



## CALL FOR APPLICATIONS FOR THE SELECTION OF MEMBERS OF THE EXPERT GROUP ON POSTING OF DRIVERS

### 1. Background

On 15 July 2020, the European Parliament and the Council adopted a set of legislative acts under Mobility Package 1<sup>1</sup> that aim at improving the working conditions of drivers, increasing road safety and ensuring undistorted competition between road transport operators. This legislative package includes specific rules related to the posting of drivers in the road transport sector (Directive (EU) 2020/1057<sup>2</sup>).

The rules on the posting of drivers, which will start applying from 2 February 2022, contain specific provisions related to the application of the terms and conditions of employment of the host country (as provided for in the general posting of workers rules<sup>3</sup>) to drivers engaged in international road transport. According to the new rules drivers carrying out bilateral operations from/to the Member State of establishment of an operator and a limited number of cross-trade operations in connection with bilateral transport operations as well as drivers merely transiting the territory of a Member State are not considered to be posted. A posting declaration will have to be made via the public interface connected to the Internal Market Information (IMI) system. Transport undertakings established outside the EU cannot be given a more favourable treatment.

The practical implementation of these rules, including administrative requirements and control measures, raises numerous questions within the sector and enforcement community as well as Member States who are preparing transposition measures. The *ad hoc* discussions with stakeholders reveal divergencies in understanding on how to apply and control the compliance with these rules. To achieve the objectives of the legislation in force it is of utmost importance to ensure a common understanding and correct application of the provisions.

To this end, the Commission's Directorate-General for Mobility and Transport (DG MOVE) decided to establish a group of experts on posting of drivers ("the group") which will facilitate a regular exchange and examination of cases where differences in the understanding, application and enforcement of the provisions arise. The objective of the group shall be to ensure a harmonised understanding of the EU rules on posting of drivers in road transport and promote common approach to their implementation. The common approach to implementation will help to prevent operators and drivers from

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:249:FULL&from=FR>

<sup>2</sup> Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49–65).

<sup>3</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

being penalised for unintended incompliance with the rules in force due to their misinterpretation. It will also help to ensure that rules are enforced in a uniform manner by the enforcement authorities throughout the European Union.

Achievement of such a common approach requires an expertise not only in the field of road transport policy (e.g. rules on driving times, breaks and rest periods in road transport<sup>4</sup>, rules on access to occupation and access to market<sup>567</sup>) but also in the area of employment and labour laws (e.g. , general rules on posting of workers).

The Commission is calling for applications with a view to selecting members of the group on posting of drivers in international road transport operations other than Member States' authorities.

## **2. Features of the Expert Group on Posting of Drivers**

### **2.1. COMPOSITION**

The group shall consist of up to 70 members.

The group shall be composed of the following categories of members:

- a) Organisations, such as companies or associations, trade unions and consultancies, with a proved interest and expertise in the field of monitoring of working conditions of drivers in the road transports sector, in particular in posting situations (Type C members).
- b) Member States' authorities competent in the policy areas of road transport, employment and labor standards, such as authorities dealing with posting/employment/labour legislation and with road transport legislation (Type D members).

Member States' authorities and organisations shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise. There shall be maximum two representatives per Member State. Organisations may nominate maximum one representative per organisation.

DG MOVE may refuse the nomination of a representative by an organisation if it considers this nomination inappropriate in light of the requirements specified in chapter 4 of this call. In such case, the organisation concerned shall be asked to appoint another representative.

### **2.2. APPOINTMENT**

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<sup>4</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and repealing Council Regulations (EEC) No 3820/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

<sup>5</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

<sup>6</sup> Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L L 300, 14.11.2009, p. 72).

<sup>7</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

Organisations as members of the group shall be appointed by the Director General of DG MOVE from applicants complying with the requirements referred to in chapter 4 of this call.

Organisations shall be appointed for a duration of 4 years. They shall remain in office until replaced or until the end of their term of office. Their term of office may be renewed.

Registration in the Transparency Register<sup>8</sup> is required in order for organisations to be appointed.

In order to ensure continuity and the smooth functioning of the group, DG MOVE shall establish a reserve list of suitable candidates that may be used to appoint replacements. DG MOVE shall ask applicants for their consent before including their names on the reserve list.

Members who are no longer capable of contributing effectively to the group's deliberations, who in the opinion of DG MOVE do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

### **2.3 RULES OF ENGAGEMENT AND OPERATION OF THE GROUP**

The group shall be chaired by a representative of DG MOVE .

The group shall act at the request of its chairman with the agreement of DG MOVE, in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')<sup>9</sup>.

