

Rules of procedure for the expert group on health systems performance assessment

Amended, February 2017

RULES OF PROCEDURE FOR THE EXPERT GROUP ON HEALTH SYSTEMS PERFORMANCE ASSESSMENT

The Expert Group on Health Systems Performance Assessment, ("Expert Group"),

Having regard to the conclusions by the Council "Towards modern, responsive and sustainable health systems", adopted in June 2011, recognising that Member States face common challenges within this area and emphasized the need to join forces and enter into more coordinated EU-level cooperation in order to support Member States,

Recalling, that Member States and the Commission were invited to initiate a "reflection process" aiming to identify effective ways of investing in health, so as to pursue modern, responsive and sustainable health systems,

Having regard to, the decision by the Council Working Party on Public Health at Senior Level in their meeting on the 15th of July 2014, to develop the terms of reference (ToR) for an Expert Group on Health Systems Performance Assessment,

Considering that cooperation is necessary, both at strategic level and at scientific and technical level,

has adopted the following rules of procedure:

Article 1

Introductory provisions

1. The Expert Group has its basis in the Terms of Reference for an Expert Group on Health Systems Performance Assessment (HSPA), as established by the Council Working Party on Public Health at Senior Level on the 15th of July 2014.
2. The participation in the Expert Group is voluntary, and therefore the Member States are under no obligation to participate in the Expert Group or to conform to any decision taken by the Expert Group.
3. The Expert Group shall focus its activities on strategic issues relevant to EU cooperation on HSPA with the following specific objectives of:
 - Provide participating Member States with a forum for exchange of experience on the use of HSPA at national level.
 - Support national policy-makers by identifying tools and methodologies for developing HSPA.
 - Define criteria and procedures for selecting priority areas for HSPA at national level, as well as for selecting priority areas that could be assessed EU-wide in order to illustrate and better understand variations in the performance of national health systems.
 - Intensify EU cooperation with international organisations, in particular the OECD and the WHO.

4. These rules of procedure regulate the functioning of the Expert Group.

Article 1.1

Chair of the Expert Group

1. The Expert Group is co-Chaired by a representative from a Member State and a representative from the European Commission, both having same rights and duties and exercising their mandate on equal footing.
2. The Member State co-Chair is proposed by the majority of the Expert Group. The Secretariat transmits her/his name to the Council Presidency, which submits it to the Council Working Party on Public Health at Senior Level for its endorsement and formal appointment. The Member State co-Chair acts as the link between the Council Working Party on Public Health at Senior Level and the Expert Group on HSPA. The Member State co-Chair is in charge for a two-year term, which can be renewed with tacit assent.
3. The Commission co-Chair is appointed by DG Health and Food Security; changes of the appointed person should be communicated promptly to the Expert Group, and announced at the first occasion to the Council Working Party on Public Health at Senior Level.
4. Each co-Chair can designate an alternate to perform her/his duties in case of absence.

Article 2

Membership - notification and withdrawal

1. The notification of the wish of participating in the group shall be addressed in writing to the Commission, for the attention of the Chair.
2. Membership shall take effect ten working days after the receipt of this notification.
3. Member States shall inform the Chair in writing of the name of the organisation and the person representing them in the Expert Group and the alternate. Continuity of representation should be a priority. Representatives can be accompanied by one other national expert. Within a reasonable time and no later than ten working days before the date of an Expert Group meeting, the names and functions of the experts, shall be communicated in writing to the Secretariat of the Expert Group.
4. A Member State wishing to withdraw from the Expert Group shall send a written

notification with three months' notice. When a Member State withdraws from the Expert Group, the participating organisation from that Member State shall, where possible, finalise any work agreed to perform prior to withdrawal.

Article 3

Convening a meeting

1. Meetings of the Expert Group shall be convened by the Chair, normally four times a year, either on their own initiative, or at the request of a simple majority of Members.
2. Meetings of the Expert Group shall be held on Commission premises unless otherwise decided by the Expert Group.
3. Normally dates of the meeting of the Expert Group shall be communicated with eight weeks' notice.

Article 4

Secretariat - Agenda

1. In accordance with the ToR as provided by the Council Working Party the Commission shall provide secretarial support for the Expert Group.
2. The Secretariat shall draw up the agenda, in line with the objectives and priorities as stated in the ToR and/or as related during subsequent meetings and discussions.
3. In doing so the Secretariat shall take due account of proposals from Expert Group Members. Observers, as defined in Article 7 of these Rules of Procedure, may also submit proposals.
4. Proposals for items to be included on the agenda shall reach the Secretariat at least six weeks before the meeting.
5. The agenda shall be adopted by the Expert Group at the start of the meeting.

