



INFORMAL COMMISSION EXPERT GROUP

EU LAW NETWORK

TERMS OF REFERENCE

1. BACKGROUND

Application and enforcement of EU law is a shared responsibility between the Commission and the Member States. Even though the Commission might, in its role as guardian of the Treaties, ensure the correct implementation of EU law through the formal infringement procedures, it is of utmost importance to privilege a partnership approach with the Member States in the process. Cooperation between the Member States themselves, through exchanges of best practices and experiences, has also proven useful. Setting up a structured forum of discussion in the form of an expert group is the appropriate way to ensure continuous cooperation and exchange of views.

The Secretariat-General established the group of experts EU law network ('the group') under its current name in 2012, while a similar formation had already operated since 2007. The group is expected to operate with no time limit.

2. TASKS

The group's tasks shall be:

1. to establish and foster cooperation and coordination between the Commission and Member States on questions relating to the implementation of EU legislation.
2. to bring about an exchange of experience and good practice in the field of transposition, implementation, application and enforcement of EU law.
3. to disseminate information on recent judicial activity of the Court of justice of the EU which is impacting the Commission's and Member States' actions as regards EU law.
4. to inform and exchange views on the Commission's enforcement and infringement policy.

3. MEMBERSHIP

1. Members shall be Member States' national authorities.

2. Member States' authorities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise in the field of application and enforcement of EU law.

4. CHAIR

The group shall be chaired by a representative of the Secretariat-General of the Commission.

5. OPERATION

1. The group shall act at the request of the Secretariat-General of the Commission, in compliance with the Commission's horizontal rules on expert groups¹ ('the horizontal rules').
2. Meetings of the group shall, in principle, be held on Commission premises or on premises put at the disposal of the group by a member or virtually, depending on the circumstances.
3. The Secretariat-General shall provide secretarial services. Commission officials from other departments with an interest in the proceedings, including the Legal Service of the Commission, may also be invited.
4. In agreement with the Secretariat-General, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes of 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. INVITED EXPERTS

The Secretariat-General 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.

7. 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 from the Secretariat-General.
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 provide expertise. However, they shall not participate in the formulation of recommendations or advice of the group.

¹ C(2016) 3301, Article 13.1.

8. 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) 2015/443² and 2015/444³. Should they fail to respect these obligations, the Commission may take all appropriate measures.

9. TRANSPARENCY

1. The group shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As regards the group composition, the name of Member States shall be published on the Register of expert groups.
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 Secretariat-General 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° 1049/2001⁴.

10. MEETING EXPENSES

1. Participants in the activities of the group shall not be remunerated for the services they offer.
2. Travel expenses incurred by participants in the activities of the group 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 4 May 2022.

² Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

³ 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).

⁴ 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.