

# CALL FOR APPLICATIONS FOR THE SELECTION OF MEMBERS FOR THE WORKING GROUP ON BRAIN STIMULATORS

## SUB-GROUP TO OF THE SCIENTIFIC COMMITTEE ON HEALTH, ENVIRONMENTAL AND EMERGING RISKS (SCHEER)

### 1. Background

By Decision (EU) 2024/1514 of 7 August 2015, the Commission has set up Scientific Committee on Health, Environmental and Emerging Risks<sup>1</sup> (“SCHEER”).

The SCHEER tasks shall be to provide the Commission with scientific advice and risk assessment in the areas of public health and environmental risks, including, when relevant, identification of research needs to address critical information gaps, assessment of proposed future research actions and of research results.

More information on the work of the SCHEER, its Rules of Procedure, current composition as well as their past opinions can be found under [Scientific Committee on Health, Environmental and Emerging Risks \(SCHEER\) \(europa.eu\)](https://europea.europa.eu/sccheer/)

The Commission is calling for applications with a view to selecting members of the SCHEER Working Group on “Brain Stimulators” for its new mandate: **technical advice for an amendment of Annexes to Council risks for the health associated to the use of brain stimulators not having an intended medical purpose described in the group 6 of Annex XVI to Regulation (EU) 2017/745**<sup>2</sup>.

To conduct a comprehensive risk assessment, as required by its mandate, the SCHEER has identified a need for external experts to participate in the relevant working group that will work on the mandate. DG SANTE has assessed that proven expertise in the following areas is needed:

- **Scientist with experience with external brain stimulation by electric, magnetic or electromagnetic fields (medical or non-medical applications)**
- **Scientist with experience in neuro ethics**
- **Neurologist with experience in the application of non-invasive (external) brain stimulation techniques**

The expertise can be proven either by research publications in Science Citation Indexed (SCI) journals or by regulatory activity in the topic identified above.

### 2. Features of the Group

#### 2.1. COMPOSITION

In accordance with Article 10 of the above Decision, the group shall consist of members of the relevant Committee and may also include external experts.

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<sup>1</sup> [Decision - 2024/1514 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/dec/2024/1514/1/en) )

<sup>2</sup> [SCHEER mandate on Brain Stimulators](https://eur-lex.europa.eu/eli/dec/2015/1514/1/en)

The relevant SCHEER WG on Brain Stimulators<sup>3</sup> consists of already 6 appointed SCHEER members. There is a need for four additional external experts, as the group needs more specific expertise to produce the technical advice. Those new external experts shall be individuals appointed in a personal capacity and shall act independently and in the public interest.

The SCHEER WG on Brain Stimulators reports to the SCHEER Committee.

## **2.2. APPOINTMENT**

External experts of the SCHEER WG can be selected from the Reserve list of suitable candidates<sup>4</sup>, from the Database of experts<sup>5</sup>, or from a specific open Call for Applications launched by the Secretariat, in that order of priority. The SCHEER Secretariat searched the Reserve list of suitable candidates and the Database of External Experts: no scientist with the requested expertise was found in the Reserve List and two candidates applied from the EU Database. They are both selected and will be appointed should their declaration of conflict of interest be accepted. However, the expertise needs are still not fully covered. Therefore, the present call is launched to select additional members of the Working Group on Brain Stimulators.

External experts shall be appointed by the Director-General of DG SANTE (or another Commission official acting on his/her behalf) from applicants complying with the requirements referred to in chapter 6 of this Call.

External experts will be part of the WG on Brain Stimulators until it is closed and/or until the final Opinion required by this mandate is delivered.

Members who are no longer capable of contributing effectively to the group's deliberations, who in the opinion of DG SANTE 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.

## **2.3 RULES OF ENGAGEMENT AND OPERATION OF THE GROUP**

The group shall elect a Chair from amongst its members by simple majority of its members.

The WG on Brain Stimulators shall act at the request of the Commission Directorate-General that formulated a mandate for the SCHEER. The WG shall act in compliance with the above-mentioned Decision 2024/1514, the Rules of Procedure of SCHEER<sup>6</sup> and the Commission's horizontal rules on expert groups ('the horizontal rules')<sup>7</sup>.

