RULES OF PROCEDURE OF THE GROUP OF EXPERTS ON LIABILITY AND NEW TECHNOLOGIES

The Group of experts on liability and new technologies,

Having regard to the creation of the group by Directorate General Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), Directorate General Communications Networks, Content and Technology (DG CNECT) and Directorate General Justice and Consumers (DG JUST) hereinafter referred to "the responsible Commission departments";

Having regard to the Expert Group's two distinct formations: Product Liability Directive formation (PLD formation) managed by DG GROW and the New Technologies formation (NTF formation) managed by DGs JUST, GROW and CNECT;

Having regard to the standard rules of procedure of expert groups¹,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Point 1

Operation of the group

The group shall act at the request of the responsible Commission departments.

Point 2

Convening a meeting

1. Meetings of the Expert Group's formations are convened by the respective Chairs of each formation either on their own initiative, or at the request of a simple majority of their respective members after the responsible Commission departments have given their agreement.

2. Joint meetings of any or of both formations of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.

4. Meetings of the Expert Group shall be held on Commission premises.

Point 3

Agenda

1. The secretariats of each formation shall draw up the agenda under the responsibility of the Chair and send it to the members of the formation.

2. The agenda shall be adopted by the formation at the start of the meeting.

¹ C(2016) 3301 (Annex 3).
Point 4

Documentation to be sent to group members

1. The secretariats of each formation shall send the invitation for the meeting and the draft agenda to the members of the respective formation no later than 14 calendar days before the date of the meeting.

2. The secretariats of each formation shall send documents on which the respective formation is consulted to its members no later than 10 calendar days before the date of the meeting of the respective formation.

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 two formations shall adopt their 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 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.

Point 6

Sub-groups

1. The responsible Commission departments may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the responsible Commission departments. Sub-groups shall operate in compliance with the Commission’s horizontal rules on expert groups (‘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 the horizontal rules.

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2 See Articles 10 and 14.2.
**Point 7**

**Invited experts**

The responsible Commission departments may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the two formations or sub-groups on an ad hoc basis.

**Point 8**

**Observers**

1. Individuals, organisations and public entities 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 provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group.

**Point 9**

**Written procedure**

1. If necessary, the formations’ 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 formation 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 10**

**Secretariat**

DG GROW shall provide secretarial support for the PLD formation and any sub-groups.

DG JUST shall provide secretarial support for the NTF formation and any sub-groups.
**Point 11**

**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 12**

**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 13**

**Conflicts of interest**

1. The chair of each expert group or sub-group shall, at the first meeting of each calendar year, remind all members appointed in a personal capacity of their obligation to promptly inform the responsible Commission departments of any relevant change in the information previously provided, including as regards upcoming activities, in which case they must immediately submit a newly completed declaration of interests describing the change, in order to enable the responsible Commission departments to assess it in due course, in compliance with the horizontal rules.

2. Should a conflict of interest in relation to an expert appointed in a personal capacity arise, the responsible Commission departments shall take all appropriate measures, in compliance with the horizontal rules.

3. Conflicts of interest shall be reported in writing, e.g. in the minutes of the meeting of each formation. Information registered must be adequate, relevant and not going beyond what is necessary for the purpose of the management of the conflict of interest.

**Point 14**

**Correspondence**

1. Correspondence relating to the group shall be addressed to:
   - DG GROW, for the attention of the Chair regarding the PLD formation;
   - DG JUST, for the attention of the Chair regarding the NTF formation.

2. Correspondence for the members of each formation shall be sent to the e-mail address which they provide for that purpose.
Point 15

Transparency

1. The group and sub-groups shall be registered on the Register of expert groups.

2. As concerns the composition of each of the two formations of the group, the following data shall be published on the Register of expert groups:
   
   (a) the name of individuals appointed in a personal capacity;

   (b) the name of individuals appointed to represent a common interest; the interest represented shall be disclosed;

   (c) the name of member organisations; the interest represented shall be disclosed;

   (d) the name of other public entities;

   (e) the name of observers;

   (f) the name of Member States’ authorities;

   (g) the name of third countries’ authorities;

   (h) the name of other public entities representatives.

3. The secretariat of each formation shall make available all relevant documents, including the agendas, the minutes and the participants’ submissions, either on the Register of expert groups or via a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the responsible Commission departments shall publish the respective agendas of the meetings, 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) No 1049/2001.

   Individuals who do not wish to have their names disclosed may submit a request to the responsible Commission departments for a derogation from this rule. A derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the individual, in particular where disclosure of the experts’ name could endanger their security or integrity.

   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.
Point 16

Access to documents

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001^5^.

Point 17

Deliberations

In agreement with the responsible Commission departments each of the two formations may, by simple majority of its members, decide that deliberations shall be public.