In principle, the group shall meet minimum 4 times per year on Commission premises or via on- line meeting tools. However, in the first two years of its functioning, given the number of issues to discuss to prepare for the smooth implementation of the rules, the Group may need to hold discussions more frequently. DG MOVE shall provide secretarial services.

The members' representatives should be prepared to attend meetings systematically, to contribute actively to discussions in the group, to be involved in preparatory work ahead of meetings, to examine and provide comments on documents under discussion, and to act, as appropriate, as 'rapporteurs' on *ad hoc* basis.

As a general rule, working documents will be drafted in English and meetings will be also conducted in English.

The group shall adopt its opinions, recommendations or reports by consensus.

In agreement with DG MOVE, the group may, by simple majority of its members, decide that deliberations shall be public.

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<sup>8</sup> <http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en#en>

<sup>9</sup> See Article 13.1 of the horizontal rules (Commission Decision C(2016) 3301).

Participants in the activities of the group shall not be remunerated for the services they offer. Travel and subsistence expenses incurred by participants in the activities of the group shall not be reimbursed by the Commission.

The members' 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) 2015/443<sup>10</sup> and 2015/444<sup>11</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

On a proposal by and in agreement with DG MOVE the group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

DG MOVE 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.

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. Organisations and public entities appointed as observers shall nominate their representatives. 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.

#### **2.4. TRANSPARENCY**

The group shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups')<sup>12</sup>.

As concerns the group composition, DG MOVE shall publish the following data on the Register of expert groups:

- the name of Member States' authorities;
- the name of member organisations; the interest represented shall be disclosed;
- the name of observers.

DG MOVE shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, on the Register of expert groups. In particular, DG MOVE shall ensure publication of 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) N° 1049/2001<sup>13</sup>.

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<sup>10</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>11</sup> 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).

<sup>12</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm>

<sup>13</sup> 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,

Personal data shall be collected, processed and published in accordance with Regulation (EU) No 2018/1725.

### 3. Application procedure

Interested organisations are invited to submit their application to the European Commission, DG MOVE.

Applications must be completed in one of the official languages of the European Union. However, applications in English would facilitate the evaluation procedure. If another language is used, it would be helpful to include a summary of the application in English.

Organisations shall indicate the name of their representative(s) in the group.

An application will be deemed admissible only if it is sent by the deadline and includes the documents referred to below. All documents submitted by applicants should be duly filled in, legible, signed and numbered sequentially.

#### Supporting documents

Each application shall include the following documents:

- a cover letter explaining the applicant's motivation for answering this call and stating what contribution the applicant could make to the group;
- a classification form duly filled in specifying the member category for which the application is made (Annex I).
- a selection criteria form duly filled in documenting how the applicant fulfills the selection criteria listed in chapter 4 of this call (Annex II).

For individuals indicated by organisations as their representatives, a *curriculum vitae* (CV) shall also be provided, preferably not exceeding three pages. All CVs shall be submitted in the European format (<https://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>).

Additional supporting documents (e.g. publications) may be requested at a later stage.

#### Deadline for application

The duly signed applications must be sent by 5 April 2021 at the latest. The date of sending will be established as follows:

- Where applications are sent by e-mail to the following e-mail address: MOVE-C1-POSTING-EXPERT-GROUP@ec.europa.eu, the date of the e-mail will be the date of sending.
- Where applications are sent by post to the following address: European Commission, DG MOVE, Unit C.1 secretariat – Rue Jean-André de Mot 28, B-1049 Brussels, the postmark will be considered the date of sending.

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court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

- Where applications are hand-delivered to the following address: European Commission, DG MOVE, Unit C.1 secretariat – Rue Jean-André de Mot 28, B-1049 Brussels, the date on the receipt given upon delivery will be considered the date of sending.

#### **4. Selection criteria**

DG MOVE will take the following criteria into account when assessing applications:

- proven and relevant competence and experience, including at European and national level, in at least one of the following fields related to posting of drivers:
  - road transport legislation and policies, including Mobility Package I;
  - employment and labour legislation and policies, including general rules on posting of workers;
- competence, experience and hierarchical level of the proposed representatives;
- good knowledge of the English language allowing active participation in the discussions.

#### **5. Selection procedure**

The selection procedure shall consist of an assessment of the applications performed by DG MOVE against the selection criteria listed in chapter 4 of this call, followed by the establishment of a list of the most suitable applicants, and concluded by the appointment of the members of the group.

