

RULES OF PROCEDURE FOR THE DSI OPERATIONAL MANAGEMENT BOARD (OMB)

Context

The “*Non-paper on the IT Governance of CEF Building Block Digital Service Infrastructures (DSIs)*”¹ sets out an ‘integrated’ IT Governance Model for the duration of CEF, i.e. until 2020, unless a long-term solution has been implemented before then. The Member States endorsed the non-paper in the CEF Telecom Expert Group meeting on 3 February 2015. It was subsequently revised in November 2015, adding information about the Architecture Management Board (AMB) and in October 2018, including a reference to the new building blocks.

The IT Governance Model aims to align both policy and implementation, and the operational practices of DSIs with CEF’s long-term strategic goals. Its goal is to promote coherence across CEF building block DSIs and build trust between them and the sector-specific DSIs, while promoting efficiency and avoiding the duplication of structures.

Principles of Governance that shape the design of the Organisational Structure and of the Governance Processes form the basis for the proposed IT Governance Model of the CEF building block DSIs. It takes due into account the following three generic principles underpinning good European Governance and the European regulatory environment:

1. **Transparency:** all relevant documents of the governance bodies shall be made available to the Member States on a dedicated website, or a collection of websites accessible through a common portal (CEF Digital²), where information can be consulted and retrieved;
2. **Effectiveness and timeliness:** to the extent possible, issues shall be handled by the lowest level that can take care of them with efficacy;
3. **Participation:** the quality, relevance and effectiveness of the CEF building block DSIs will depend on the participation of the Users and End-Users. This requires DSIs to follow an inclusive approach during the rollout period.

The IT Governance Model suggests splitting the governance responsibilities into three layers, in accordance with the Principles of Good Governance. It further defines the following four governance bodies to fit the proposed governance model:

1. The **CEF Coordination Committee** (IT Policy layer) aims to ensure alignment to the CEF regulation and (CEF Telecom) Guidelines. The Committee will handle the adoption of the work programme(s) including the selection of DSIs and related decisions on the level of funding;

¹ Document elaborated by DG CNECT and DIGIT. Available here: <https://ec.europa.eu/cefdigital/wiki/x/goDOAQ>

² <https://ec.europa.eu/cefdigital>

2. The **CEF Telecoms Expert Group** (DSIs IT strategy & coordination layer) aims to ensure coordination of implementation efforts and alignment between operational practices and long-term strategic goals. This Expert Group will, under the responsibility of the Commission, coordinate the implementation of DSIs and their overall strategic alignment³;
3. The **DSI Architecture Management Board (AMB)** (DSI implementation layer) aims to ensure that each CEF building block DSI fully aligns to the overarching policy objectives stated in the CEF Regulation and Guidelines throughout its implementation;
4. The **DSI Operational Management Board (OMB)** (DSI implementation layer) aims to ensure that the Commission leads the implementation process of the DSIs with the advice of the Member States and to ensure that the private sector, user organisations and standardisation bodies play an advisory role.

The **DSI Expert Group** provides advice and expertise to the DSI Operational Management Board on tactical matters. Consultation processes will ensure that standardisation bodies, the private sector, user communities and other stakeholders are involved as required.

The objective of the OMB is to provide a vehicle for the participants to handle all operational matters regarding the 'operational-side' of the CEF building block DSIs. This includes the following activities (this list is not exhaustive):

- Scope management:
 - Confirm and validate DSI baseline definition
 - Confirm and validate vision, project charter and roadmap of the Building Block DSIs;
- Reporting:
 - Follow-up of Project Results, Work Programme realisation, Project Management realisation and Financial Management.
- Lifecycle management:
 - Provide guidance and decisions on change requests and releases;
 - Launch and Review relevant consultations.
- Risk and issue management:
 - Provide guidance on escalated risks and issues.

³ The CEF Stakeholder Management Office (SMO) operated by the Commission will support this group.

THE DSI OPERATIONAL MANAGEMENT BOARD

Having regard to Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010⁴, and in particular Article 25 thereof,

Having regard to Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC⁵,

Having regard to the Non-paper on the IT Governance of CEF Building Block Digital Service Infrastructures (DSIs),

Having regard to the standard rules of procedure published by the Commission⁶,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Convening a meeting

1. The OMB generally meets on a monthly basis.
2. The Secretariat⁷ convenes the meeting under the responsibility of the Chair (a representative of the CEF building block DSI Owner).
3. A meeting of the OMB shall be convened within a reasonable time, and no later than 14 calendar days before the date of the meeting.

Article 2

Agenda

1. The Secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the OMB.
2. The Board shall adopt the agenda at the start of the meeting.

⁴ OJ L 348, 20.12.2013, p. 129.

⁵ OJ L 86, 21.3.2014, p. 14-26

⁶ OJ C 206, 12.7.2011, Page 11

⁷ The Architecture Management function operated by the Commission

Article 3

Documentation to be submitted to members of the Board

1. The Secretariat shall submit the invitation and the draft agenda to the Board members no later than seven calendar days before the date of the meeting. Other documents related to the meeting, shall, as far as possible, be submitted within the same time limit.
2. In duly justified cases, the Chair may, on his/her own initiative or at the request of a member of the Board, shorten the time limit for submission of documents referred to in paragraph 1.

