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**COMMISSION DECISION**

**of 30.5.2016**

**establishing horizontal rules on the creation and operation of Commission expert groups**

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### establishing horizontal rules on the creation and operation of Commission expert groups

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas:

- (1) In November 2010 the Commission established a new framework for Commission expert groups<sup>1</sup> providing for a set of horizontal rules on the creation and functioning of those groups.
- (2) It is appropriate to provide Commission departments with a revised set of rules, drawing on the Commission's experience in the implementation of the previous framework and taking into account suggestions put forward by the European Parliament, the European Ombudsman and civil society organisations.
- (3) Revised horizontal rules should confirm the Commission's commitment to strive for a balanced composition of the expert groups.
- (4) In order to make selection procedures more transparent and inclusive and to contribute to a balanced composition of expert groups, as a general rule the selection of the members of expert groups should be done via public calls for applications, except for public authorities and representative bodies established by Union legislation for advice in specific areas.
- (5) Transparency should be enhanced by releasing a new version of the Register of Commission expert groups and other similar entities ('the Register of expert groups'), reflecting the revised horizontal rules. In this context, synergies between the Register of expert groups and the Transparency Register should be ensured.
- (6) Rules to manage conflict of interest in relation to individuals appointed in a personal capacity, who are due to act independently and in the public interest, should be improved.
- (7) In order to bring more clarity and transparency with respect to the composition of expert groups, members should be classified according to a more accurate set of categories.
- (8) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>2</sup>.

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<sup>1</sup> C(2010) 7649 final of 10.11.2010.

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

HAS DECIDED AS FOLLOWS:

## **Chapter I**

### **General provisions**

#### *Article 1*

##### *Subject matter and scope*

1. This Decision establishes horizontal rules on the creation and operation of Commission expert groups and their sub-groups, as well as of other similar entities and their sub-groups, without prejudice to the provisions included in the legislative acts setting up those entities. The horizontal rules also apply to on hold-groups.
2. This Decision does not apply to the following:
  - (a) committees assisting the Commission in the exercise of its implementing powers, in accordance with Regulation (EU) No182/2011<sup>3</sup>;
  - (b) independent experts assisting the Commission in the evaluation of proposals (including entries in the field of Prize Contest) and monitoring projects in the implementation of activities in the area of research and technological development ;
  - (c) sector and cross-industry social dialogue committees the work of which aims at the conclusion of agreements implemented by the Council or by the social partners and at adopting frameworks for action and the activities of which are governed by Commission Decision of 20 May 1998<sup>4</sup>;
  - (d) joint bodies set up by international agreements;
  - (e) experts gathering for ad hoc events, such as one-off meetings and conferences.
3. Existing consultative entities which were not previously classified as ‘Commission expert groups’ or ‘other similar entities’ for the sole reason that they are composed of less than six members, shall be subject to the horizontal rules by the end of 2016.

#### *Article 2*

##### *Definitions*

For the purposes of this Decision, the following definitions shall apply:

- (1) ‘Commission expert groups’ means consultative bodies set up by the Commission or its departments for the purpose of providing them with advice and expertise as set out in Article 3 and which are foreseen to meet more than once.

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<sup>3</sup> Regulation (EU) N°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 (OJ L 55, 28.2.2011, p. 13).

<sup>4</sup> Commission Decision of 20.5.1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level (OJ L 225, 12.8.1998, p. 27), and the Communication from the Commission - Partnership for change in an enlarged Europe - Enhancing the contribution of European social dialogue, COM(2004) 557 final, Annexes 1 and 4.

- (2) 'other similar entities' means consultative entities set up by the Union legislator, the role of which is the same as, or similar to, that set out in Article 3, which are foreseen to meet more than once and for which the Commission departments ensure administrative and/or financial management.
- (3) 'on-hold groups' means Commission expert groups and other similar entities which are temporarily not in operation, but are still registered in the Register of expert groups.
- (4) 'conflict of interest' means any situation where an individual has an interest that may compromise or be reasonably perceived to compromise the individual's capacity to act independently and in the public interest when providing advice to the Commission in relation to the subject of the work performed by the expert group or sub-group in question.