External experts are expected to:

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<sup>3</sup> [Register of Commission expert groups and other similar entities \(europa.eu\)](https://ec.europa.eu/health/sites/default/files/scientific_committees/docs/appointment_reserve_list_2016_en.pdf)

<sup>4</sup> [https://ec.europa.eu/health/sites/default/files/scientific\\_committees/docs/appointment\\_reserve\\_list\\_2016\\_en.pdf](https://ec.europa.eu/health/sites/default/files/scientific_committees/docs/appointment_reserve_list_2016_en.pdf)

<sup>5</sup> [https://ec.europa.eu/health/scientific\\_committees/experts/database\\_en](https://ec.europa.eu/health/scientific_committees/experts/database_en)

<sup>6</sup> [https://ec.europa.eu/health/sites/health/files/scientific\\_committees/docs/rules\\_procedure\\_2016\\_en.pdf](https://ec.europa.eu/health/sites/health/files/scientific_committees/docs/rules_procedure_2016_en.pdf)

<sup>7</sup> Decision C(2016)3301.

- attend meetings of the working group systematically;
- contribute actively to discussions of the working group;
- be involved in preparatory work ahead and drafting documents after the meetings;
- examine and provide comments on opinions, statements or guidance document that are drafted and discussed during meetings of the working groups;
- attend workshops and hearings on invitation;
- act, when appropriate and if requested by the chair, as ‘rapporteur’ of the working group.

In principle, the group shall meet up to two times per month during 1.5 year on Commission premises in order to discuss the draft document, which requires a commitment of approximately 4 hours a week on average. DG SANTE shall provide secretarial services.

Applicants should be familiar to work with electronic methods for the management and exchange of documents and participate in interactive meetings (virtual meetings via Microsoft Teams).

Members should be prepared to attend meetings systematically, to contribute actively to discussions in the group, to be involved in preparatory work ahead of meetings, to examine and provide comments on documents under discussion, and to act, as appropriate, as 'rapporteurs' on *ad hoc* basis.

Applicants are required to express their commitment that, if appointed, they will participate in the activities of the working group according to the investment of time and effort as described above.

As a general rule, working documents will be drafted in English and meetings will be also conducted in English given that the working language of SCHEER is English.

Members will be entitled to a special allowance related to their preparation and participation in the meetings of the WG. The special allowance is provided for in Annex II to Commission Decision 2024/1514.

Travel, accommodation and subsistence expenses incurred by participants in the activities of the working group will 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.

The members of the WG, as well as external experts and invited observers, 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>8</sup> and 2015/444<sup>9</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

## 2.4. TRANSPARENCY

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<sup>8</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>9</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).

The group shall be registered in the Register of Commission expert groups and other similar entities (“the Register of expert groups”)<sup>10</sup>.

As concerns the group composition, DG SANTE shall publish the names of the newly appointed members in the Register of the expert groups and on the website of DG SANTE.

DG SANTE shall make available all relevant documents, including agendas, minutes and participants, 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 ensure publication of 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° 1049/2001<sup>11</sup>.

Personal data shall be collected, processed and published in accordance with Regulation (EU) No 2018/1725<sup>12</sup>.

### 3. Application procedure

Interested scientists are invited to submit their application to the European Commission, DG SANTE, by 31 August 2024 the latest, via the on-line application form:

[https://ec.europa.eu/eusurvey/runner/brain\\_stimulators](https://ec.europa.eu/eusurvey/runner/brain_stimulators)

As the working language of the group is English, all applications must be completed in English.

An application will be deemed admissible only if it is sent by the deadline and includes the documents referred to below. All documents submitted by applicants should be duly filled in, eligible, signed and numbered sequentially.

#### Supporting documents

Each application shall include the following documents:

- the dully filled in on-line application form including the applicant's motivation for answering this call and stating what contribution the applicant could make to the group;;
- *Curriculum vitae* (CV), preferably not exceeding three pages. All CVs shall be submitted in the European format ([Home | Europass](#)) – a template CVs is part of the

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<sup>10</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm>

<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.

<sup>12</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002 (OJ L 295, 21.11.2018, p. 39).

on-line application form already ;

- A list of publications: 10 best publications, and list of all publications of the last 5 years;
- Individuals applying to be appointed as members of the group in a personal capacity must disclose any circumstances that could give rise to a conflict of interest by submitting a declaration of interests ('DOI') form on the basis of the standard DOI form for expert groups attached to this call (Annex III). Submission of a duly completed DOI form is necessary in order to be eligible to be appointed in a personal capacity. Individuals who answer in the affirmative questions included in the DOI form are required to supply further details by filling in the section 'Description'. DG SANTE shall perform the conflict of interest assessment in compliance with the horizontal rules<sup>13</sup>.

