



INFORMAL COMMISSION EXPERT GROUP

EIDAS EXPERT GROUP

TERMS OF REFERENCE

1. BACKGROUND

The Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (the ‘eIDAS regulation’) was adopted on 23 July 2014.

The mission of the eIDAS Expert Group is to exchange good practices and initiatives in the area of electronic identification and trust services, as well as to discuss and recommend solutions proposed for secondary legislation.

The Commission’s Directorate General for Communications Networks, Content and Technology (‘DG CONNECT’) established the eIDAS Expert Group as an informal, permanent expert group in 2014¹ to support the implementation of the eIDAS regulation. It will continue to carry out its mission in the context of the revision of the eIDAS regulation, which introduces the European Digital Identity Framework.

The eIDAS Expert Group (the ‘group’) was identified as the main interlocutor for the implementation of the Commission Recommendation on a common Union Toolbox for a coordinated approach towards a European Digital Identity Framework².

2. TASKS

The group’s tasks shall be:

1. to assist DG CONNECT in the preparation of legislative proposals/policy initiatives in the field of electronic identification and trust services.
2. to assist DG CONNECT in the preparation of delegated acts.
3. to establish cooperation/coordination between the Commission and Member States or stakeholders on questions relating to the implementation of Union legislation, programmes and policies in the field of electronic identification and trust services.
4. to assist DG CONNECT in the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) N°182/2011.

¹ Published on the register of expert groups on 5 March 2014.

² C(2021) 3968 of 3.6.2021

5. to bring about an exchange of experience and good practice in the field of electronic identification and trust services.
6. to engage with the Commission and other relevant stakeholders as set out in the Commission Recommendation for the development of a common Union Toolbox for a coordinated approach towards a European Digital Identity Framework.

3. MEMBERSHIP

1. Members shall be Member States' and European Economic Area (EEA) states' authorities³.
2. Member States' and EEA states' authorities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.

4. CHAIR

The group shall be chaired by a representative of DG CONNECT.

5. OPERATION

1. The group shall act at the request of DG CONNECT, in compliance with the horizontal rules⁴.
2. Meetings of the group shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
3. DG CONNECT shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG CONNECT, the group may, by simple majority of its members, decide that deliberations shall be public.
5. 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.
6. As far as possible, the group shall adopt its 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. Members who 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.

6. SUB-GROUPS

1. DG CONNECT may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG CONNECT. Sub-groups

³ In accordance with Article 7.3 of the Horizontal rules

⁴ C(2016) 3301, Article 13.1.

shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.

2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with the horizontal rules⁵.

7. INVITED EXPERTS

DG CONNECT 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-groups on an *ad hoc* basis.

8. OBSERVERS

1. Individuals, organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and sub-groups.

9. RULES OF PROCEDURE

On a proposal by and in agreement with DG CONNECT the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules⁶. Sub-groups shall operate in compliance with the group's rules of procedure.

10. 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, 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) 2015/443⁷ and 2015/444⁸. Should they fail to respect these obligations, the Commission may take all appropriate measures.

11. TRANSPARENCY

1. The group and sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').

⁵ C(2016), Articles 10 and 14.2.

⁶ See Article 17 of the horizontal rules.

⁷ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁸ 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).

2. As regards the group and sub-groups composition, the following data shall be published on the Register of expert groups:
 - (a) the name of Member State, whose authorities are appointed as members of the group;
 - (b) the name of the EEA State, whose authorities are appointed as members of the group;
 - (c) the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available on the Register of expert groups. In particular, DG CONNECT shall publish 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 possible 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° 1049/2001⁹.

12. MEETING EXPENSES

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall 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.

Done in Luxembourg, on 28 September 2021

⁹ 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.