### *Article 3*

#### ***Role of expert groups***

1. Expert groups provide advice and expertise to the Commission and its departments in relation to:
  - (a) the preparation of legislative proposals and policy initiatives;
  - (b) the preparation of delegated acts;
  - (c) the implementation of Union legislation, programmes and policies, as well as coordination and cooperation with Member States and stakeholders in that regard;
  - (d) where necessary, the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) N°182/2011.

## **Chapter II Setting up of expert groups**

### *Article 4*

#### ***Creation of expert groups***

1. Expert groups shall be set up either by Decision of the Commission ('formal expert group') or by a Commission department after having obtained the agreement of the responsible Commissioner and Vice-President and the Secretariat-General ('informal expert group').
2. The choice between setting up a formal or an informal expert group shall be determined at the appropriate hierarchical level, taking into account the anticipated political impact of the work of the group and specific circumstances.
3. A Commission department wishing to set up an expert group shall informally consult the Secretariat-General and other relevant Commission departments, in order to ensure coordination and avoid duplication.
4. A Commission department wishing to set up a formal expert group shall make use of the relevant standard template set out in Annex 1. Departments may depart from the standard template or supplement it where this is justified by specific requirements, in

compliance with this Decision. The Commission Decision establishing the expert group shall clearly indicate whether the members of the expert group are to be appointed by the Commission, the Director General concerned or by other relevant Commission officials.

5. A Commission department wishing to set up an informal expert group shall submit a request to the Secretariat-General via the Register of expert groups. The request shall be accompanied by the agreement of the responsible Commissioner and Vice-President, unless a financing decision or work programme authorising the setting up of the expert group has been previously adopted by the Commission. If all relevant information is provided on the Register of expert groups, and if the conditions of the horizontal rules are met, the Secretariat-General shall give the authorisation for setting up the expert group *via* its publication on the Register. The standard template referred to in paragraph 4 also provides guidance for the setting up of informal expert groups.
6. Expert groups may be set up for a fixed or unlimited duration.

#### *Article 5*

##### ***Mandate of expert groups***

1. When setting up an expert group the Commission or its departments shall clearly define its mandate, in accordance with the role of expert groups set out in Article 3, as well as the tasks of the expert group as precisely as possible, while also indicating its area of activity and the type of advice required.
2. Commission departments shall endeavour to merge different groups having a limited mandate falling within the same policy area into one single group with a wider mandate, in particular for groups composed exclusively of Type D and Type E members, the representatives of which may vary according to the agenda.

#### *Article 6*

##### ***Name of expert groups***

Without prejudice to the names of expert groups existing at the time of adoption of this Decision, the name of each expert group should, as far as possible, include the term “*Commission expert group*”.

#### *Article 7*

##### ***Composition of expert groups***

1. When setting up an expert group the types of its members, within the meaning of this Article, shall be specified.
2. Expert groups may be composed of the following types of members:
  - (a) individuals appointed in their personal capacity who are to act independently and in the public interest (‘Type A members’);
  - (b) individuals appointed to represent a common interest shared by stakeholders in a particular policy area, who do not represent an individual stakeholder, but a policy orientation common to different stakeholder organisations (‘Type B

- members’). Where appropriate, those individuals may be appointed on the basis of proposals put forward by the stakeholders concerned;
- (c) organisations in the broad sense of the word, including companies, associations, Non-Governmental Organisations, trade unions, universities, research institutes, law firms and consultancies (‘Type C members’);
  - (d) Member States' authorities, at national, regional or local level (‘Type D members’);
  - (e) other public entities, such as third countries' authorities, including candidate countries' authorities, Union bodies, offices or agencies and international organisations (‘Type E members’).
3. Third countries' authorities may be members of expert groups where an international agreement provides for the consultation of experts from the third country in the preparation of measures falling under an area covered by the agreement and under the conditions set out in the agreement. In addition, third countries' authorities may be members of expert groups where, for geographical or other objective reasons, the advice and expertise provided to the Commission would not be complete without their participation in the group.
4. Members who are no longer capable of contributing effectively to the expert group’s deliberations, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

