. The sub-groups shall be chaired by the Commission. The chair of the sub-group shall report back to the forum.

3. The representatives of EEA countries shall be invited to attend meetings of the forum, in accordance with the EEA Protocol.

4. Representatives of acceding countries shall be invited to attend the meetings of the forum as from the date of signature of the Treaty of accession.

5. The Chair may invite experts from outside the forum with specific competence in a subject on the agenda to participate in the work of the forum or sub-group on an ad hoc basis. In addition, the Chair may give observer status to individuals, organisations as defined in Rule 8(3) of the horizontal rules on expert groups ⁽¹⁾ and candidate countries.

6. Members of the forum 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, Euratom ⁽²⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.

7. The meetings of the forum and its sub-groups shall be held on Commission premises. The Commission shall provide secretarial services.

8. The forum shall adopt, by simple majority of its members, its rules of procedure on the basis of the standard rules of procedure for expert groups.

9. The Commission publishes relevant information on the activities carried out by the forum 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 forum shall not be remunerated for the services they render.

2. Travel expenses incurred by participants in the activities of the forum may be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission services under the annual procedure for the allocation of resources.

Done at Brussels, 16 May 2011.

For the Commission

Janez POTOČNIK

Member of the Commission

⁽¹⁾ C(2010) 7649 final.

⁽²⁾ Commission Decision of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).