

**COMMISSION DECISION**  
**of 3 June 2014**  
**establishing a Commission expert group on Cancer Control and repealing Decision 96/469/EC**  
(2014/C 167/05)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Under Article 168(2) of the Treaty on the Functioning of the European Union, Member States are required, in liaison with the Commission, to coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation.
- (2) The Commission White Paper 'Together for Health: A strategic approach for the EU 2008-2013'<sup>(1)</sup> adopted by the Commission on 23 October 2007, developing the EU health strategy, identified cancer as a priority for action.
- (3) The Council adopted on 2 December 2003 a Recommendation on cancer screening<sup>(2)</sup>.
- (4) The Council adopted on 10 June 2008 Conclusions on 'Reducing the burden of Cancer'<sup>(3)</sup> and on 13 September 2010 on 'Action against Cancer'<sup>(4)</sup>.
- (5) The European Commission adopted on 24 June 2009 a 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Action Against Cancer: European Partnership'<sup>(5)</sup>.
- (6) The Communication from the President to the Commission of 10 November 2010 entitled 'Framework for Commission Expert Groups: Horizontal rules and public register'<sup>(6)</sup> (hereinafter, the 'the framework for Commission expert groups') sets out a revised set of rules for all Commission expert groups.
- (7) The preparation and implementation of activities in the field of cancer require close cooperation with the specialized bodies in Member States and with the interested parties. This would respond to demands from Member State representatives and stakeholders for an improved coordination in the light of the expanding cancer work. In addition, sharing knowledge and information can help resolve some of the difficulties that Member States are facing in cancer control and will facilitate cooperation with other significant actors such as patient's organisations.
- (8) Advice from high-level European experts in the field of cancer should be constantly made available in the form of an expert group established by the Commission. The expert group on cancer control should, at the request of the Commission, provide advice and expertise to the Commission in formulating and implementing the Union's activities in the field of cancer and foster exchanges of relevant experience, policies and practices between the Member States and the various parties involved.

<sup>(1)</sup> COM(2007) 630 final, 23.10.2007.

<sup>(2)</sup> OJ L 327, 16.12.2003, p. 34.

<sup>(3)</sup> 2876th Employment, Social policy, Health and Consumer Affairs Council meeting, 10.6.2008.

<sup>(4)</sup> 3032nd General Affairs Council meeting, 13.9.2010.

<sup>(5)</sup> COM(2009) 291 final, 24.6.2009.

<sup>(6)</sup> C(2010) 7649 final, 10.11.2010.

- (9) This group should be composed of representatives of Member States, representatives of patients' organisations in the field of cancer, representatives from European associations acting in the field of cancer prevention, European professional associations or scientific societies acting in the field of cancer, a representative of producers of products or service providers in the field of cancer and a representative of the International Agency for Research on Cancer, in order to allow a wide representation of stakeholders and experts in the area of cancer.
- (10) The expert group on cancer control should not act as a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>(1)</sup>.
- (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 data<sup>(2)</sup>.
- (12) Commission Decision 96/469/EC of 30 July 1996<sup>(3)</sup> establishing an advisory committee for cancer prevention should thereby be repealed,

HAS DECIDED AS FOLLOWS:

*Article 1*

**Establishment of the expert group**

The Commission expert group on cancer control, hereinafter referred to as 'the expert group', is hereby set up.

*Article 2*

**Tasks of the expert group**

1. At the request of the Commission or the Commission services, the expert group shall carry out the following tasks in the field of cancer:
- (a) assist the Commission in the drawing up of legal instruments and policy documents, guidelines and recommendations on cancer control, as well as cancer data including epidemiology, early detection of cancer and cancer screening, information of the public on cancer prevention, quality assurance procedure in cancer management and preventive aspects which may be developed on the basis of the results of fundamental, translational and clinical cancer research carried out under the EU research programmes and other international or national research initiatives, as well as on cross cutting themes related to cancer;
  - (b) advise the Commission in the implementation of Union actions and suggest improvements to the measures taken;
  - (c) advise the Commission in the monitoring, evaluation and dissemination of the results of measures taken at Union and national level;
  - (d) advise the Commission on international cooperation;
  - (e) facilitate coordination and exchange of information between Member States;
  - (f) provide an overview to the Commission on Union and national policies;
  - (g) gathering information of relevant experience, policies and practices of the Member States and the various parties involved.
2. In order to carry out the tasks referred to in paragraph 1, the expert group may at the request of the Commission services submit opinions, recommendations and reports.

<sup>(1)</sup> OJ L 55, 28.2.2011, p. 13.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(3)</sup> OJ L 192, 2.8.1996, p. 31 and OJ L 204, 14.8.1996, p. 20.

3. The tasks of the expert group shall not overlap with issues covered by the Advisory Committee on safety and health at work (ACSH) set up by Council Decision 2003/C 218/01<sup>(1)</sup> by the Scientific Committee on Occupational Exposure Limits for Chemical Agents set up by Commission Decision 2014/113/EU<sup>(2)</sup> or under Directive 2004/37/EC on the protection of workers from the risks related to carcinogens and mutagens at work<sup>(3)</sup>, nor issues that fall under the tasks of the Pharmaceutical Committee, set up by Council Decision 75/320/EEC<sup>(4)</sup>.