#### *Article 8*

##### ***Appointment of Type B and C members***

- 1. Type B and Type C members shall only be appointed if they are registered in the Transparency Register.
- 2. The competent Commission departments shall request individuals and organisations referred to in paragraph 1 who have been appointed as members of an expert group or sub-group before the adoption of this Decision to register in the Transparency Register as a condition to remain members of the expert group or sub-group. Registration shall take place by the end of 2016. Failing this, the member concerned shall be excluded from the group or sub-group and may be replaced for the remainder of their term of office. This change in membership shall be recorded in the Register of expert groups.
- 3. Where Type B members act as self-employed consultants, the competent Commission departments shall request them to register as such in the Transparency Register. Where Type B members do not act as self-employed consultants, the Commission departments shall request the organisation(s) of which they are employees to register in the Transparency Register.
- 4. Where Type B and C members are suspended or removed from the Transparency Register, the competent Commission departments shall suspend them from the expert group(s) of which they are members as long as their registration in the Transparency Register is not re-established. During suspension or removal, those members shall not be invited to participate in any meeting of the group and shall not receive any

document. If after six months from suspension or removal from the Transparency Register registration on the Transparency Register is not re-established, the Commission departments shall exclude relevant members from the group.

#### *Article 9*

##### *Nomination of representatives of Type C, D and E members*

1. The Commission or its departments shall request Type C, D and E members to nominate permanent representatives in the expert group or sub-group or appoint representatives on an ad hoc basis, depending on the meeting agenda of the group. Those members shall be responsible for ensuring that their representatives provide a high level of expertise.
2. Type D and E members shall only be represented by civil servants or public employees.
3. The Commission or its departments may refuse the nomination of a representative by Type C members if they consider this nomination inappropriate, which should be justified in the light of the requirements specified in the decision setting up the expert group and/or in the call for applications. In such case, the organisation concerned shall be asked to appoint another representative.

#### *Article 10*

##### *Selection process*

1. The selection of expert group members shall be carried out *via* public calls for applications, except for Type D and E members and for representative bodies established by Union legislation for advice in specific areas, such as the Advisory Councils established under Regulation 1380/2013 of the European Parliament and of the Council of 11 December 2013. For that purpose, Commission departments shall make use of the standard call for applications for the selection of expert group members as set out in Annex 2. Departments may depart from it or supplement it, where this is justified by specific requirements, in compliance with this Decision.
2. Calls for applications shall be published on the Register of expert groups. In addition, they may be published through other means, including on dedicated websites. Calls shall clearly outline the selection criteria, including the required expertise and, where existing, the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
3. Commission departments may select the members of expert groups via a continuously open call, to be published on the Register of expert groups, in which case a specific call would not be necessary.
4. The Commission may depart from provisions included in paragraphs 1 to 3, where this is deemed justified by overriding priorities or cases of urgency. Where the Commission decides that a public call is not a suitable instrument for the selection of the members of a specific expert group, the choice of experts shall be made on the basis of objectively verifiable criteria, which are published on the Register of expert groups.
5. When selecting the members of groups, Commission departments shall aim at ensuring, as far as possible, a high level of expertise, a geographical balance, as well

as a balanced representation of relevant know how and areas of interest, taking into account the specific tasks of the expert group, the type of expertise required and the response received to calls for applications.

6. When appointing individual experts, either in their personal capacity or to represent a common interest, the Commission departments shall strive to achieve a gender balance in the composition of the expert group. The medium-term aim shall be at least 40% of representatives of each gender in each expert group.
7. Members shall be appointed for a fixed or an unlimited period. They shall remain in office until replaced, or until the end of their term of office, where applicable. Their term of office may be renewed. The term of office of members appointed by direct invitation before the adoption of this Decision may only be renewed if these members are reappointed following a public call for applications.
8. As regards Type A and B members, provision may be made for the appointment of the same number of alternates as members. Alternates shall be appointed in accordance with the same conditions as the members and shall automatically replace any members who are absent or indisposed.
9. In order to ensure continuity and the smooth functioning of the group, Commission departments are encouraged to establish a reserve list of suitable candidates that may be used to appoint members' replacements. The Commission or its departments shall ask applicants for their consent before including their names on the reserve list.

