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**COMMISSION DECISION**

**of 14.8.2017**

**on the setting-up of the Third European Multi-Stakeholder Forum on Electronic Invoicing (eInvoicing)**

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### on the setting-up of the Third European Multi-Stakeholder Forum on Electronic Invoicing (eInvoicing)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Directive 2014/55/EU of the European Parliament and of the Council<sup>1</sup> has the objective of promoting the uptake of electronic invoicing in public procurement, by ensuring semantic interoperability and improving legal certainty. That Directive requires the Commission to publish the European standard on electronic invoicing, after it has verified that the standard complies with Article 3(1) of the Directive. The standard had been designed by CEN based on a mandate given by the Commission, CEN work was concluded on 28 June 2017.
- (2) Directive 2014/55/EU also requires Member States to ensure that contracting authorities and contracting entities receive and process electronic invoices which comply with the European standard on electronic invoicing and with any of the syntaxes on the list established by CEN and published as an Annex to the European standard on electronic invoicing.
- (3) With a view to ensuring smooth implementation of Directive 2014/55/EU and a continuous link with Member States administrations during the transposition period, the Commission needs to call upon the expertise of specialists in an advisory body.
- (4) By Commission Decision C(2010)8467<sup>2</sup>, the European Multi-Stakeholder Forum on Electronic Invoicing (the 'Forum') was established and renewed by Commission Decision C(2014)4142<sup>3</sup> until 31 May 2017.
- (5) It is therefore necessary to renew the Forum of experts in the field of electronic invoicing ('eInvoicing') and to define its tasks and its structure.
- (6) The Forum should help assist the Commission in coordinating actions at Member States level and identifying measures at Union level to facilitate the mass adoption of eInvoicing. The Forum should monitor the uptake of eInvoicing and help develop the eInvoicing market across the Member States. It should liaise with national multi stakeholder fora and pay particular attention to cross border aspects of eInvoicing and the uptake of eInvoicing by small and medium-sized enterprises.
- (7) The Forum should advise the Commission on the governance of the relevant Connecting Europe Facility Digital Service Infrastructures.

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<sup>1</sup> Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement (OJ L 133, 6.5.2014, p. 1).

<sup>2</sup> COMMISSION DECISION of 2.12.2010 setting up the European Multi-Stakeholder Forum on Electronic Invoicing (eInvoicing)

<sup>3</sup> COMMISSION DECISION of 25.6.2014 Setting-up the second European Multi-Stakeholder Forum on Electronic Invoicing (eInvoicing)

- (8) The Forum should monitor the implementation of eInvoicing in public procurement across the Union as defined in Directive 2014/55/EU and contribute to the development of end-to-end e-procurement by working closely with the Multi-Stakeholders Expert Group on eProcurement which is an informal expert group.
- (9) Rules on disclosure of information by members of the Forum should be laid down.
- (10) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>4</sup>.
- (11) It is appropriate to fix a period for the application of this Decision,

HAS DECIDED AS FOLLOWS:

### *Article 1*

#### ***Subject matter***

The group of experts on Electronic Invoicing is hereby set-up and named the Third European Multi-stakeholder Forum on Electronic Invoicing ('the Forum') for the period from 2017 to 2020.

### *Article 2*

#### ***Tasks***

The Forum's tasks shall be the following:

- (1) Monitoring tasks:
  - (a) Assist the Commission in the monitoring and support to the implementation of Directive 2014/55/EU after the adoption of the European Standard on electronic invoicing;
  - (b) Participate in the monitoring of the development of the eInvoicing market and the level of eInvoicing adoption in industry, services and the public sector across the Member States;
  - (c) Monitor the Member States additional requirements for eInvoicing (also paper-based audits), including obligation related to tax reporting, archiving, harmonizing 'business controls' in VAT practice, the impact of Directive 2014/55/EU on the reduction of administrative burdens (e.g. time and costs for processing payments), etc.;
  - (d) Monitor the level of use of eInvoicing in public procurement across the Union and the impact of Directive 2014/55/EU;
- (2) Information tasks:
  - (a) Ensure constant flow of information and foster cooperation with the national fora;

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<sup>4</sup> 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 (OJ L 8, 12.1.2001, p. 1).

- (b) Organise an exchange of experiences and good practices between the Forum members with a view to facilitate the emergence of inter-operable eInvoicing solutions;
  - (c) Build mutual understanding at Union level on approaches to legal requirements to support the implementation of Directive 2014/55/EU at Member State level;
- (3) Advisory tasks:
- (a) Elaborate advice on implementation of the European standard on electronic invoicing itself as regards the Core Invoices Usage Specifications, Extensions and Registration requirement;
  - (b) Identify problems encountered in particular as regards cross-border transactions and propose appropriate solutions;
  - (c) Contribute with guidelines to supplier enablement/uptake, especially as regards small and medium enterprises;
  - (d) Liaise with the European Forum on e-Procurement for all matters regarding the use of eInvoicing in public procurement and for other matters relevant for end-to-end e-procurement;
  - (e) Advise the Commission on the governance of the relevant Connecting Europe Facility digital service infrastructures and on the ways to make best use of the tools and services designed by Connecting Europe Facility platform (CEF Digital);
  - (f) Elaborate advice on how to reach full automation in the Financial Supply Chain, where eInvoicing and payments are directly linked.