Article 5

Documentation to Expert Group members

1. The Secretariat shall send the invitation to the meeting and the draft agenda to the Expert Group and observers referred to in Article 7, no later than twenty working days before the meeting. The invitation shall specify also which third parties are invited to the meeting.
2. The Secretariat shall send the documents for consultation to the Expert Group Members no later than ten working days before the date of the meeting. Observers

shall be consulted on the same documents, unless decided otherwise by the Chair.

3. In duly justified cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced to 5 working days.

Article 6

Decisions of the Expert Group

1. The Expert Group shall make decisions by consensus.
2. The Expert Group decisions shall normally be made public. However, in duly justified circumstances¹, the Expert Group may decide that certain decisions can be kept confidential or be subject to explicit public consultations.

Article 7

Admission of third parties

1. The Chair shall invite observers to attend meetings of the Expert Group.
2. The meeting as a whole, or selected parts of the meeting may be reserved for Expert Group members only.
3. The Expert Group may give observer status to:
 - a. Authorities competent for HSPA of EEA countries and of accession countries. In appointing their representatives EEA countries shall take into account Article 2(3) and 2(4) of these Rules of Procedure.
 - b. European and international organisations such as the OECD and WHO, whose activities are relevant to meet the objectives of the Expert Group.
 - c. Stakeholders representatives, appointed within the context of the Expert Group.
4. Following proposals from the Expert Group Members, the Secretariat will draw up a list of observers as defined in paragraph 4 (b) and (c), for adoption by the Working Group. This list will be subject to revision, as appropriate.
5. In addition to the above, the Chair may invite, on an ad hoc basis, experts with relevant competence in a subject, to participate to one or more items on the agenda of the meetings of the Expert Group.

Article 8

Written procedure

1. If necessary, the Working Groups decisions may be delivered via written

¹ For example, when decisions may have an impact on public health, or when commercially sensitive information are referred to.

procedure. To this end, upon request of the Chair, the Secretariat will send to the Expert Group Members the document(s) on which the Expert Group is being consulted and sets a time limit for comments.

2. The Secretariat shall inform the Expert Group of the outcome of the written procedure.

3. However, if a third of Expert Group Members asks for the question to be examined at a meeting of the Expert Group, the written procedure shall be terminated without result and the Secretariat will convene a meeting of the Expert Group as soon as possible.

Article 9

Minutes of the meetings

1. Minutes on the discussion on each point on the agenda shall be drafted by the Secretariat and sent out to the Expert Group members without delay and no later than ten working days after the meeting.

2. The Expert Group shall send any comments they may have on the draft minutes to the Secretariat in writing within ten working days.

3. The minutes shall not mention the individual position of the Members and observers during the Expert Group's deliberations. The minutes will be made public on the Commission website. In duly justified circumstances², parts of the minutes may remain confidential.

Article 10

Attendance list and Conflicts of interest

1 At each meeting, the Secretariat shall draw up an attendance list including the authorities and organisations to which the persons designated by Member States and third parties as per Article 7 belong.

2. At the beginning of each meeting, any person designated by the Member States, as well as experts and representatives of third parties who have been invited to attend the meeting, shall inform the Chair of any potential conflict of interest³ with regard to a particular item on the agenda. The Chair shall decide if a conflict exists.

3. In the event of such a conflict of interest, the person concerned shall withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

4. Conflicts of interest shall be reported in the minutes of the Expert Group's meeting.

² For example when discussions are of a confidential or sensitive nature, including on proprietary topics, such as individual products, data exclusivity, or commercially sensitive information.

³ As an example, Article 52(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.09.2002, p. 1) contains a specific definition of a conflict of interest.

5. Paragraphs 1, 2, 3 and 4 shall also apply to working groups and to deliberations taken by the Expert Group in written procedure.

Article 11
Correspondence

1. Correspondence relating to the Expert Group shall be addressed to the Secretariat, for the attention of the Chair.

2. Correspondence with Expert Group Members shall be sent to the e-mail address or addresses which they provide for that purpose.

Article 12
Access to documents

Requests for access to Expert Group's documents shall be handled in accordance with Regulation (EC) No 1049/2001⁴. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom⁵. If the request is addressed to a Member State that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.

Article 13
Protection of personal data

All collecting, processing and publishing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001⁶ and Directive 95/46/EC⁷ where applicable.

Article 14
Revision clause

These Rules of Procedure may be revised by the Expert Group when necessary.

⁴ 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).

⁵ Commission Decision of 5 December 2001 amending its rules of procedure (2001/937/EC/ECSC, Euratom, OJ L 345, 29.12.2001, p. 94).

⁶ Regulation (EC) 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).

⁷ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).