#### *Article 11*

#### ***Conflict of interest***

1. In order to ensure the highest level of integrity of experts, as well as public confidence in the Commission's activities, individuals applying to be appointed as Type A members of expert groups or sub-groups shall disclose any circumstances that could give rise to a conflict of interest. In particular, all Commission departments shall require those individuals to submit a declaration of interests ('DOI') form on the basis of the standard DOI form, as set out in Annex 4, together with an updated curriculum vitae ('CV'), as part of their application to become members of an expert group or sub-group. Submission of a duly completed DOI form shall be necessary in order for an individual to be eligible to be appointed as a member of an expert group or sub-group in a personal capacity.
2. The DOI form shall consist of a series of standard questions requesting individuals who wish to act as experts appointed in a personal capacity to disclose any interest relevant to the subject of the work to be performed. Each individual shall assume full responsibility in relation to the content of the declaration submitted.

Individuals who answer questions in the affirmative shall be asked to supply further details. An affirmative answer in the DOI form does not automatically disqualify the individual concerned, but requires the competent Commission departments to have it screened in accordance with this Decision, in order to determine if a conflict of interest exists.

In principle, the conflict of interest assessment shall be performed by officials of the Unit responsible for the management of the group or sub-group in question. Officials operating in other departments may also be associated, as appropriate. For the purposes of the assessment, a number of factors shall be taken into account,

including the nature, type and magnitude of the individual's interest, as well as the degree to which the interest may be reasonably expected to influence the individual's advice. An interest shall be considered to be insignificant or minimal where it is unlikely to compromise or to be reasonably perceived as compromising the expert's capacity to act independently and in the public interest when advising the Commission.

Where the responsible officials consider to partially or fully exclude an individual from the work of an expert group or sub-group, they may contact the individual in order to obtain any additional information that may be needed for the final assessment of any conflict of interest.

3. Where the competent Commission department concludes that no conflict of interest exists, the individuals in question may be appointed as members acting in a personal capacity, provided they possess the expertise required and the other conditions in these rules are fulfilled.

Where the competent Commission department concludes that the individuals' interests may compromise or be reasonably perceived as compromising their capacity to act independently and in the public interest when providing advice to the Commission, one of the following measures shall be taken to deal with the conflict, depending on the specific circumstances:

- (a) the individual's application shall not be retained; in such case the competent Commission department shall inform the individual about the outcome of the conflict of interest assessment;
- (b) the individual's appointment as member of the expert group or sub-group in a personal capacity shall be made subject to specific restrictions, such as the expert's exclusion from certain meetings and/or activities carried out by the group, in particular participation in drafting opinions or recommendations or the expert's abstention from the discussion on specific items on the agenda and/or from any vote taken on those items;
- (c) the individual shall be appointed as member of the expert group or sub-group representing a common interest shared by a number of stakeholders (Type B member), after consultation of the stakeholders concerned.

The decision resulting from the assessment referred to in paragraph 2, including any arrangement for resolving the conflict of interest shall be taken at least at Head of Unit level and shall be recorded with an explanation on the specific conflict that has been identified and the way it has been managed. Information registered must be adequate, relevant and not going beyond what is necessary for the purpose of the management of the conflict of interest.

4. Type A members or alternate members of expert groups or sub-groups appointed before the adoption of this Decision shall be required to submit a duly completed DOI form on the basis of the standard DOI form, as set out in Annex 6, in order for the competent Commission departments to determine whether they may continue to participate in the work of the group. The Commission departments shall complete the conflict of interest assessment provided for in paragraph 2 and take all necessary measures to resolve any conflict of interest detected as referred to in paragraph 3 by the end of 2016.

Where the competent Commission department concludes that no conflict of interest exists, the individual in question may continue to be member of the group in a personal capacity.

Where the competent Commission department concludes that the individual's interests may compromise or be reasonably perceived as compromising the individual's capacity to act independently and in the public interest when advising the Commission, the individual shall be excluded from the group.

Where Type A members or alternate members of expert groups or sub-groups appointed before the adoption of this Decision refuse to submit duly completed DOI forms, they shall be excluded from the group.