Additional supporting documents may be requested at a later stage.

#### Deadline for application

The duly filled in application and the supporting documents must be submitted online by 31 August 2024 at the latest.

#### 4. Selection criteria

DG SANTE will take the following criteria into account when assessing applications. Applicants must have:

- a university degree or equivalent granting access to undertake postgraduate studies;
- at least 10 years of professional experience in the area of expertise for which the candidate is applying;
- proven and relevant competence and experience, including at European and / or international level, in areas relevant to brain stimulators;
- ability to conduct a comprehensive risk assessment, as required by its mandate, in the following areas:
  - **Scientist with experience with external brain stimulation by electric, magnetic or electromagnetic fields (medical or non-medical applications)**
  - **Scientist with experience in neuro ethics**
  - **Neurologist with experience in the application of non-invasive (external) brain stimulation techniques**
- absence of circumstances that could give rise to a conflict of interest;
- ability to work in English allowing active participation in the discussions: experts must be able to read and report in English, in writing and orally, since it is the language in which the vast majority of relevant scientific literature is written in the international context.

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<sup>13</sup> Article 11 of the horizontal rules.

The expertise of the applicants can be proven either by research publications in Science Citation Indexed (SCI) journals or by regulatory activity in the areas identified above.

## 5. Selection procedure

The selection procedure shall consist of an assessment of the applications performed by DG SANTE against the selection criteria listed in chapter 4 of this call, followed by the establishment of a list of the most suitable applicants, and concluded by the appointment of the members of the group.

When defining the composition of the group, DG SANTE shall aim at ensuring, as far as possible, a high level of expertise, as well as a balanced representation of relevant know-how and areas of interest, while taking into account the specific tasks of the group, the type of expertise required, as well as the relevance of the applications received.

Where individual experts are appointed, either in their personal capacity or to represent a common interest, DG SANTE shall seek a geographical balance and a gender balance.

Particular attention will be paid to the independence of applicants, as the individual experts are appointed in their personal capacity.

For any further information, please contact [SANTE-SCHEER@ec.europa.eu](mailto:SANTE-SCHEER@ec.europa.eu).

### ANNEXES:

- Annex I: Classification form
- Annex II: Selection criteria form
- Annex III: Standard declaration of interests (DOI)
- Annex IV: Guidance for filling in the declaration of interests
- Annex V: Privacy statement

**Annex I - Classification form<sup>14</sup>**

To be filled in by all applicants

This application is made as:

- An individual applying to be appointed in a personal capacity (Type A member).** If appointed I shall act independently and in the public interest.

For individuals applying to be appointed as Type A members

Title: .....

Surname: .....

First name: .....

Nationality: .....

Professional title: .....

Date: .....

Signature .....

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<sup>14</sup> This form must be filled in, signed and returned with the application.

## Annex II: Selection criteria form<sup>15</sup>

Applicants are requested to describe how they fulfil the selection criteria listed in this call.

<ul style="list-style-type: none"> <li>– a university degree or equivalent granting access to undertake postgraduate studies.</li> </ul>	
<ul style="list-style-type: none"> <li>– at least 10 years of professional experience in the area of expertise for which the candidate is applying.</li> </ul>	
<ul style="list-style-type: none"> <li>– proven and relevant competence and experience, including at European and / or international level, in areas relevant to brain stimulators</li> </ul>	
<ul style="list-style-type: none"> <li>– ability to conduct a comprehensive risk assessment in the following areas:               <ul style="list-style-type: none"> <li>• Scientist with experience with external brain stimulation by electric, magnetic or electromagnetic fields (medical or non-medical applications)</li> <li>• Scientist with experience in neuro ethics</li> <li>• Neurologist with experience in the application of non-invasive (external) brain stimulation techniques</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>– absence of circumstances that could give rise to a conflict of interest.</li> </ul>	
<ul style="list-style-type: none"> <li>– ability to work in English allowing active participation in the discussions: experts must be able to read and report in English, in writing and orally, since it is the language in which the vast majority of relevant scientific literature is written in the international context.</li> </ul>	

Title: .....

Surname: .....

First name: .....

Nationality: .....

Professional title: .....

Date: .....

Signature .....

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<sup>15</sup> This form must be filled in, signed and returned with the application.

### ANNEX III

#### Standard declaration of interests (DOI) form for individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity

##### Legal basis:

Commission Decision C(2016)3301 establishing horizontal rules on the creation and operation of Commission expert groups, Articles 2(4) and 11.