When defining the composition of the group, DG MOVE shall aim at ensuring, as far as possible, a high level of expertise, as well as a balanced representation of relevant know how and areas of interest, while taking into account the specific tasks of the group, the type of expertise required, as well as the relevance of the applications received.

For any further information please contact [MOVE-C1-POSTING-EXPERT-GROUP@ec.europa.eu](mailto:MOVE-C1-POSTING-EXPERT-GROUP@ec.europa.eu).

#### **ANNEXES:**

- Annex I: Classification form
- Annex II: Selection criteria form
- Annex III : Privacy statement

## Annex I - Classification form<sup>14</sup>

To be filled in by all applicants

This application is made as:

- An organisation (Type C member).**

Transparency Register identification number: [...]

***Nota Bene concerning C members:*** although registration in the Transparency Register (TR) is required in order to be appointed as a Type C member of an expert group, it is not mandatory for the application procedure. Thus, interested organisations that at the time of the application are not featured yet on TR and, as a consequence, do not have a TR identification number, may still apply. However, should the applicant be selected as a result of the call for applications, it shall register in the Transparency Register as a condition to be appointed as a Type C member.

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To be filled in by organisations applying to be appointed as Type C members

This application is made as the following **type of organisation**: (*please select only one option, taking into account the definitions indicated below*).

- a) Academia, research Institutes and Think Tanks
- b) Banks/Financial institutions
- c) Companies/groups
- d) Law firms
- e) NGOs
- f) Professionals' associations
- g) Professional consultancies
- h) Trade and business associations
- i) Trade unions
- j) Other (please specify):

Definitions for organisation types

**Academia, Research Institutes and Think Tanks**

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<sup>14</sup> This form must be filled in, signed and returned with the application.

Universities, schools, research centers, think tanks and other similar bodies performing academic and/or educational activities.

### **Banks/Financial institutions**

Banks and other similar bodies providing financial services, including financial intermediation. All sorts of banks should be classified within this category, including national central banks.

### **Companies/groups**

Individual companies or groups of companies operating in the business sector, whether they are national companies or multinational ones.

### **Law firms**

Business entities formed by one or more lawyers to engage in the practice of law. The primary service rendered by a law firm is to advise clients (individuals or corporations) about their legal rights and responsibilities, and to represent clients in civil or criminal cases, business transactions, and other matters in which legal advice and other assistance are sought.

### **NGOs**

Non-profit organisations which are independent from public authorities and commercial organisations. Some NGOs are organised around specific issues, such as environment, consumer affairs, health and human rights.

### **Professionals' associations**

Non-profit organisations seeking to further the interests of individuals engaged in a particular profession, such as physicians, nurses, architects, engineers and lawyers. Professionals' associations are different from business associations, as they promote and defend the interests of individuals carrying on a specific profession, not the interests of companies operating in the business sector.

### **Professional consultancies**

Firms carrying on, on behalf of clients, activities involving advocacy, lobbying, promotion, public affairs and relations with public authorities.

### **Trade and business associations**

Private bodies representing the interests of its members operating in the business sector.

### **Trade unions**

Organisations of workers. The most common activities performed by trade unions include the negotiation of wages, work rules, rules governing hiring, firing and promotion of workers.

### **Other organisations**

Organisations which are not possible to classify in any other category.



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To be filled in by organisations applying to be appointed as Type C members

The applicant shall represent the following **interest**: (*please select one or more options, taking into account the definitions indicated below*):

- a) Academia/Research
- b) Civil society
- c) Employees/Workers
- d) Finance
- e) Industry
- f) Professionals
- g) SMEs
- h) Other (please specify):

Definitions for interests represented

**Academia/Research**

Universities, schools, research centers, think tanks and other similar bodies performing academic and/or educational activities.

**Civil society**

Civil society can be defined as the aggregate of non-governmental organisations and institutions that manifest interests and will of citizens or as individuals and organisations in a society which are independent of the government.

**Employees/workers**

Individuals working part-time or full-time under a contract of employment whether oral or written, express or implied, and having recognized rights and duties.

**Finance**

The management of revenues or the conduct or transaction of money matters, as in the fields of banking, insurance and investment.


**Industry**

Companies and groups of companies whose number of employees and turnover or balance sheet total are higher than the ones of SMEs (see below).

**Professionals**

Individuals operating in a particular profession, such as physicians, nurses, architects, engineers and lawyers.

## SMEs

"SME" stands for small and medium-sized enterprises – as defined in EU law: [EU recommendation 2003/361](#) .

The main factors determining whether a company is an SME are:

1. **number of employees** and
2. either **turnover** or **balance sheet total**.