5. Type A members shall be required to promptly inform the competent Commission department of any relevant change in the information previously provided, including as regards upcoming activities, in which case they must immediately submit a newly completed DOI form describing the change, in order to enable the Commission departments to assess it in due course. The chair of each expert group or sub-group shall, at the first meeting of each calendar year, remind all Type A members of this obligation.
6. DOI forms shall be made publicly available on the Register of expert groups, where the experts in question are Type A members of an expert group or sub-group. Technical measures shall be taken to indicate to search engines that DOI forms should not appear in search results.
7. Where a conflict of interest arises after the assessment referred to in paragraphs 2 and 4 is performed, the Commission departments shall take appropriate measures, in compliance with provisions included in paragraph 3.
8. A declaration of interests shall not be required in relation to :
  - (a) Type B members and representatives of Type C members, since they are not required to act independently, but represent an interest which is openly declared.
  - (b) representatives of Type D and E members, since they are not required to act independently, but express the views of the public authorities which they represent.
  - (c) observers, since they do not have voting rights and do not participate in the formulation of recommendations or advice;
  - (d) individuals participating as 'invited experts' in accordance with Article 15, since they are not permanent group members. Individuals invited as independent experts shall however be required to inform the competent Commission department before the meeting of any interest which may compromise their capacity to act independently and in the public interest when advising the Commission.

## **Chapter III**

### **Operation of expert groups**

#### *Article 12*

##### ***Chair***

Expert groups shall be chaired by a representative of the Commission or by a person appointed by the Commission or the Commission departments. Alternatively, the Commission or its departments may decide that the group shall elect its chairperson by simple majority of its members.

#### *Article 13*

##### ***Operation***

1. An expert group shall act at the request of the competent Commission departments or at the request of its chairman with the agreement of the Commission departments.
2. Meetings of expert groups and sub-groups shall, in principle, be held on Commission premises. Different expert groups may hold joint meetings on issues of common interest.
3. If not otherwise provided for, the Commission departments shall provide secretarial services for expert groups and sub-groups.
4. Commission officials from other departments with an interest in the proceedings may attend meetings of expert groups and its sub-groups.
5. Groups may be on-hold for a maximum of twelve months, after which their situation should be reviewed by the Commission department concerned, in consultation with the Secretariat-General, with a view to deciding whether they should be closed or re-activated.
6. In agreement with the competent Commission departments, the group may, by simple majority of its members, decide that deliberations shall be public.
7. 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.
8. In principle, expert groups shall adopt their opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that 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.

#### *Article 14*

##### ***Sub-groups***

1. The Commission or its departments may establish sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the Commission or its departments. Sub-groups shall operate in compliance with this

Decision and shall report to the expert group to which they belong. They shall be dissolved as soon as their mandate is fulfilled.

2. Without prejudice to the members of sub-groups appointed before the adoption of this Decision, the members of sub-groups that are not members of the expert group to which they belong shall be selected via a public call, in compliance with Article 10.

#### *Article 15*

##### ***Invited experts***

The Commission's representative in the group 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-group on an ad hoc basis.

#### *Article 16*

##### ***Observers***

1. The Commission's representative in the group may grant observer status in a specific expert group or sub-group to individuals, organisations as referred to in Article 7. 2. (c) and public authorities as referred to in Article 7. 2. (e), either by direct invitation or as a result of a call for applications, as appropriate.
2. Authorities from third countries which are not candidate countries may be granted observer status if their participation in the expert group is in the interest of the Union, in particular in the light of the application of any international agreement, administrative arrangement or Union legislation.
3. Where organisations or authorities referred to in Article 7. 2. (c) and (e) are appointed as observers, they shall nominate their representatives in the relevant expert group or sub-group.
4. Observers and their representatives may be permitted by the Chair to take part in the discussions and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the expert group or sub-group.

#### *Article 17*

##### ***Rules of procedure***

1. Expert groups and sub-groups shall adopt rules of procedures by simple majority of its members on a proposal by and in agreement with the competent Commission departments. For this purpose, Commission departments shall make use of the standard rules of procedure for expert groups set out in Annex 3. Departments may depart from the standard rules of procedure or supplement them, where this is justified by specific requirements, in compliance with this Decision.
2. Expert groups and sub-groups existing at the time of adoption of this Decision may continue operating without rules of procedure being adopted.

## *Article 18*

### ***Professional secrecy and handling of classified information***

The members of the expert groups and sub-groups and their representatives as well as observers and invited experts are subject to the obligation of professional secrecy which, by virtue of the Treaties and the rules implementing them, applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>5</sup> and 2015/444.<sup>6</sup> Should they fail to comply with those obligations, the Commission may take all appropriate measures.