##### Definitions:

**"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.

**"Immediate family member"** means the individual's spouse, children and parents. "Spouse" includes a partner with whom the individual has a registered non marital regime. "Children" means the child(ren) the individual and the spouse have in common, the own child(ren) of the individual and the own child(ren) of the spouse.

**"Legal entity"** means any commercial business, industry association, consultancy, research institution or other enterprise whose funding is significantly derived from commercial sources. It also includes independent own commercial businesses, law offices, consultancies or similar.

**"Body"** means a governmental, international or non-profit organisation.

**"Meeting"** includes a series or cycle of meetings.

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**Please answer each of the questions below. If the answer to any of the questions is "yes", please provide details on relevant interests and circumstances, as appropriate.**

**If you do not do so, your DOI form will be considered incomplete and, therefore, your application to be appointed as a member of an expert group or sub-group in a personal capacity shall be rejected.**

First name:

Family name:

Expert group/sub-group:

## 1 EMPLOYMENT CONSULTANCY AND LEGAL REPRESENTATION

	<i>Within the past 5 years, were you employed or have you had any other professional relationship with a natural or legal entity, or held any non-remunerated post in a legal entity or other body with an interest in the field of activity of the expert group/sub-group in question?</i>	<b>yes</b>	<b>no</b>
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<b>1a</b>	<b>Employment</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1b</b>	<b>Consultancy, including services as an advisor</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1c</b>	<b>Non-remunerated post</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1d</b>	<b>Legal representation</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Activity</b>	<b>Time period (from... until month/year)</b>	<b>Name of entity or body</b>	<b>Description</b>

## 2 MEMBERSHIP OF MANAGING BODY, SCIENTIFIC ADVISORY BODY OR EQUIVALENT STRUCTURE

	<i>Within the past 5 years, have you participated in the internal decision-making of a legal entity or other body with an interest in the field of activity of the expert group/sub-group in question or have you participated in the works of a Scientific Advisory Body with voting rights on the outputs of that entity?</i>	<b>yes</b>	<b>no</b>
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<b>2a</b>	<b>Participation in a decision-making process</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2b</b>	<b>Participation in the work of a Scientific Advisory Body</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Activity</b>	<b>Time period (from... until month/year)</b>	<b>Name of legal entity or body</b>	<b>Description</b>

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**3 RESEARCH SUPPORT**

	<i>Within the past 5 years, have you, or the research entity to which you belong, received any support from a legal entity or other body with an interest in the field of activity of the expert group/sub-group in question?</i>	<b>yes</b>	<b>no</b>
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<b>3a</b>	<b>Research support, including grants, rents, sponsorships, fellowships, non-monetary support</b>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>Activity</b>	<b>Time period (from... until month/year)</b>	<b>Name of legal entity or body</b>	<b>Description</b>

**4 FINANCIAL INTERESTS**

	<i>Do you have current investments in a legal entity with an interest in the field of activity of the expert group/sub-group in question, including holding of stocks and shares, and which amounts to more than 10,000 EUR per legal entity or entitling you to a voting right of 5% or more in such legal entity?</i>	<b>yes</b>	<b>no</b>
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<b>4a</b>	<b>Shares</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4b</b>	<b>Other stock</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Investment</b>	<b>Name of legal entity</b>	<b>Description</b>

## 5 INTELLECTUAL PROPERTY

	<i>Do you have any intellectual property rights that might be affected by the outcome of the work carried out by the expert group/sub-group in question?</i>	<b>yes</b>	<b>no</b>
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<b>5a</b>	<b>Patent, trademarks, or copyrights</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5b</b>	<b>Others</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Intellectual property</b>	<b>Description</b>

## 6 PUBLIC STATEMENTS AND POSITIONS

	<i>Within the past 5 years, have you provided any expert opinion or testimony in the field of activity of the expert group/sub-group in question, for a legal entity or other body as part of a regulatory, legislative or judicial process? Have you held an office or other position, paid or unpaid, where you represented interests or defended an opinion in the field of activity of the expert group/sub-group in question?</i>	<b>Yes</b>	<b>no</b>
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<b>6a</b>	<b>For a legal entity or other body as part of a regulatory, legislative or judicial process</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6b</b>	<b>Represented interests or defended an opinion</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Activity</b>	<b>Time period (from... until month/year)</b>	<b>Name of legal entity or body</b>	<b>Description</b>

