



# **Framework for Commission Expert Groups & Rules of Procedure**

**1<sup>st</sup> meeting of the Scientific Forum on  
Invasive Alien Species  
(item 2 of agenda)**

**Brussels, 21 April 2015**



## **Art.28 of R.1143/2014 – Scientific forum**

*The Commission shall ensure the participation of representatives of the scientific community **appointed by the Member States** in providing **advice** on any scientific question related to the application of this Regulation, in particular as regards **Articles 4, 5, 10 and 18**. Those representatives shall meet in a scientific forum. The **rules of procedure** of that forum shall be established by the Commission.*





## Institutional framework for Expert Groups

- By definition an **expert group** is a consultative entity set up by the Commission or its services for the purpose of providing them with advice and expertise (non-binding)
- Communication C/2010/7649 establishing the framework for Commission expert groups (**horizontal rules**)
- **Standard rules** of procedure of expert groups (Annex IV of Commission staff working document SEC/2010/1360)





## **Horizontal rules for expert groups (Communication C/2010/7649)**

- Follows the 2010 Framework Agreement between EP and EC, on transmission of information to EP
- Governing the creation and functioning of expert groups
- Ensuring coherence (role, composition, operation)
- Enhancing transparency – Public Register  
<http://ec.europa.eu/transparency/regexpert/>  
and transmission of information to EP





## **Role of expert groups**

To provide advice and expertise to the Commission and its services in relation to:

- (1) the preparation of legislative proposals and policy initiatives (Commission's right of initiative);
- (2) the preparation of delegated acts;
- (3) the implementation of existing EU legislation, programmes and policies, as well as the coordination and cooperation with Member States in that regard.





## Composition of expert groups

- Expert groups may be composed of the following types of members:
- (1) individuals appointed in their personal capacity;
- (2) individuals appointed to represent a common interest shared by stakeholders;
- (3) organisations;
- (4) **Member States' authorities**





## **Nomination of representatives of Member States' authorities**

*Where an organisation or an authority of a Member State is a member of an expert group, it may **nominate individuals as permanent representatives or appoint appropriate representatives on an ad hoc basis depending on the meeting agenda.** Organisations and Member States' authorities shall be responsible for ensuring that their representatives provide a high level of expertise.*





# **Standard rules of procedure**

## **SEC/2010/1360**

(Accompanying document to the C(2010) 7649)

- **Art.1 Convening a meeting**
- **Art.2 Agenda**
- **Art.3 Documentation to be sent to group members**
- **Art.4 Opinions of the group**
- **Art.5 Sub-groups**
- **Art.6 Admission of third parties**
- **Art.7 Written procedure**
- **Art.8 Secretariat**







# **Standard rules of procedure**

## **SEC/2010/1360**

(Accompanying document to the C(2010) 7649)

- **Art.9 Summary minutes of the meetings**
- **Art.10 Attendance list**
- **Art.11 Conflicts of interest**
- **Art.12 Correspondence**
- **Art.13 Access to documents**
- **Art.14 Confidentiality of deliberations**
- **Art.15 Protection of personal data**





## LISBON TREATY (TFEU)

A legislative or  
“basic” act is  
established



Regulations,  
Directives or  
Decisions "of the  
Council and the  
EP"

e.g. IAS Regulation  
1143/2014

Ordinary legislative procedure  
*(co decision – Art 289, TFEU)*

Special legislative procedure  
*(Council with participation of EP or  
EP with participation of Council – Art 289, TFEU)*

Subsequent decisions  
are needed



**A delegated act**

To SUPPLEMENT or AMEND  
non-essential elements of the legislative  
act  
(Art 290, TFEU)

"Commission Delegated" Regulations,  
Directives or Decisions  
Non-binding advice from Expert Group

**An implementing act**

To IMPLEMENT the legislative act, where uniform  
conditions are needed  
(Art 291, TFEU)

"Commission Implementing" Regulations,  
Directives or Decisions  
Binding opinion by vote in Committee

# Comitology Committees vs Expert Groups

Commission

## Comitology Committee

## Expert group

Individual committees set up in the basic act, e.g. provision that "The Commission shall be assisted by a committee".	3 types of expert groups – formal group set up via Commission Decision, <b>informal group</b> set up by DG with SG agreement, and 'other similar entities' not set up by COM.
Governed by Regulation 182/2011 and by Standard and individual Rules of Procedure (obligatory).	Governed by "Framework for Commission Expert Groups: Horizontal Rules and public register" C(2010)7649 and Standard Rules of procedure. <b>Individual RoP</b> are optional.
Formal "voting" committee.	Informal consultation group – providing advice and expertise to COM – not binding.
Attended by MS plus third parties and experts on a case-by-case basis, chaired by COM.	<b>Attended by</b> experts in personal capacity or organisations' nominated representatives, or <b>MS national authorities, chaired by COM</b> or elected from the group, with COM agreement.
EP is excluded from attending.	When all MS national authorities are invited, <b>COM has to inform EP</b> , including all documentation. If requested by EP, COM may decide to invite EP experts.

## Comitology Committees vs Expert Groups

Commission

### Comitology Committee

### Expert group

Agenda addresses draft implementing acts and "other issues" related to implementing powers (for information or simple exchange of views).	Agenda addresses preparation of legislative proposals and policy initiatives, preparation of delegated acts, and implementation of existing EU legislation, programmes.
Comitology register is the vehicle for informing EP and Council.	Expert groups and other similar entities are published in a <b>Register</b> . COM ensures that information on the groups' activities are made public in the Register
No individual names of committee members uploaded in register – only organisation names.	Names of experts in personal capacity may be published in the Register.
Committee discussions are confidential.	The group's deliberations are confidential.

