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COMMISSION DECISION

of 13.9.2017

setting up the Group of Experts on EU Trade Agreements

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THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Article 207 of the Treaty provides the Union an exclusive competence for matters of common commercial policy.
- (2) In accordance with Article 11(2) of the Treaty on European Union, the institutions are to maintain an open, transparent and regular dialogue with representative associations and civil society.
- (3) The informal Transatlantic Trade and Investment Partnership Advisory Group convened from 2014 to January 2017 proved to be a useful source of expert advice engaging relevant stakeholders.
- (4) In its Communication "Trade for all: Towards a more responsible trade and investment policy" of October 2015¹ the Commission emphasises the importance of crafting the EU's trade policy in a transparent and inclusive manner, and promoting an informed debate on trade policy. The Commission also commits to deepen its dialogue with civil society.
- (5) In view of the number of trade negotiations planned and underway and the public interest in certain negotiations in a number of Member States, it is necessary to create an expert group which shall provide expert advice that can assist the European Commission in these negotiations and in the implementation of finalised agreements.
- (6) To this end, an inclusive and balanced stakeholder representation should be sought, bringing together representative organisations with expertise in economic, social, ethical and/or environmental aspects of EU trade policy.
- (7) The group should not replace the existing Civil Society Dialogue organised by DG Trade.
- (8) With regards to the implementation of the Free Trade Agreements, this group should not replace nor replicate the Domestic Advisory Groups created under each relevant agreement.
- (9) In order to facilitate the development of the tasks allocated to the group, it is necessary to provide for rules on the operation and functioning of the group.
- (10) Rules on disclosure of information by members of the group should be laid down.

¹ COM(2015)497

- (11) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council².
- (12) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The group of experts on EU trade agreements, (“the group”), is set up.

Article 2

Tasks

The group’s tasks shall be to provide expert advice that can assist the Commission in the negotiation and implementation of trade agreements by:

- (a) providing technical expertise and practical experience relevant to negotiations in bilateral, plurilateral and multilateral trade agreements;
- (b) shedding light on the different perspectives the stakeholders they represent may take on certain issues, by engaging in open and constructive exchanges with other members of the group;
- (c) providing input related to the overall implementation of trade agreements;
- (d) providing feedback on the perception and public debate on trade agreements across EU Member States and issues that may require particular attention on the basis of their contacts with their respective European networks.

Article 3

Consultation

The Commission may consult the group on any matter relating to the negotiation and implementation of trade agreements.

Article 4

Membership

1. The group shall be composed of between 20 and 30 members.
2. Members shall be selected from European-level, non-governmental organisations, which may include employers organisations, trade unions, representative associations, socio-economic interest groups like consumer associations and other civil society organisations.
3. Organisations shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.

² 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).

4. An inclusive and balanced stakeholder representation among economic and non-economic civil society actors shall be sought while taking into account the specific tasks of the group, the type of expertise required and the response received to the call for application.
5. Members who are no longer capable of contributing effectively to the group'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 group and may be replaced for the remainder of their term of office.

Article 5

Selection process

1. The selection of the group's members 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 Register³ is required in order for organisations referred to in Article 4(2) to be appointed.
3. The members of the group shall be appointed by the Director General of the Directorate-General for Trade of the Commission ('DG Trade') from specialists with competence in the areas referred to in Article 2 and who have responded to the call for applications.
4. Members shall be appointed until the end of 2019. They shall remain in office until replaced or until the end of their term of office. Their term of office may be renewed.
5. DG Trade shall establish a reserve list of suitable candidates that may be used to appoint members' replacements. DG Trade shall ask applicants for their consent before including their names on the reserve list.

Article 6

Chair

The group shall be chaired by a representative of the DG Trade.

Article 7

Operation

1. The group shall act at the request of the Chair, in compliance with the horizontal rules.
2. Meetings of the group shall, in principle, be held on Commission premises.

³ See Article 8 of the Commission Decision establishing horizontal rules on the creation and operation of Commission expert groups C(2016)3301

3. DG Trade shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with the Chair, the group may, by simple majority of its members, decide that deliberations shall be public. Information obtained by participating in the group's deliberations may not be divulged if the Commission says that this relates to confidential matters.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus.

Article 8

Sub-groups

1. The Chair may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the DG Trade. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with Article 5 and the horizontal rules⁴.

Article 9

Invited experts

The Chair may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or 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 or as a result of a call for applications.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not participate in the formulation of recommendations or advice of the group.

Article 11

Rules of procedure

On a proposal by and in agreement with the Chair the group 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.

⁴ See Articles 10 and 14.2 of the horizontal rules on the creation and operation of expert groups.

Article 12

Professional secrecy and handling of classified information

The members of the group 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) 2015/443⁵ and 2015/444⁶. Should they fail to respect these obligations, the Commission may take all appropriate measures. The members of the group may be asked to sign a non-disclosure agreement.

Article 13

Transparency

1. The group and sub-groups shall be registered in the Register of expert groups.
2. As concerns the group composition, the following data shall be published on the Register of expert groups:
 - the name of member organisations; the interest represented shall be disclosed;
 - the name of observers.
3. 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 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) No 1049/2001⁷.

Article 14

Meeting expenses

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel expenses incurred by participants in the activities of the group and 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.

⁵ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁶ 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).

⁷ 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/audits and the institution's decision-making process.

Article 15

Applicability

The decision shall apply until the end of 2019 and may be renewed afterwards.

Done at Brussels, 13.9.2017

For the Commission
Cecilia MALMSTRÖM
Member of the Commission