**7 INTERESTS OF IMMEDIATE FAMILY MEMBERS** yes      no

<b>7a</b>	<b>To your knowledge, are there any interests of your immediate family members which could be seen as undermining your independence when providing advice to the Commission in the field of activity of the expert group/sub-group in question?</b>	<input type="checkbox"/>	<input type="checkbox"/>
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Interests	Time period (from... until month/year)	Name of legal entity or body	Description

<b>7b</b>	<b>If interests of your immediate family members are declared, it is your responsibility to inform them about the collection and publication of information on their interests included in the DOI and to provide them with the privacy statement attached to the guidance for filling in this DOI, and this at the latest when you file the DOI form with the Commission.</b>
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**8 OTHER RELEVANT INFORMATION** yes      no

<b>8a</b>	<b>Are there any other elements that could be seen as undermining your independence when providing advice to the Commission in the field of activity of the expert group/sub-group in question?</b>	<input type="checkbox"/>	<input type="checkbox"/>
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Description:

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**I hereby declare on my honour that I have read the guidance for completing this form.**

**I also declare on my honour that the information disclosed in this form is true and complete to the best of my knowledge.**

**Should there be any change to the above information, including as regards upcoming activities, I will promptly notify the competent Commission department and complete a new DOI form describing the changes in question.**

**I am informed that my personal data are stored, processed and published by the Commission in accordance with Regulation (EU) 2018/1725<sup>16</sup> and Commission Decision C(2016) 3301<sup>17</sup>.**

**I have been provided with the corresponding privacy statement which provides further information on how the Commission processes my personal data.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

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Your DOI form shall be made publicly available on the Register of Commission expert groups and other similar entities, as long as you are appointed as member of the expert group or sub-group in a personal capacity. Technical measures will be taken to indicate to search engines that your DOI form should not appear in search results.

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<sup>16</sup> Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

<sup>17</sup> Commission Decision C(2016) 3301 establishing horizontal rules on the creation and operation of Commission expert groups.

## Annex IV

### Guidance for filling in the declaration of interests (DOI) form by individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity

According to the Commission's horizontal rules on expert groups ('the horizontal rules'), Commission expert groups and other similar entities are consultative bodies<sup>18</sup>, the role of which is to provide advice and expertise to the Commission and its departments in relation to a number of tasks<sup>19</sup>. Individuals appointed as members of expert groups or sub-groups in a personal capacity are due to act independently and in the public interest<sup>20</sup>.

In order to ensure the highest integrity of experts, you are requested to duly complete the DOI form. You are required to disclose any circumstances that could give rise to a conflict of interest, i.e. any situation where your interests may compromise or may reasonably be perceived to compromise your capacity to act independently and in the public interest in providing advice to the Commission, in relation to the subject of the work performed by the expert group or sub-group in question. In particular, you must disclose in this DOI form any relevant professional and financial interests.

You must also declare relevant interests of your immediate family members. If interests of your immediate family members are declared, it is your responsibility to inform them about the collection and publication of information on their interests included in this DOI form and to provide them with the privacy statement attached to this guidance, and this at the latest when you file the DOI form with the Commission.

Please submit the completed DOI form to the competent Commission department, together with your CV, as part of your application to become member of an expert group or sub-group in a personal capacity. If there is any change concerning the information provided in the form, including on upcoming activities, you must promptly inform the competent Commission departments by completing a new DOI form which describes the changes in question.

Please note that having a declared interest does not necessarily mean having a conflict of interest. Answering "Yes" to a question on this DOI form does not automatically disqualify you or limit your participation in an expert group or sub-group. The competent Commission departments will review your answers in accordance with the horizontal rules and determine whether a conflict of interest relevant to the subject at hand exists<sup>21</sup>.

Where the competent Commission departments conclude that no conflict of interest exists, you are eligible to be appointed in a personal capacity. Where the competent Commission departments conclude that your interests may compromise or be reasonably perceived to compromise your 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, they shall take one of the following measures to deal with the conflict of interest detected, depending on the specific circumstances:

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<sup>18</sup> C(2016) 3301, Article 2.1.

<sup>19</sup> Idem, Article 3.

<sup>20</sup> Idem, Article 7.2. (a).

<sup>21</sup> Idem, Article 11.

- You shall not be appointed in a personal capacity to the expert group or sub-group in question; in such case the competent Commission department shall inform you about the outcome of the conflict of interest assessment performed;
- You shall be appointed as member of the expert group or sub-group in a personal capacity with a number of specific restrictions: you may be excluded from certain meetings and/or activities carried out by the group, such as drafting opinions or recommendations; you may also be required to abstain from discussing certain agenda items and/or from any vote on those items;
- You shall be appointed as member of the expert group or sub-group representing a common interest shared by a number of stakeholders, after consultation of the stakeholders concerned.