### *Article 3* **Consultation**

The Commission may consult the Forum on any matter relating to:

- (a) Directive 2014/55/EU and legislative initiatives that should be taken at Union level to address remaining barriers for the uptake of eInvoicing;
- (b) business processes in the financial supply chain that could facilitate the roll-out of eInvoicing, in particular in the field of payments and the Single Euro Payments Area;
- (c) actions taken at national or Union level supporting the adoption of eInvoicing, in particular by small and medium-sized enterprises;
- (d) actions or initiatives taken or planned at national or Union level specifically with respect to the adoption of eInvoicing in public procurement and its relationship in end-to-end e-procurement.

### *Article 4* **Membership**

1. The Forum shall consist of up to 70 members and be composed of:
  - (a) two members per Member States who shall be:
    - The Member State authority in charge of eInvoicing at government level, nominated by the Member State,

- one organisation representing a common interest related to eInvoicing, namely the national forum for eInvoicing; in case a national forum does not exist, an organisation will be selected through a call for applications which best represents the national eInvoicing stakeholders;
- (b) Organisations at EU level representing consumers, small and medium-sized enterprises, large corporations and public administration suppliers, the banking sector, the accountants and auditors companies, eInvoicing service providers, cross-border eInvoicing infrastructure enablers, public procurement bodies (e.g. CPBs);
- (c) Other public entities:
- the European Central Bank (ECB);
  - the Working Party on the Protection of Individuals with regard to the Processing of Personal Data set up by Article 29 of Directive 95/46/EC;
  - the United Nations Centre for Trade Facilitation and Electronic Business;
  - the European Committee for Standardization (CEN).
2. Member States' authorities, organisations and other public entities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.
3. Members who are no longer capable of contributing effectively to the Forum's deliberations, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the Forum and may be replaced for the remainder of their term of office.

*Article 5*  
***Selection process***

- (1) The selection of the members referred to in Article 4(1) (a), second indent and point (b) shall be carried out via a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
- (2) Registration in the Transparency Register is required in order for organisations to be appointed.
- (3) The members of the Forum shall be appointed by the Director General of Commission's Directorate General for the Internal Market, Industry, Entrepreneurship and SMEs ('DG GROW') from specialists with competence in the areas referred to in Articles 2 and 3 and who have responded to the call for applications.
- (4) Members shall be appointed for 3 years. They shall remain in office until replaced or until the end of their term of office.

*Article 6*  
**Chair**

The Forum shall be chaired by a representative of DG GROW.

*Article 7*  
**Operation**

- (1) The Forum shall act at the request of DG GROW, in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')<sup>5</sup>.
- (2) Meetings of the Forum shall, in principle, be held on Commission premises.
- (3) DG GROW shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the Forum and its sub-groups.
- (4) In agreement with DG GROW, the Forum may, by simple majority of its members, decide that deliberations shall be public.
- (5) Minutes on the discussion on each point on the agenda and on the opinions delivered by the Forum shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
- (6) The Forum shall adopt its opinions, recommendations or reports by consensus.

*Article 8*  
**Sub-groups**

- (1) DG GROW may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG GROW. Sub-groups shall operate in compliance with the horizontal rules and shall report to the Forum. They shall be dissolved as soon as their mandate is fulfilled.
- (2) The members of sub-groups that are not members of the Forum shall be selected via a public call for applications, in compliance with Article 5 and the horizontal rules<sup>6</sup>.

*Article 9*  
**Invited experts**

DG GROW may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the Forum or its sub-groups on an ad hoc basis.

*Article 10*  
**Observers**

- (1) Individuals, organisations and public entities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
- (2) Organisations and public entities appointed as observers shall nominate their representatives.

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<sup>5</sup> See Article 13.1 of Commission Decision C(2016) 3301 final of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups.

<sup>6</sup> See Articles 10 and 14.2 of the horizontal rules.

- (3) Observers and their representatives may be permitted by the Chair to take part in the discussions of the Forum and provide expertise. However, they shall not participate in the formulation of recommendations or advice of the Forum.

*Article 11*  
**Rules of procedure**

On a proposal by and in agreement with DG GROW the Forum shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules<sup>7</sup>.

*Article 12*  
**Professional secrecy and handling of classified information**

The members of the Forum and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>8</sup> and 2015/444<sup>9</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

*Article 13*  
**Transparency**

- (1) The Forum and its sub-groups shall be registered in the Register of expert groups.
- (2) As concerns the Forum composition, the following data shall be published on the Register of expert groups:
- (a) the name of member organisations; the interest represented shall be disclosed;
  - (b) the name of other public entities;
  - (c) the name of observers;
  - (d) the name of Member States' authorities;
- (3) In compliance with Article 23(2) of the horizontal rules, individuals who do not wish to have their names disclosed may submit a request to the competent Commission departments for a derogation from the rules on publication. A derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the individual, in particular where disclosure of the experts' name could endanger their security or integrity.
- (4) All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available either on the Register of expert groups or via a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of

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<sup>7</sup> See Article 17 of the horizontal rules.

<sup>8</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>9</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001<sup>10</sup>.

*Article 14*

***Meeting expenses***

- (1) Participants in the activities of the Forum and its sub-groups shall not be remunerated for the services they offer.
- (2) Travel and subsistence expenses incurred by participants in the activities of the Forum and its sub-groups shall 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 departments under the annual procedure for the allocation of resources.

*Article 15*

***Applicability***

This Decision shall apply until 31 July 2020.

Done at Brussels, 14.8.2017

*For the Commission*

*Elżbieta BIENKOWSKA*

*Member of the Commission*

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<sup>10</sup> These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections, investigations or audits and the institution's decision-making process.