DRAFT RULES OF PROCEDURE
OF THE COMMISSION EXPERT GROUP ON FERTILISING PRODUCTS

THE COMMISSION EXPERT GROUP ON FERTILISING PRODUCTS (‘the group’),
Having regard to the creation of the group by the Commission’s Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (‘DG GROW’),
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 its Chair with the agreement of DG GROW.

Point 2

Convening a meeting
1. Meetings of the group are convened by the Chair either on its own initiative, or at the request of a simple majority of members after DG GROW has given its agreement.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the group shall be held on Commission premises.

Point 3

Agenda
1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members and observers of the group.
2. The agenda shall be adopted by the group at the start of the meeting.

¹ C(2016) 3301 (Annex 3).
**Point 4**

**Documentation to be sent to group members and observers**

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members and observers no later than thirty calendar days before the date of the meeting.

2. The secretariat shall send documents on which the group is consulted to the group members and observers no later than fourteen calendar days before the date of the meeting.

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 group shall adopt its 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 that 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. DG GROW may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG GROW. 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 sub-group shall report to the group.

**Point 7**

**Invited experts**

1. DG GROW 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.

2. Expressions of interest for such ad hoc participation may be sent to DG GROW, which will assess whether the expert's participation could provide useful contribution to the meeting based on the expert's specific competence in a subject on the agenda.
Point 8

Observers

1. Individuals and organisations may be granted an observer status, in compliance with the horizontal rules and the group’s terms of reference, as a result of a call for applications. Public entities other than Member States’ authorities may be granted an observer status 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 group’s 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 group 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 group and any sub-groups.

Point 11

Minutes of the meetings

1. 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.

2. The minutes shall mention the individual positions of a member or observer during the group’s deliberations only if explicitly requested by the respective member or observer.

3. The minutes shall be adopted by the group.
**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, other public entities or organisations to which the participants belong².

**Point 13**

**Conflicts of interest**

1. The chair of each sub-group shall, at the first meeting of the sub-group and then each calendar year, remind all observers appointed in a personal capacity of their obligation to promptly inform DG GROW 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 DG GROW 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, DG GROW 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 sub-group's meeting. Information registered must be adequate, relevant and not going beyond what is necessary for the purpose of the management of the conflict of interest.

4. Paragraphs 1, 2 and 3 shall also apply to deliberations taken by the sub-group in written procedure.

**Point 14**

**Correspondence**

1. Correspondence relating to the group shall be addressed to DG GROW, for the attention of the Chair, via the functional mailbox GROW-fertilising-products@ec.europa.eu.

2. Correspondence for group members shall either be sent by the DG GROW to the e-mail address which they provide for that purpose or tabled on the electronic portal CircABC.

**Point 15**

**Transparency**

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

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² The names of the representatives of organisations, Member States’ authorities or other public entities may be included only subject to their prior freely given, specific, informed and unambiguous consent, in compliance with Article 3(15) and Article 7 of Regulation 2018/1725.
2. As concerns the composition of the group and sub-groups, DG GROW shall publish on the Register of expert groups the name of public entities other than Member States’ authorities, the name of observers and the interest they represent, as well as the name of individuals appointed in a personal capacity and the name of individuals appointed to represent a common interest and the interest they represent.

3. DG GROW shall make available all relevant documents, including the agendas, the minutes and the participants’ submissions, via a link from the Register of expert groups to a dedicated page on CircABC website, where this information can be found. Access to this dedicated page on CircABC shall not be submitted to user registration or any other restriction. In particular, DG GROW 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 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.

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.

Point 17

Deliberations
1. The group’s deliberation shall be confidential.
2. In agreement with DG GROW, the group may, by simple majority of its members, decide that deliberations shall be public.
3. The members and their representatives, as well as invited experts and observers, shall comply with the obligation of professional secrecy, which by virtue of Article 339 of the Treaty on the Functioning of the European Union and the rules implementing it 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) 2015/443 and 2015/444. Should they fail to respect these obligations, the Commission may take all appropriate measures.

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Point 18

Protection of personal data

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EU) 2018/1725.  

Point 19

Application

These rules of procedure shall apply from the date of their adoption.

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