Your DOI form shall be made publicly available on the Register of Commission expert groups and other similar entities, as long as you are appointed as member of the expert group or sub-group in a personal capacity. Technical measures will be taken to indicate to search engines that your DOI form should not appear in search results.

If you decline to complete a DOI form, you are not eligible to be appointed as a member of the expert group or sub-group in question in a personal capacity.

Personal data shall be stored, processed and published by the Commission in accordance with Regulation [\(EU\) 2018/1725](#)<sup>22</sup> and Commission Decision C(2016) 3301<sup>23</sup>.

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<sup>22</sup> Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

<sup>23</sup> Commission Decision C(2016) 3301 establishing horizontal rules on the creation and operation of Commission expert groups.



## **Annex V**

### **PROTECTION OF YOUR PERSONAL DATA**

**Processing operation:** *Selection of members of Commission expert groups and other similar entities<sup>24</sup> and publication of personal data on the Register of Commission expert groups and other similar entities ("the Register of expert groups").*

**Data Controller:**

- *Secretariat-General, Unit F4 (for the processing operation "Providing a public register of Commission expert groups and other similar entities", DPR-EC-00656), and*
- *Health and Food Safety Directorate-General, Directorate for Cancer and Health Security, Unit on Health monitoring and cooperation, Health networks for the processing operation "Selection of members of Commission expert groups and other similar entities"<sup>25</sup>, DPR-EC-01066).*

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<sup>24</sup> Provisions included in this privacy statement referring to expert groups equally apply to their sub-groups.

<sup>25</sup> The Commission department responsible for the management of the expert group and the DPMS record number need to be specified in the privacy statement attached to the call.

## **1. Introduction**

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

This privacy statement explains the reasons for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, of the Data Protection Officer and of the European Data Protection Supervisor.

This privacy statement concerns the following processing operations:

(1) “selection of members of Commission expert groups and other similar entities” undertaken by the Commission department which runs the selection process for your expert group and which is the Data Controller for the selection process (*Health and Food Safety Directorate-General, Directorate B for Cancer and Health Security, Unit B.3 on Health monitoring and cooperation, Health networks*), and

(2) “publication of personal data on the Register of expert groups and other similar entities” undertaken by the Commission, Secretariat-General, Unit F.4 which is the Data Controller together with the Commission department managing your expert group.

As a rule, the selection of expert group members is carried out via public calls for applications, except for Member States’ authorities and other public entities and for certain representative bodies established by Union legislation for advice in specific areas. In exceptional cases, the College of Commissioners may appoint directly members of expert groups.

The Register of expert groups and other similar entities is a public database containing a list of Commission expert groups and other similar entities and their sub-groups. The Register provides information for each expert group, including personal data on the members of the expert groups, their alternate, and of the observers, and information may be provided about members’ and observers’ representatives. The Register also includes documents that are produced and discussed by expert groups and which can contain personal data.

For the purpose of this privacy statement and the corresponding records, the term “expert groups” describes Commission expert groups in the sense of Article 2(1) of Commission Decision C(2016)3301<sup>26</sup> and their sub-groups, as well as other similar entities in the sense of Article 2(2) of Commission Decision C(2016)3301 and their sub-groups.

## **2. Why and how do we process your personal data?**

### Purpose of the processing operations:

The Data Controllers collect and use your personal data to manage Commission expert groups, in particular by selecting their members and observers, and to ensure transparency on expert groups’ membership and activities. In that context, in order to select among the applicants who

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<sup>26</sup> Commission Decision C(2016)3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups.

best fulfil the selection criteria mentioned in the call for applications, Commission services collect and assess personal information of candidate members and observers of the expert groups, of representatives of candidate members and observers, and of immediate family members of candidate members to be appointed in personal capacity to act independently and in the public interest.

Furthermore, Commission services collect and assess personal information of observers and members' and observers' representatives of the expert groups which are appointed directly and not selected through a public call for applications.

For candidates, personal data are stored by the Commission service managing the expert group. Some types of personal data of individuals appointed as members (either appointed in personal capacity to act independently and in the public interest or to represent a common interest shared by stakeholders in a particular policy area) are made publicly available on the Register of expert groups (as described under Headings 4 and 5 of this privacy statement). The names of the representatives of organisations, Member States and other public entities, as well as the name of specific national departments or other public authority which they represent may also be made publicly available on the Register of expert groups.