Company category Employees Turnover or Balance sheet total

Medium-sized      < 250      ≤ € 50 m    ≤ € 43 m

Small                < 50        ≤ € 10 m    ≤ € 10 m

Micro                < 10        ≤ € 2 m     ≤ € 2 m

These ceilings apply to the figures for individual firms only. A firm which is part of larger grouping may need to include employee/turnover/balance sheet data from that grouping too.

### **Other interest**

Interest which is not possible to classify in any other category.

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To be filled in by organisations applying to be appointed as Type C members

Please select one **or more policy areas** in which you/your organisation operate(s):

- Civil service
- Climate
- Competition
- Customs
- Economy
- Employment and social affairs
- Energy
- Engineering (civil)
- Engineering (infrastructure)
- Engineering (IT)
- Engineering (space policy)
- Engineering (space research)
- Enlargement
- Environment
- Equal opportunities
- External relations
- External trade
- Fundamental rights
- Industry
- Information society
- Innovation
- Insurance
- Labour
- Land management
- Law (civil)
- Law (corporate)
- Law (criminal)
- Law (taxation)
- Research
- Science
- Security
- Smart specialisation
- Social service
- Space and Satellites (policy)
- Space and Satellites (research)
- Trade
- Transport
- Urban development
- Other

For organisations applying to be appointed as Type C members

Name of the organisation<sup>15</sup>: .....

Surname of the representative proposed: .....

First name of the representative proposed: .....

Surname of the person applying on behalf of the organisation: .....

First name of the person applying on behalf of the organisation: .....

Date: .....

Signature .....

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<sup>15</sup> Idem.

## Annex II: Selection criteria form<sup>16</sup>

Applicants are requested to describe how they fulfil the selection criteria listed in this call.

Proven and relevant competence and experience, including at European and national level, in the area related to posting of drivers, e.g. in the field of road transport legislation and policies and/or in the field of employment and labour legislation and policies.	
Competence, experience and hierarchical level of the proposed representatives in the field of posting of drivers.	
Good knowledge of the English language allowing active participation in the discussions	

For organisations applying to be appointed as Type C members

Name of the organisation<sup>17</sup>: .....

Surname of the representative proposed: .....

First name of the representative proposed: .....

Surname of the person applying on behalf of the organisation: .....

First name of the person applying on behalf of the organisation: .....

Date: .....

Signature .....

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<sup>16</sup> This form must be filled in, signed and returned with the application.

<sup>17</sup> Idem.

# Annex III Privacy Statement



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land

## C.1 - Road Transport

### PROTECTION OF YOUR PERSONAL DATA

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation:** *Selection of members of Commission expert groups and other similar entities<sup>18</sup> and publication of personal data on the Register of Commission expert groups and other similar entities ("the Register of expert groups").*

#### **Data Controller:**

- *Secretariat-General, Unit G4 (for the processing operation "Providing a public register of Commission expert groups and other similar entities", DPR-EC-00656), and*
- *Directorate-General for Mobility and Transport, Unit C1 (for the processing operation "Selection of members of Commission expert groups and other similar entities", DPR-EC-01066).*

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<sup>18</sup> Provisions included in this privacy statement referring to expert groups equally apply to their sub-groups.

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## **1. Introduction**

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

This privacy statement explains the reasons for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, of the Data Protection Officer and of the European Data Protection Supervisor.

This privacy statement concerns the following processing operations:

(1) “selection of members of Commission expert groups and other similar entities” undertaken by the Commission department which runs the selection process for your expert group and which is the Data Controller for the selection process [Directorate-General for Mobility and Transport, Unit C1], and

(2) “publication of personal data on the Register of expert groups and other similar entities” undertaken by the Commission, Secretariat-General, Unit G.4 which is the Data Controller together with the Commission department managing your expert group.

As a rule, the selection of expert group members is carried out via public calls for applications, except for Member States’ authorities and other public entities and for certain representative bodies established by Union legislation for advice in specific areas.

The Register of expert groups and other similar entities is a public database containing a list of Commission expert groups and other similar entities and their sub-groups. For each expert group, the Register provides valuable information including personal data on the members of the expert groups, and their alternate, if any, members’ representatives, as well as of the groups’ observers and their representatives. The Register also includes documents that are produced and discussed by expert groups and which can contain personal data.

For the purpose of this privacy statement and the corresponding records, the term “expert groups” describes Commission expert groups in the sense of Article 2(1) of Commission Decision C(2016)3301<sup>19</sup> and their sub-groups, as well as other similar entities in the sense of Article 2(2) of Commission Decision C(2016)3301 and their sub-groups.

