

RULES OF PROCEDURE OF THE CROSS-BORDER HEALTHCARE

EXPERT GROUP

The Cross-border healthcare Expert Group,

- (1) Having regard to Commission Decision of 20 April 2004 setting up a High Level Group on Health Services and Medical Care¹,
- (2) Having regard to Directive 2011/24/EU on patients' rights in cross-border healthcare²,
- (3) Having regard to the Commission decision of 30 May 2016 establishing horizontal rules on the creation and operation of Commission Expert Groups³,
- (4) Having regard to the standard rules of procedure of expert groups⁴,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Point 1

Operation of the group

The group shall act at the request of the European Commission's Directorate General for Health and Food Safety (hereafter DG SANTE). The purpose of the group is to provide DG SANTE with advice and expertise, and furthermore to provide Member States with a forum of exchange of experiences on the operation of the Directive 2011/24/EU.

Point 2

Convening a meeting

1. Meetings of the group are convened by the Chair, with the agreement of DG SANTE either on its own initiative, or at the request of a simple majority of members after DG SANTE has given its agreement.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the group shall be held in Commission premises unless otherwise decided by the Chair and agreed by DG SANTE.

¹ C (2004) 1501

² Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

³ C(2016) 3301

⁴ C(2016) 3301 (Annex)

Point 3

Agenda

1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group.
2. The agenda shall be adopted by the group at the start of the meeting.

Point 4

Documentation to be sent to group members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than thirty calendar days before the date of the meeting.
2. The secretariat shall send documents on which the group is consulted to the group members no later than fourteen calendar days before the date of the meeting.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in paragraphs 1 and 2 may be reduced to five calendar days before the date of the meeting.

Point 5

Opinions of the group

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus.
2. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

Point 6

Sub-groups

1. DG SANTE may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the DG SANTE. Sub-groups shall operate in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules') and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. Representatives of the Member States' respective National Contact Points form such a sub-group to exchange experiences and practices in accordance with article 6 (2) of the Directive 2011/24/EU.
3. New members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance the horizontal rules.

Point 7

Invited experts

DG SANTE 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.

Point 8

Observers

1. Organisations or 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.
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 have voting rights and shall not participate in the formulation of recommendations or advice of the group.

Point 9

Written procedure

1. If necessary, the group's opinion or recommendation on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the document(s) on which the group is being consulted.
2. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

Point 10

Secretariat

DG SANTE shall provide secretarial support for the group and any sub-groups.

Point 11

Minutes of the meetings

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.

Point 12

Attendance list

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list also specifying, where appropriate, the Member States' authorities, organisations or other public entities to which the participants belong.

Point 13

Correspondence

1. Correspondence relating to the group shall be addressed to DG SANTE, for the attention of the Chair.
2. Correspondence for group members shall be sent to the e-mail address which they provide for that purpose.

Point 14

Transparency

1. The group and sub-groups shall be registered on the Register of expert groups.
2. DG SANTE shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, 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, DG SANTE shall publish the agenda and other relevant background documents 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) N° 1049/2001⁵.

Point 15

Access to documents

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001⁶.

Point 16

Deliberations

In agreement with DG SANTE, the group may, by simple majority of its members, decide that deliberations shall be public.

⁵ 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, 31.5.2001, p. 43).

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, 31.5.2001, p. 43).