



EUROPEAN
COMMISSION

Brussels, 4.6.2014
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COMMISSION DECISION

of 4.6.2014

setting up the group of experts on tobacco policy

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THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Article 114 of the Treaty provides for the approximation of provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market. This provision also applies to tobacco products.
- (2) The legislation of the European Union on tobacco products is currently composed of several measures, such as Directive [2014/40/EU]¹ of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (repealing Directive 2001/37/EC), and Directive 2003/33/EC of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products.
- (3) These measures, and in particular Directive [2014/40/EU]², confer on the Commission the power to adopt a number of delegated acts and to review their provisions in order to keep them in line with scientific and technical developments as well as with market developments.
- (4) The Commission may need to use the expertise of specialists in preparing reports, proposals and measures to be adopted under those provisions.
- (5) Article 168 of the Treaty makes provision for the European Union to encourage Member States to cooperate with each other on public health, including tobacco control. It also provides for the adoption of incentive measures. Council Recommendation of 30 November 2009 on smoke-free environments (2009/C296/02) and Council Recommendation of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control (2003/54/EC) have been adopted in this context.
- (6) The Commission may need to be assisted by experts in order to prepare policy initiatives for incentive measures in the area of tobacco control and to facilitate cooperation with Member States in this area.
- (7) It is therefore necessary to set up an expert group on tobacco policy and to define its tasks and its structure.
- (8) The expert group should help facilitate cooperation between Member States and the Commission on questions relating to tobacco control policies, and assist the

¹ Please add correct number when available

² Please add correct number when available

Commission, at its request, in preparing policy initiatives for incentive measures in the field of tobacco control and in preparing reports, legislative proposals and delegated acts in the framework of Union legislation on tobacco.

- (9) The expert group should be composed of representatives of Member States.
- (10) Rules should be laid down on the disclosure of information by members of the group.
- (11) 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 data³,

HAS DECIDED AS FOLLOWS:

Article 1

Establishment of the expert group

The Commission Expert Group on Tobacco Policy, hereafter ‘the expert group’, is hereby set up.

Article 2

Tasks

At the request of the Commission, the expert group shall carry out the following tasks:

- (a) Help the Commission prepare reports, legislative proposals and delegated acts in the framework of EU legislation on tobacco and in the implementation of Union legislation on tobacco;
- (b) Facilitate cooperation between Member States and the Commission on matters relating to tobacco control policies;
- (c) Provide expertise with a view to assisting the Commission in preparing policy initiatives for incentive measures on tobacco control.

Article 3

Consultation

The Commission may consult the expert group on any matter relating to tobacco policy.

Article 4

Membership — appointment

- 1. The expert group shall be composed of one member per Member State

³ OJ L 8, 12.1.2001, p. 1.

2. Each Member State shall inform the Commission of the authority it has designated as its member of the expert group. The members shall nominate their representatives and any alternates who shall declare any conflicts of interest to the Commission's representative prior to their participation in meetings of the expert group.
3. The name of each member shall be published in the Register of Commission expert groups and other similar entities, hereafter referred to as 'the Register'.
4. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. The expert group shall be chaired by a representative of the Commission.
2. In agreement with the Commission, the expert group may set up sub-groups to examine specific matters on the basis of terms of reference it defines. Where appropriate, its members may choose to be represented in any sub-group by representatives different to those nominated as representatives of the expert group. Sub-groups shall be disbanded as soon as their mandate is fulfilled.
3. The Commission's representative may invite outside experts with relevant subject-matter competence to attend meetings of the expert group or any ad hoc sub-group and give observer status to the individuals or organisations referred to in Rule 8(3) of the horizontal rules on expert groups and candidate countries.
4. Members of the expert group and their representatives, invited experts and observers shall be bound by the professional secrecy rules laid down by the Treaties and their implementing rules, and by the Commission's rules on the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom⁴. Should they fail to respect these obligations, the Commission may take all appropriate measures.
5. The expert group and any sub-groups shall meet on Commission premises. The Commission shall provide secretarial services. Any Commission official with an interest in the proceedings may attend.
6. The expert group shall adopt rules of procedure based on the standard rules of procedure for expert groups.
7. The Commission shall publish all relevant documents, such as draft agendas and minutes, by including them in the Register or by providing a link from the Register to a dedicated website, except if public disclosure of such documents would undermine the public or private interests referred to in Article 4 of Regulation (EC) No 1049/2001⁵.

⁴ Commission Decision of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

⁵ 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 6

Financial compensation

1. Participants in the activities of the expert group shall not be remunerated for their services.
2. The Commission shall reimburse travel and subsistence expenses incurred by participants in accordance with its internal rules.
3. Expenses shall be reimbursed within the limits of the appropriations allocated under the annual procedure for the allocation of resources.

Article 7

Applicability

This Decision shall apply until 31 December 2025.

Done at Brussels, 4.6.2014

For the Commission
Tonio BORG
Member of the Commission