



INFORMAL COMMISSION EXPERT GROUP ON MISSION CRITICAL COMMUNICATION

TERMS OF REFERENCE

1. BACKGROUND

Complex security challenges in Europe require us to enhance the capacity of public authorities responsible for security and safety to perform their functions. Secure communication is a key pre-condition to ensure this capacity. The Council has in that regard underlined *‘the importance of secure operational and EU interoperable communication for law enforcement agencies and other security practitioners (...)’*, and invited *‘Member States to further support EU initiatives aiming at the improvement of existing systems and EU-wide interoperable communication systems for public security, notably the Horizon 2020 BroadWay project’*¹.

The Commission works since 2016 with Member States on elements of an EU-wide critical communication system (EU critical communication system, hereafter ‘EUCCS’). It will link Member States’ communication systems for public security and safety² and supplement them with an EU-level component, allowing for their full interoperability. The EUCCS would considerably improve the coordination and timely response of law enforcement and emergency services in carrying out their tasks, for instance when different authorities cooperate across borders in carrying out a hot pursuit or a controlled drug delivery in the Schengen area or when jointly responding to a terrorist attack or a natural disaster. The current systems do not allow for state-of-the-art communication and data exchange and are not capable of ensuring seamless cross-border cooperation. The EU security research projects BroadMap (2016 – 2017) and BroadWay (2018 – 2022)³ developed technical solutions for EUCCS, and validated them in operational tests carried out in different EU Member States in 2022. In 2023, several Member States and Norway are moving ahead as pioneers in the ISF-funded project BroadEUNet Preparation.

A Commission expert group is needed to bring together Commission services with experts of all Member States and Schengen-associated countries⁴ at legal, operational and technical level, to prepare governance and system components, with a view to establishing the Union-wide system by 2030. The group will also follow-up on the commitment to *‘...explore the extent to which IRIS² [the EU secure connectivity satellite constellation] can support the*

¹ Council document 9545/21 ENFOPOL 218 JAI 681 CT 77 PROCIV 68 of 7.6.2021.

² Notably law enforcement, emergency and rescue services.

³ Funded by Horizon 2020.

⁴ Iceland, Liechtenstein, Norway and Switzerland.

establishment of an EU critical communications system', as laid out in the EU Space Strategy for Security and Defence⁵.

This Commission expert group shall serve as a forum for Commission services, Member States' and Schengen countries' experts, to work on the establishment of the EUCCS. Other experts, including from relevant EU agencies and other key stakeholders, could be granted observer status, as appropriate.

The EUCCS will enhance the resilience of public communication infrastructure and ensure the capacity to react in times of crises, as well as improve daily operational cooperation in the field of internal security and to support a timely and coordinated response in emergency situations.

2. SUBJECT MATTER

The group of experts on Mission Critical Communication ('the group') is set up.

3. TASKS

The group's tasks shall be:

1. to assist the Commission's Directorate-General for Migration and Home Affairs ('DG HOME') in the preparation of policy initiatives aiming at the establishment of the EUCCS, by providing advice and technical and operational expertise, *inter alia* with regard to:
 - a. the governance structure of the EUCCS;
 - b. identifying the different components and determining the technical and operational requirements of the EUCCS;
 - c. the standards to be followed relating to mission critical communication, secure communication, interoperability of communication networks used for public security and safety, as well as the resilience of such networks.
2. to establish cooperation and coordination between the Commission, Member States and stakeholders in developing different components of the EUCCS and on questions relating to the testing and validation of selected components of the EUCCS.
3. to bring about an exchange of experience and good practices in the field of mission critical communication.

4. CONSULTATION

The Commission may consult the group on any matter relating to mission critical communication, such as secure communication, interoperability of networks used for public security and safety of communication, as well as on the resilience of such networks.

⁵ European Union Space Strategy for Security and Defence, JOIN(2023) 9 final.

5. MEMBERSHIP

1. The group shall be composed of up to 31 members.
2. Members shall be Member States' authorities and other public entities of Schengen-associated countries.
3. Member States' authorities and other public entities of Schengen-associated countries shall nominate their representatives (at least one but not more than two) and shall be responsible for ensuring that their representatives provide a high level of expertise.

6. CHAIR

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

7. OPERATION

1. The group shall act at the request of DG HOME, in compliance with the horizontal rules.
2. Meetings of the group shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
3. DG HOME shall provide secretarial services. Commission officials from relevant departments with an interest in the proceedings may attend meetings of the group.
4. In agreement with DG HOME 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 in principle by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members that have taken different positions shall have the right to have a document summarising the reasons for their disagreement annexed to the opinions, recommendations or reports.

8. SUB-GROUPS

1. DG HOME may set up sub-groups for the purpose of examining specific questions. Sub-groups 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.

9. INVITED EXPERTS

1. DG HOME 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.

10. OBSERVERS

1. Organisations and public entities other than Member States' authorities and Schengen-associated countries, 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' representatives may be permitted by the Chair to take part in selected discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group.

11. RULES OF PROCEDURE

On a proposal by and in agreement with DG HOME, 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.

12. 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.

For specific items on the agenda, clearly identified as such, representatives of the member of the groups, observers and invited experts attending may be required to hold security clearance, where appropriate.

13. TRANSPARENCY

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ("the Register of expert groups").
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 States' authorities;
 - b) the name of public entities of Schengen-associated countries,
 - c) the name of observers.

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).

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, the agenda and other relevant background documents shall be published 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° 1049/2001⁹.

14. 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 Brussels, on 24 May 2023.

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.