

Rule of procedure of the ABS Consultation Forum

Adopted at the 1st meeting on 21 January 2016

The ABS Consultation Forum,

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

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Tasks and mandate of the Forum

1. The Forum is established pursuant to Article 15 of Regulation (EU) No 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union ("the Regulation").
2. The Forum shall be a platform for exchange of information related to the implementation of the EU ABS Regulation and its Implementing Regulation between the interested parties, the representatives of the Member States and the Commission. The Forum shall also provide advice and expertise to the Commission, Directorate-General for Environment ("the Commission"), in relation to the implementation of the EU ABS Regulation and its Implementing Regulation, and to facilitate coordination and cooperation with Member States and stakeholders in that regard.
3. The Forum does not take binding decisions. The outcome of its deliberations may form the basis of decisions taken by the Commission.

Article 2

Composition of the Forum

1. To achieve the required "balanced participation of representatives of the Member States and other interested parties in issues related to the implementation" of the Regulation, the Forum is composed of:
 - (a) Representatives of each of the EU Member States;
 - (b) Representatives of civil society and professional organisations, the total number of which is not to exceed those of the Member States and which jointly represent the variety of interests of entities concerned by the implementation of the Regulation.
2. Each Member State and civil society organisation shall count as one member of the Forum.
3. For civil society organisations to be included in the Forum they shall demonstrate that:

¹ SEC (2010) 1360 (final), AnnexIV

- (a) The organisation associates, wherever possible at European or international level, and stakeholders engaged in activities related to the implementation of the Regulation;
 - (b) The organisation and its proposed representatives have relevant expertise and experience and are contributing to relevant expert discussions;
 - (c) There is geographical and functional variety among members of the organisation.
4. The Commission may limit the size of delegations in view of logistical constraints and in the interest of enabling meaningful dialogue within the Forum.
5. Meetings of the Forum are chaired by the Commission, which shall also provide the secretariat for meetings of the Forum.

Article 3

Convening of meetings

1. Meetings of the Forum are convened by the Chair, either on its own initiative or at the request of a simple majority of Forum Members, subject to availability of meeting facilities, after the Commission has given its agreement.
2. The Forum shall meet at least once every year.
3. Joint meetings of the Forum with other groups may be convened to discuss matters falling within their respective areas of responsibility.
4. Meetings of the Forum shall be held on Commission premises.

Article 4

Agenda and documentation

1. The Commission shall draw up a draft agenda and send it, together with the invitation, to the members of the Forum at the latest 21 calendar days before the date of the meeting.
2. The Commission shall circulate a revised draft agenda before the meeting, taking into account comments received from members of the Forum.
3. The agenda shall be adopted by the Forum at the start of the meeting.
4. The Commission shall send documents on which the Forum is consulted to its members no later than 14 calendar days before the date of the meeting.

Article 5

Opinions and reports of the Forum

1. Any opinions or reports by the Forum shall, as far as possible, be adopted by consensus.
2. In the event of a vote, the outcome of the vote shall be decided by a two-thirds majority of the members.

Article 6

Sub-groups

1. In agreement with the Commission, the Forum may set up sub-groups to examine specific questions on the basis of the terms of reference defined by the Forum; such sub-groups shall be disbanded as soon as their mandate is fulfilled.
2. The sub-groups shall report to the Forum.

Article 7

Admission of third parties

The Commission may invite on an ad hoc basis experts from outside the Forum with specific competence in a subject on the agenda to participate in the work of the group or sub-groups. In addition, the Commission may give observer status to candidate countries or relevant intergovernmental organisations.

Article 8

Written procedure

1. If necessary, the Forum's opinion or report on a specific question may be delivered via a written procedure.
2. However, if one third of members ask for the question to be examined at a meeting of the Forum, or if the Chair recognizes major objections to the draft document(s), the written procedure shall be terminated without result and the discussion postponed to the next meeting of the Forum.
3. At the beginning of each meeting, the Chair shall inform the Forum of the results of any written procedure carried out between this and previous meeting.

Article 9

Summary minutes and attendance list

1. Summary minutes of the discussion shall be drafted by the Commission. The minutes shall not mention the individual position of the members during the Forum's deliberations.
2. At each meeting, the Commission shall draw up an attendance list specifying, where appropriate, the authorities, organisations or bodies to which the participants belong.

Article 10

Conflicts of interest

1. Should a conflict of interest in relation to a member of the Forum arise, the Commission may exclude this expert from the Forum or a particular meeting thereof, or they may decide that the expert in question shall abstain from discussing the items on the agenda concerned and from any vote on these items.
2. At the start of each meeting, any expert whose participation in the Forum's work would raise a conflict of interest shall inform the Chair.

3. Conflicts of interest shall be reported in writing, e.g. in the summary minutes of the Forum's meeting.
4. Paragraphs 1, 2 and 3 shall also apply to the written procedure.

Article 11

Correspondence

1. Correspondence relating to the Forum shall be addressed to the Commission, for the attention of the Chair.
2. Correspondence for Forum members shall be sent to the e-mail address which they provide for that purpose.

Article 12

Confidentiality and access to documents

1. The Forum's deliberations shall be confidential.
2. In agreement with the Commission, the Forum may, by a simple majority of Member States, decide to open its deliberations to the public.
3. Applications for access to documents held by the Forum will be handled in accordance with Regulation (EC) No 1049/2001 and detailed rules for its application.

Article 13

Protection of personal data

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001.²

² Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).