Article 4

Opinion of the Board

As far as possible, the Board shall adopt its opinions, recommendations and reports by consensus. If consensus cannot be reached, the Chair will endeavour to elaborate solutions, which command the widest possible support within the Board.

Article 5

Representation

1. The OMB shall be composed of the CEF building block DSI Owner (there may be more than one per building block) accountable for the policy and functional side of DSI, the CEF building block DSI Solution Provider (there may be more than one per building block) accountable for the delivery of the Core Service Platform, and Sector-specific DSIs that will be invited to participate in the OMB(s) of the building block(s) that they reuse (or have committed to reuse).
2. The Chair may decide to invite stakeholders with knowledge and expertise relevant to the issue at stake to talk on particular matters, on his/her own initiative or at the request of a member of the Board. However, a simple majority of the competent members of the Board may oppose their participation in the meeting. The Secretariat shall inform the Board members about invited experts attending the OMB no later than seven calendar days before the date of the meeting.

Article 6

Interactions with the Governance Bodies

1. The sector-specific DSIs shall channel their requests directly to the CEF building block DSIs. The OMB of the concerned CEF building block DSI shall evaluate, analyse and recommend the course of action it considers best.

2. The OMB may seek advice and expertise on operational matters from the CEF DSI Expert Group⁸.
3. In case an issue arises, for example between a CEF building block DSI and a sector-specific DSI, the request shall be transferred to the CEF Telecom Expert group for final agreement on the way to proceed.
4. In case the agreed approach involves a change in a Work Programme of CEF, the issue shall be further brought to the attention of the CEF Coordination Committee.

Article 7

Written procedure

1. In duly justified cases, the Chair may obtain the Board's opinion by written procedure in accordance with Article 3(5) of Regulation (EU) 182/201119. The Secretariat, under the responsibility of the Chair, shall send the Board the draft opinion and enclosed documents and shall lay down a time limit for the delivery of an opinion according to the urgency of the matter.
2. Any Board member who does not oppose the proposed opinion before the expiry of that time limit shall be regarded as having tacitly agreed to the proposed opinion.
3. The Chair shall inform the members of the Board of the outcome of a written procedure without delay, and no later than 14 calendar days after the expiry of the time limit.
4. Unless otherwise provided in the rules of procedure, the written procedure shall be terminated without result where, within the time limit referred to in the first subparagraph, the Chair so decides or a Board member so requests. In such a case, the Chair shall convene an OMB meeting within a reasonable time.

Article 8

Secretarial support

The DSI Solution Provider(s) shall provide secretarial support for the Board.

⁸ The Expert Group shall consist of, unless otherwise specified, of Member States representatives. The DSI Expert Groups may therefore be composed of Member State representatives only or they may be mixed. Participation is determined in the decision/act establishing the Expert Group.

⁹ In particular, the Chair may use the written procedure to obtain the Board's opinion in cases where rapid action is required.

Article 9

Minutes and summary record of meetings

1. The Secretariat shall draft the minutes of each meeting under the responsibility of the Chair. Board members shall have the right to ask for their position to be recorded in the minutes.
2. The minutes shall be published on the respective Governance spaces of CEF Digital¹⁰ to the Board members without delay and no later than seven calendar days after the meeting.
3. The members of the Board shall send any comments they may have on the minutes to the Chair in writing as a comment on the Governance Space. If there is any disagreement, the matter shall be discussed by the Board. If the disagreement persists, the relevant comments shall be annexed to the final minutes.
4. The minutes shall be approved by the OMB during the next OMB meeting.

Article 10

Attendance list and conflicts of interest

1. At each meeting, the Secretariat, under the responsibility of the Chair, shall draw up an attendance list specifying the representatives of the CEF building block DSI Owner, the CEF building block DSI Solution Provider and any other stakeholders that were invited to participate in the OMB.
2. The Secretariat shall publish the attendance list to the Board members without delay and no later than seven calendar days after the meeting on the respective Governance space.
3. At the beginning of each meeting, any person who was authorised by the Chair to participate in the meeting shall inform the Chair of any conflict of interest¹¹ with regard to a particular item on the agenda.
4. In the event of such a conflict of interest, the person concerned shall, at the request of the Chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

¹⁰ <https://ec.europa.eu/cefdigital>

¹¹ As an example, Article 57(2) of Regulation (EC, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1) contains a specific definition of a conflict of interest.

Article 11

Correspondence

Correspondence for members of the Board shall be submitted to the respective Governance spaces.

Article 12

Access to documents and confidentiality

1. All relevant documents, including minutes of each meeting, shall be made available to the Member States on the respective Governance spaces, where information can be consulted and retrieved¹².
2. Documents submitted to members of the Board shall be confidential¹³, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the Commission.

Article 13

Protection of personal data

The processing of personal data by the Board shall be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council¹⁴, under the responsibility of the Chair acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

¹² Exceptions to systematic publication are foreseen where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents.

¹³ In accordance with Article 339 TFEU, "the members of the institutions of the Union, the members of Committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components".

¹⁴ OJ L 8, 12.1.2001 p. 1.