Your personal data will not be used for an automated decision-making including profiling.

### **3. On what legal ground(s) do we process your personal data**

We process your personal data, because processing is necessary for the performance of a task carried out in the public interest (Article 5(1)(a) of Regulation (EU) 2018/1725), since it allows for the selection of members of expert groups (individuals appointed as members in a personal capacity, individuals appointed to represent a common interest and organisations) and also increases the transparency on expert groups. Processing is also necessary to comply with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation (EU) 2018/1725). The Union act for such necessary processing under Article 5(1)(a) and (b) of Regulation (EU) 2018/1725 is Commission Decision C(2016)3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups and in particular Articles 10 and 22 thereof.

As regards, in particular, the declarations of interests filled in by candidate members to be appointed in a personal capacity in expert groups, the processing of personal data serves the public interest of enabling the Commission to verify in the process of selection the experts' independence in providing advice to the Commission. Furthermore, the public disclosure of declarations of interests of those experts once appointed allows for public scrutiny of the interests declared by these experts, which is necessary in order to ensure public confidence in the independence of these experts. The public disclosure of declarations of interests also ensures a high degree of transparency with respect to the membership of expert groups and aims at contributing to fostering the integrity of the experts in question.

The names of the representatives of organisations, Member States' authorities and other public entities are usually not published in the Register of expert groups, as those persons only express the position of the organisation or entity that they represent, and, therefore, it is the name of the organisation, Member State's authority or other public entity that matters to ensure transparency of the work of the expert group. Any publication of names of the representatives of organisations, Member States' authorities and other public entities in the Register of expert groups is based on consent (Article 5(1)(d) of Regulation (EU) 2018/1725), unless specific and exceptional circumstances make it necessary to publish them to achieve the purpose of the processing operation, in accordance with Article 5(1)(a) of Regulation (EU) 2018/1725. No other types of personal data of representatives is published.

The submissions of members in the context of the work of expert groups and subgroups are generally made public, with personal data withheld where appropriate.

In the cases when the group is chaired by a person different than the Commission or its services, the name of this person may be published on the basis of consent (Article 5(1)(d) of Regulation (EU) No 2018/1725).

#### **4. Which personal data do we collect and further process?**

In order to carry out these processing operations, the Data Controller may collect the following categories of personal data:

- *Name;*
- *Function;*
- *Contact details (for example, e-mail address, telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, IP address);*
- *Information for the evaluation of selection criteria or eligibility criteria (for example, expertise, technical skills and languages, educational background, professional experience, including details on current and past employment);*
- *Nationality;*
- *Gender;*
- *Interest represented (only for individuals applying to be appointed as members of expert groups or sub-groups representing a common interest shared by stakeholders in a particular policy area and for organisations applying to be appointed as members of expert groups or sub-groups, as well as for their designated representatives);*
- *Information included in the declarations of interests, including personal data of immediate family members as required in the declaration of interests (only for individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity).*
- *Personal data that may be included in submissions of members of expert groups.*

The provision to the Commission service of the personal data required is mandatory to meet a legal requirement of selecting members of expert groups as set in Commission Decision C(2016)3301. In principle, for individuals appointed as members or observers in personal capacity to act independently and in the public interest and for individuals appointed as members or observers to represents a common interest, the types of personal data listed above (with the exception of contact details and information for the evaluation of selection criteria or eligibility criteria) are made publicly available on the Register of expert groups, in order to comply with the legal requirement to ensure transparency on the composition and functioning of Commission expert groups. If you do not provide the personal data required, possible consequences are that you will not be considered for selection as a member of an expert group or, if already selected, your membership will be suspended.

The submissions of members in the context of the work of expert groups and subgroups are generally made public, with personal data withheld where appropriate.

With the prior freely given, specific, informed and unambiguous consent of the representatives of organisations, Member States' authorities and other public entities, their names may also be published on the Register. They may furthermore be published in specific and exceptional circumstances where such publication is necessary to achieve the purpose of the processing operation.

The name of a person chairing the group, when this person is not from within the Commission (i.e. the group elects a chair from among its members or the Commission or its services appoint an individual as chair), may be published with his/ her prior freely given, specific, informed and unambiguous consent.

