



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

New Approach Industries, Tourism and CSR
International Regulatory Agreements, Toys Safety, CSR

Adopted by the Expert group on 19 October 2009

**RULES OF PROCEDURE OF THE GROUP OF EXPERTS ON THE
TOYS SAFETY DIRECTIVE**

THE EXPERT GROUP ON THE TOYS SAFETY DIRECTIVE,

Having regard to the Directive 88/378/EEC¹ of the Council on the safety of toys, and to the Directive 2009/48/EC of the European Parliament and the Council on the safety of toys²

Having regard to the standard rules of procedure published by the Commission³,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Missions and objectives of the Expert group

1. The mission of the Expert group is to advise the Commission in the preparation of legislative proposals and policy initiatives as well as in its tasks of monitoring and coordination or cooperation with the Member States.
2. The Expert group will exchange views on all issues related to the Toy Safety Directive, and additionally on:
 - a) Standardization*
 - b) Information from the Notified bodies*
 - c) International regulatory cooperation*
 - d) Enforcement by national authorities*
3. The Expert group will solve practical interpretation and implementation problems.
4. The Expert group will discuss formal objections, grey zone classification problems and will elaborate guidelines.

¹ OJ L 187, 16.07.1988,p.1

² OJ L 170, 30.06.2009,p.1

³ COM (2005) 2817, annex III, p.21

5. On Market Surveillance, the Expert group's objectives are:
 - a) to increase the efficiency of surveillance practices*
 - b) to minimise the effect of different surveillance practices*
 - c) to reduce the overlapping of national surveillance operations*
 - d) to spread good surveillance practice and techniques*

Article 2

Membership

1. The European Commission, Member States of UE -EEA and EFTA-EEA are full members of the Expert group.
2. The Candidate Countries and Switzerland are observers in the Expert group.
3. CEN, CENELEC, Notified Bodies, TIE, ANEC, BEUC representatives are invited, as stakeholders, to participate in meetings of the Expert group.
4. The Chair can invite any other party to participate in a meeting for one or several specific items.

Article 3

Convening a meeting

1. Meetings of the Expert group are convened by the Chair, either on his or her own initiative, or at the request of a simple majority of members after the Commission has given its consent.
2. The Chair organizes group meetings at regular intervals, in keeping with the mission and objectives indicated in Article 1, and at least once a year.

Article 4

Sessions

1. The meeting shall preferably be conducted over two days.
2. During the open session, called Expert session, all participants in the Expert group can be convened: members, observers and stakeholders.
3. The closed session, called ADCO (Administrative Cooperation) session, is open to members and observers only. During the closed session, confidential

information will be exchanged between the Commission and the national authorities.

Article 5

Language regime

1. According to the noted practice, the main working language of the group during the meetings will be English. The same regime applies for documentation to be sent to the participants.
2. However, simultaneous interpretation during the meetings is usually foreseen. The target languages, accorded to the noted practice, are French, Italian and German. Document translation will be ensured as appropriate, on the basis of the operating needs of the Group, subject to the availability of resources.

Article 6

Travel expenses

1. The number of delegates from any Member State is restricted to two persons (one expert responsible for implementing the Directive and one expert responsible for market surveillance). More experts are welcome to attend, but no additional travel expenses will be covered.
2. The number of delegates from stakeholders is restricted to one person. More experts are welcome to attend, but no additional travel expenses will be covered.
3. Travel expenses for the government experts (representing national authorities from Member States) and for private-sector experts are covered by the European Commission, according to the Commission's rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity.
4. Travel expenses for delegates from Candidate Countries, Switzerland and EFTA - EEA are not covered by the Commission.

Article 7

Chairmanship

1. The Expert group meeting is chaired by the European Commission.
2. The Chair functions as a contact point for the group.

3. The Chair will register all the documents send by members of the Expert group as well as documents circulated at the meeting or by the Chair.
4. The Chair shall publish the adopted guidance documents on the European web pages.

Article 8

Agenda

1. The Chair shall draw up the agenda and submit it to the Expert Group.
2. The Chair shall send the invitation to the meeting, the agenda and any other working documents, as a general rule, no later than 14 calendar days before the date of the meeting⁴.
3. Points which Members, Observers and Stakeholders wish to add to the meeting agenda shall be send to the chair at least four weeks before the meeting. For urgent matters and if justified this deadline may be shortened by the Chairman.
4. In cases of extreme urgency⁵, the Chair may depart from the periods laid down in paragraphs above. If the placing of another point onto the agenda is requested during the course of a meeting, the approval of a simple majority of the participants is required.

Article 9

Opinions of the Expert group

1. As far as possible, the group shall adopt its opinions or reports by a consensus.
2. In the event of a vote, the consensus is obtained by a simple majority of the participants.
3. If necessary and justified, the opinion of the group can be obtained by a written procedure. To this end, the Chair shall send the documents to the members of the group on which their opinion is sought. Any member who does not express his or her opposition or intention to abstain before the deadline laid down in the letter is considered to have given his or her tacit agreement to the documents submitted.

Article 10

⁴ A shorter timeframe may be set when, in a particular area, rapid action is properly requested

⁵ In particular if there is a threat to human or animal health.

Summary minutes of the meetings

1. Summary minutes on the discussion on each point on the agenda and the opinions delivered by the group are drafted by the Chair. The minutes shall be sent to the group within four weeks.
2. Any written comments on the minutes shall be sent to the Chair within four weeks. The Expert group shall be informed of this and if there are any disagreements, the proposed amendment shall be discussed by the Expert group.
3. Important group proposals will be listed as "Action points". These action points shall clearly state who is responsible for carrying out any specific work or task. These action points shall be circulated to the Members, Observers and Stakeholders, as applicable. At each meeting this list shall be revised with deletion of the points that have been concluded and the addition of the new points identified. The Chairman shall ensure that the action points identified are followed up and report the progress at the next meeting.

Article 11

Attendance list

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list specifying, where appropriate, the authorities, organizations or bodies to which the participants belong.

Article 12

Prevention of conflicts of interest

1. At the start of each meeting, any member, observer or stakeholder whose participation in the group's deliberations would raise a conflict of interest on a specific item on the agenda shall inform the Chair.
2. Members, observers or stakeholders appointed in a personal capacity shall sign a declaration certifying that their participation will not result in conflicts of interest.
3. In the event of such a conflict of interest, the member shall abstain from discussing the items on the agenda concerned and from any vote on these items.

Article 13

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 Permanent Representations, if possible by e-mail.
3. CIRCA is used for the distribution of any working documents.

Article 14

Transparency

1. The principles and conditions concerning public access to the group's documents are the same as laid down in Regulation (EC) No 1049/2001⁶. It is for the Commission to take a decision on requests for access to those documents.
2. The group's deliberations are confidential.
3. In agreement with the Commission, 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 45/2001⁷.

⁶ 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, 31.5.2002, p. 43).

⁷ 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).