## *Article 19*

### ***Relationship with the European Parliament and the Council***

1. As regards information to be transmitted to the European Parliament and participation of European Parliament experts in expert groups meetings, point 15, Annex I and Annex II of the Framework Agreement on relations between the European Parliament and the European Commission apply<sup>7</sup>, without prejudice to provisions included in paragraph 2.
2. As regards the preparation of delegated acts, paragraph 28 of the Interinstitutional Agreement on Better Law-Making<sup>8</sup>, as well as paragraphs 10 and 11 of the Common Understanding between the European Parliament, the Council and the Commission on Delegated Acts, annexed to that Interinstitutional Agreement, apply.

## *Article 20*

### ***Meeting expenses***

Travel and subsistence expenses incurred by participants in the activities of expert groups may be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

## *Article 21*

### ***Special allowances***

1. In principle, participants in the activities of an expert group or sub-group shall not be remunerated for the services they offer. Payment of a 'special allowance' (remuneration) to members and invited experts is only possible in exceptional cases, in compliance with the procedure and conditions laid down in paragraphs 2 and 3.

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<sup>5</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>6</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

<sup>7</sup> OJ L 304/47, 20.11.2010

<sup>8</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

2. Special allowances may be granted if the activities carried out by the group or sub-group in question are essential to the development and monitoring of Union policies or legislation or to the adoption of implementation measures by the Commission, as referred to in Union legislation. In this context, the advice provided by experts receiving remuneration must be specific and of such a nature that without it the Union policy concerned could not reach its objectives.

Remuneration may only be given in relation to the specific work performed by Type A members.

Individuals receiving remuneration must be highly qualified, specialised, independent experts selected on the basis of objective criteria, following an open call for applications in accordance with Article 204 of the Financial Regulation and article 10 of this Decision.

The amount paid to experts must be proportionate to the specific tasks attributed to them. The amount must be set in light of objective criteria, such as the number of meetings to be attended, and may include preparatory work. The same rules as those applicable to experts assisting the Commission's departments for tasks in connection with current and future research and innovation programmes shall apply<sup>9</sup>: experts are entitled to a payment of a maximum of EUR 450 in the form of a daily unit cost for each full working day spent assisting the Commission's departments. The total payment will be calculated and rounded upwards to the nearest half day; the payment is made in euro.

Relevant information justifying the remuneration in relation to the work to be accomplished must be included in official Commission documents to be made publicly available either in the Register of expert groups or via a link from the Register to a dedicated website containing this information. For formal expert groups, this information must be provided in the Commission decision setting up the group. For informal expert groups this information must be included at least in the public call for applications used to select members of the group or a financing decision (or work programme).

Under Article 287.5 of the Rules of application of the Financial Regulation, the remuneration must be published if it exceeds EUR 15 000 for the task performed. In exceptional cases provided for in Article 287.6 of the Rules of application, if publication of the remuneration risks threatening the rights and freedoms of the individual concerned or harms the commercial interest of experts, the obligation to publish it may be waived.

3. Special allowances may be granted in accordance with Article 204 of the Financial Regulation and Article 287 of its Rules of Application, and in compliance with the conditions specified in paragraph 2. For research activities, they may be granted in accordance with Article 181(4) of the Financial Regulation. They shall consist of remuneration paid from the operational budget of the policy concerned. As it is the case for any operational expenditure, Commission departments shall make sure that

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<sup>9</sup> See Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) (OJ L 347, 20.12.2013, p. 104) and Regulation (EU) No 1290/2013 of the European Parliament and of the Council laying down the rules for participation and dissemination in Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020), and in particular Article 40 (OJ L 347, 20.12.2013, p. 81).

a financing decision (or work programme) has been adopted prior to the payment of that remuneration.

Services shall seek prior authorisation from the Secretariat-General and the Directorate General for Budget to provide remuneration by submitting a formal request, in accordance with the requirements set out in paragraph 2. In their request, departments shall adequately justify the requested remuneration in the light of the specific tasks that need to be undertaken by the expert group or sub-group and explain in detail the requested remuneration proposed for those tasks.

For formal expert groups, such request shall be included in the documents to be submitted in the inter-service consultation, with a view to setting up the group.