#### Article 3

#### Consultation

The Commission may consult the expert group on any matters relating to cancer.

#### Article 4

#### Membership — Appointment

1. The expert group shall be composed of the following members:
  - (a) Member States' competent authorities;
  - (b) three representatives of patients' organisations in the field of cancer;
  - (c) two representatives of European associations acting in the field of cancer prevention;
  - (d) three representatives of European professional associations or scientific societies acting in the field of cancer;
  - (e) one representative of producers of products or service providers in the field of cancer;
  - (f) one representative of the International Agency for Research on Cancer.
2. Competent authorities of the EFTA States which are party to the European Economic Area Agreement may also be members of the group, at the request of the EFTA States concerned.
3. Competent authorities of the candidate countries for accession to the European Union may also be members of the group, at the request of the States concerned.
4. Members shall be appointed by the Director-General for Health and Consumers.
5. The members referred to in points (b), (c), (d) and (e) of paragraph 1 shall be appointed from a list of suitable candidates established following publication of a call for expressions of interest. The call for expressions of interests shall specify the required qualifications and conditions to become member of the expert group.
6. The members referred to in paragraph 1(a) to (f) and paragraphs 2 and 3 shall nominate representatives and alternates to replace the representative when absent or indisposed. Alternates shall be nominated in accordance with the same conditions as representatives. Alternates shall automatically replace any members who are absent or indisposed.
7. The Director-General for Health and Consumers may refuse a representative or an alternate proposed by an organisation if he or she does not meet the profile required in the call for expressions of interest referred to in paragraph 5. In such cases, the organisation concerned shall be asked to nominate another representative or alternate.
8. The term of office of members of the expert group shall be three years and may be renewed after having responded to a further call for expressions of interest.
9. A member's term of office shall come to an end before the expiry of the three-year period in case of resignation.
10. Members referred to in paragraph 1(b) to (f), or their representatives, may be excluded and replaced for the remainder of their term of office in any of the following cases:
  - (a) permanent incapacity to attend the meetings;

<sup>(1)</sup> OJ C 218, 13.9.2003, p. 1.

<sup>(2)</sup> OJ L 62, 4.3.2014, p. 18.

<sup>(3)</sup> OJ L 229, 29.6.2004, p. 23.

<sup>(4)</sup> OJ L 147, 9.6.1975, p. 23.

- (b) incapacity to contribute effectively to the group's deliberations;
- (c) non-compliance with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union;
- (d) subsequent non-compliance with the qualifications and conditions specified in the call for expression of interests as referred to in paragraph 5.

11. The Director-General for Health and Consumers may ask a member referred to in paragraph 1(b) to (f) to nominate another representative or another alternate in the cases referred to in paragraph 10.

12. Members whose term of office comes to an end before the expiry of the three-year period pursuant to paragraphs 8 and 9 may be replaced for the remaining period of their mandate.

13. The names of members and their representatives shall be published in the Register of Commission expert groups and other similar entities ('the Register')<sup>(1)</sup>. The names of Member States' authorities may be published in the Register.

14. 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 the Director in charge of the policy on public health in the Directorate-General for Health and Consumers of the Commission. The Director may delegate chairmanship to another Commission official.

2. In agreement with the Commission, the expert group may set up subgroups to examine specific questions on the basis of terms of reference defined by the group. Such subgroups shall be disbanded as soon as their mandate is fulfilled.

3. The Commission may invite experts from outside the expert group with specific competence in a subject on the agenda to participate in the work of the group. In addition, the Commission may give observer status to individuals or organisations, as defined in Rule 8(3) of the framework for Commission expert groups, and candidate countries for accession to the EU.

4. Members of expert groups and their representatives and alternates, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom<sup>(2)</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

5. The meetings of the expert group and subgroups shall be held on Commission premises, unless where exceptionally meetings are organised elsewhere for duly motivated reasons. The Commission shall provide secretarial services. The agenda and the minutes of the expert group's meetings shall be drawn up by the Commission. Other Commission officials with an interest in the proceedings may attend meetings of the expert group and its subgroups.

6. The expert group shall adopt its rules of procedure on the basis of the Commission standard rules of procedures for experts groups.

7. The Commission shall make available all relevant documents (such as agendas, minutes and participants' submissions) on the activities carried out by the expert group either by including it in the Register or via a link from the Register to a dedicated website, where information can be found. A document shall not be published where disclosure would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001<sup>(3)</sup>.

<sup>(1)</sup> Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

<sup>(2)</sup> Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

<sup>(3)</sup> 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***Meeting expenses**

1. Participants in the activities of the expert group shall not be remunerated for the services they render.
2. Travel and subsistence expenses incurred by participants in the activities of the expert group shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
3. The expenses referred to in paragraph 2 shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

*Article 7***Repeal**

Decision 96/469/EC is repealed.

*Article 8*

This Decision shall apply as from the date of its adoption.

Done at Brussels, 3 June 2014.

*For the Commission*

Tonio BORG

*Member of the Commission*

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