#### **5. How long do we keep your personal data?**

The Data Controller only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing. The following modalities apply:

- The competent Commission services keep personal data submitted to them as part of rejected applications for three years after the end of the selection process and do not process them for other purposes; these personal data are not published on the Register of expert groups.
- The expert group and some types of personal data of its members and observers, as described in Heading 4, are published on the Register of expert groups during the duration of existence of the expert group.
- When an individual is no longer member or observer or representative of a member or observer of an expert group listed in the Register of expert groups, all personal data related to this individual, including a declaration of interests, is removed from the Register and is therefore not public anymore.
- The competent Commission services keep personal data for the period during which the relevant individual is a member or an observer or a representative of a member or of an observer of the group and for five years after the date on which the individual is no longer member or observer or representative of a member or observer of the group. Following this five-year period, the personal data is transferred to the historical archives and a review takes place no later than 25 years after that transfer to the historical archives to evaluate whether to keep the data permanently or to delete some or all data.
- When a group is closed down, it remains published in the Register of expert groups for five years, with the indication 'Closed'. Those types of personal data other than the declarations of interests of members appointed in personal capacity that were published while the group was active remain visible on the Register of expert groups during these five years. On the contrary, the said declarations of interests are removed from the Register after closure of a group and are therefore not public anymore; they are however kept by the competent Commission service for a period of five years after the closure of the group. Following this five-year period after the closure of the group, the personal data is transferred to the historical archives and a review takes place no later than 25 years from that transfer to evaluate whether to keep the data permanently or to delete some or all data.
- An XML file is created daily with all the information regarding active groups. All versions of this file, showing the situation of the Register of expert groups as of the day it was created, are stored in a file server for 5 years and are not public.

#### **6. How do we protect and safeguard your personal data?**

Personal data submitted in paper form is stored in the competent Commission service. All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the Commission (*or of its contractors (processors), if contractors are engaged to assist the controller*). All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online

security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

*If the controller uses (a) contractor(s) (processor(s)) to assist the controller, this will be indicated in the specific privacy statement and the following paragraph will be provided:*

The Commission's processors (contractors) are bound by a specific contractual clause for any processing operations of your personal data on behalf of the Commission. The processors have to put in place appropriate technical and organisational measures to ensure the level of security, required by the Commission.

#### **7. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data collected in the course of the process of selection of members of expert groups is provided to the Commission staff authorised for carrying out this processing operation and to other authorised Commission staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Certain personal data collected, as explained in Headings 4 and 5, are publicly available on the Register of expert groups.

The XML files referred to in Heading 5 are only accessible to a reduced number of users in the Secretariat-General (System Owner) and IT development team within the Commission (System Supplier).

Please note that pursuant to Article 3(13) of Regulation (EU) 2018/1725, public authorities (e.g. Court of Auditors, EU Court of Justice, European Ombudsman) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The further processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

#### **8. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) and Article 35 of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data is inaccurate or incomplete. Under certain conditions, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing and the right to data portability.

You have the right to object to the processing of your personal data on grounds relating to your particular situation in accordance with Article 23(1) of Regulation (EU) 2018/1725.

As indicated in Heading 4, if you are a representative of an organisation, Member State or another public entity, you may consent to have your name published on the Register of expert groups. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

Finally, and only as regards the publication of your name on the Register of expert groups, you may submit a request to the competent Commission service for a derogation where justified on

compelling legitimate grounds in relation to your specific situation (such as the case where the publication of your name on the Register of expert groups could endanger your security or integrity).

You can exercise your rights by contacting the Data Controller or, in case of conflict, the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

Data subject requests shall be handled within one month from receipt of the request by the Commission. That period may be extended pursuant to 14(3) of Regulation (EU) 2018/1725. Should more time be required to handle the request for justified reasons, the data subject shall receive a holding reply from the unit responsible for the request.

## **9. Contact information**

### **- The Data Controller**

Regarding the personal data collected in the course of the process of selection of the members of the expert groups, if you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint, please contact the functional mailbox of the Commission service in charge of a specific expert group (i.e. service, indicated in the specific privacy statement for that expert group).

Likewise, as regards the data published on the Register of expert groups, please contact the corresponding Data Controller Secretariat-General, Unit F4: [SG-EXPERT-GROUPS@ec.europa.eu](mailto:SG-EXPERT-GROUPS@ec.europa.eu).

### **- The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### **- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

## **10. Where to find more detailed information?**

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

These specific processing operations will be included in the DPO's public register with the following Record references: DPR-EC-01066 and DPR-EC-00656.