For informal expert groups, such request shall be submitted in the framework of the inter-service consultation relating to the above-mentioned financing decision or work programme.

4. Concerning existing expert groups where members are currently granted special allowances, the provisions laid down in paragraphs 2 and 3 shall be applied at the latest when the membership of those groups is renewed. These provisions do not affect the specific modalities relating to the experts assisting the Commission in current and future research and innovation programmes.

The Commission decisions establishing groups where special allowances are currently foreseen shall be revised in line with the provisions laid down in paragraphs 2 and 3 at the latest when the membership of those groups is renewed.

## **Chapter IV Transparency**

### *Article 22*

#### ***Publication of Commission expert groups and other similar entities on the Register of expert groups***

All Commission expert groups and other similar entities including their sub-groups shall be registered in the Register of expert groups. For each entity Commission departments shall provide information required in the Register of expert groups.

### *Article 23*

#### ***Publication of data related to the composition of expert groups***

1. Publication by Commission departments of data related to the composition of expert groups on the Register of expert groups is subject to the following provisions:
  - (a) the name of Type A, B, C and E members shall be published on the Register of expert groups;
  - (b) where Member States' authorities or third countries' authorities are appointed, it is sufficient to indicate the name of the country in question. The specific

- administrations of these countries to which experts usually participating in the meetings belong may be published in the Register of expert groups;
- (c) where Type C, D and E members nominate individuals as their permanent representatives, their names may be published on the Register of expert groups;
  - (d) the name of observers shall be published in accordance with the provisions referred to in paragraphs (a) to (c);
  - (e) the interest represented by Type B and C members shall be indicated.
2. Individuals who do not wish to have their names disclosed may submit a request to the competent Commission departments for a derogation from the rules on publication. A derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the individual, in particular where disclosure of the experts' name could endanger their security or integrity.

#### *Article 24*

##### ***Synergies between the Register of expert groups and the Transparency Register***

1. Commission departments shall ensure that a link is provided from Type B and C members and alternate members of expert groups and sub-groups registered in the Register of expert groups to the profile of those members in the Transparency Register<sup>10</sup>.
2. Where Type B members or alternate members do not act as self-employed consultants, a link shall be provided to the profile of the organisation(s) of which they are employees.
3. Commission departments shall request Type B and C members and alternate members to indicate in the Transparency Register the expert group of which they are members. Departments shall also request Type B members and alternate members to state in the Transparency Register the common interest that they represent.

#### *Article 25*

##### ***Classification of members, alternate members and observers***

1. Commission departments shall classify members and alternate members of expert groups and sub-groups, as well as any observers on the Register of expert groups in accordance with the provisions included in this Decision and its annexes, on the basis of the information provided by applicants responding to a public call for applications.
2. Commission departments shall classify members, alternate members and observers appointed before the adoption of this Decision in accordance with the provisions included in this Decision and its annexes by the end of 2016. In case of doubt on the appropriate classification of Type B and C members, departments may request these members to fill in a classification form, as set out in Annex 8.

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<sup>10</sup> <http://ec.europa.eu/transparencyregister/public/homePage.do>

## *Article 26*

### ***Publication of documents related to expert groups***

1. The competent Commission departments shall make available all relevant documents of expert groups and sub-groups, 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 such website shall not be submitted to user registration or any other restriction. In particular, departments shall ensure publication of the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes.
2. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of any public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001<sup>11</sup>.

## **Chapter V**

### **Transitional measures and final provisions**

## *Article 27*

### ***Migration towards the new version of the Register of expert groups***

Migration tools ensuring automatic transfer of existing data, when technically possible, shall be put in place. Commission departments shall manually encode data which cannot be automatically migrated as well as additional data required as a result of these horizontal rules, by the end of 2016.

## *Article 28*

### ***Applicability***

This Decision is applicable as of the date of its adoption.

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<sup>11</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 29*

***Repeal***

Commission Decision C(2014) 2220<sup>12</sup> is repealed.

Done at Brussels, 30.5.2016

*For the Commission*  
**Jean-Claude JUNCKER**  
*The President*

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<sup>12</sup> Commission Decision C(2014) 2220 final of 8 April 2014 on conditions for granting a special allowance to participants in the activities of a Commission expert group, as provided for in the horizontal rules for Commission expert groups (C(2010)7649).