

RULES OF PROCEDURE OF THE GROUP OF EXPERTS ON THE SCREENING OF FOREIGN DIRECT INVESTMENTS INTO THE EUROPEAN UNION

THE GROUP OF EXPERTS ON THE SCREENING OF FOREIGN DIRECT INVESTMENTS INTO THE EUROPEAN UNION,

Having regard to Commission Decision setting up the group¹,

Having regard to the standard rules of procedure of expert groups²,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Point 1

Operation of the group

The group shall act at the request of DG Trade.

Point 2

Convening a meeting

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

Point 3

Agenda

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

Point 4

Documentation to be sent to group members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than thirty calendar days before the date of the meeting.
2. The secretariat shall send documents on which the group is consulted to the group members no later than fourteen calendar days before the date of the meeting.

¹ C(2017) 7866 final.

² C(2016) 3301 (Annex 3).

3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in paragraphs 1 and 2 may be reduced to five calendar days before the date of the meeting.

Point 5

Opinions of the group

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

Point 6

Invited experts

DG Trade may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group on an ad hoc basis.

Point 7

Written procedure

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

Point 8

Secretariat

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

Point 9

Minutes of the meetings

Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.

Point 10

Attendance list

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

Point 11

Correspondence

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

Point 12

Transparency

The group shall be registered on the Register of Commission expert groups and other similar entities ('the Register of expert groups').

Point 13

Professional secrecy and handling of classified information

The members of the group and their representatives, as well as invited experts and observers are subject to the obligation of professional secrecy as laid down in Article 339 TFEU, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443³ and 2015/444⁴. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Point 14

Access to documents

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001⁵.

³ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁴ 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).

⁵ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).