## **2. Why and how do we process your personal data?**

Purpose of the processing operations:

The Data Controllers collect and use your personal data to manage Commission expert groups, in particular by selecting their members and observers, and to ensure transparency on expert groups’ membership and activities. In that context, in order to select among the applicants who best fulfil the selection criteria mentioned in the call for applications, Commission services

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<sup>19</sup> Commission Decision C(2016)3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups.



collect and assess personal information of candidate members and observers of the expert groups, of representatives of candidate members and observers, and of immediate family members of candidate members and observers appointed in personal capacity.

Furthermore, Commission services collect and assess personal information of observers and members' and observers' representatives of the expert groups which are not selected through a public call for applications.

For candidates, personal data is stored by the Commission service managing the expert group. Some types of personal data of individuals appointed as members (either appointed in personal capacity to act independently and in the public interest or to represent a common interest shared by stakeholders in a particular policy area) are made publicly available on the Register of expert groups (as described under Headings 4 and 5 of this privacy statement). The names of the representatives of organisations, Member States and other public entities, as well as the name of specific national departments or other public authority which they represent may also be made publicly available on the Register of expert groups.

Your personal data will not be used for an automated decision-making including profiling.

### **3. On what legal ground(s) do we process your personal data**

We process your personal data, because processing is necessary for the performance of a task carried out in the public interest (Article 5(1)(a) of Regulation (EU) 2018/1725), since it allows for the selection of members of expert groups (individuals appointed as members in a personal capacity, individuals appointed to represent a common interest and organisations) and also increases the transparency on expert groups. Processing is also necessary to comply with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation (EU) 2018/1725). The Union act for such necessary processing under Article 5(1)(a) and (b) of Regulation (EU) 2018/1725 is Commission Decision C(2016)3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups and in particular Articles 10 and 22 thereof.

As regards, in particular, the declarations of interests filled in by candidate members to be appointed in a personal capacity in expert groups, the processing of personal data serves the public interest of enabling the Commission to verify in the process of selection the experts' independence in providing advice to the Commission. Furthermore, the public disclosure of declarations of interests of those experts once appointed allows for public scrutiny of the interests declared by these experts, which is necessary in order to ensure public confidence in the independence of these experts. The public disclosure of declarations of interests also ensures a high degree of transparency with respect to the membership of expert groups and aims at contributing to fostering the integrity of the experts in question.

Any publication of names of the representatives of organisations, Member States' authorities and other public entities in the Register of expert groups is based on consent (Article 5(1)(d) of Regulation (EU) 2018/1725).

### **4. Which personal data do we collect and further process?**

In order to carry out these processing operations, the Data Controller may collect the following categories of personal data:

- *Name;*
- *Function;*

- *Contact details (for example, e-mail address, telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, IP address);*
- *Information for the evaluation of selection criteria or eligibility criteria (for example, expertise, technical skills and languages, educational background, professional experience, including details on current and past employment);*
- *Nationality;*
- *Gender;*
- *Interest represented (only for individuals applying to be appointed as members of expert groups or sub-groups representing a common interest shared by stakeholders in a particular policy area and for organisations applying to be appointed as members of expert groups or sub-groups, as well as for their designated representatives);*
- *Information included in the declarations of interests, including personal data of immediate family members as required in the declaration of interests (only for individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity).*

The provision to the Commission service of the personal data required is mandatory to meet a legal requirement of selecting members of expert groups as set in Commission Decision C(2016)3301. In principle, the types of personal data listed above (with the exception of contact details and information for the evaluation of selection criteria or eligibility criteria) are made publicly available on the Register of expert groups, in order to comply with the legal requirement to ensure transparency on the composition and functioning of Commission expert groups. If you do not provide the personal data required, possible consequences are that you will not be considered for selection as a member of an expert group or, if already selected, your membership will be suspended.

With the prior freely given, specific, informed and unambiguous consent of the representatives of organisations, Member States' authorities and other public entities, their names may also be published on the Register.

##### **5. How long do we keep your personal data?**

The Data Controller only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing. The following modalities apply:

- The competent Commission services keep personal data submitted to them as part of rejected applications for three years after the end of the selection process and do not process them for other purposes; these personal data are not published on the Register of expert groups.
- The expert group and some types of personal data of its members and observers, as described in Heading 4, are published on the Register of expert groups during the duration of existence of the expert group.
- When an individual is no longer member or observer or representative of a member or observer of an expert group listed in the Register of expert groups, all personal data related to this individual, including a declaration of interests, is removed from the Register and is therefore not public anymore.
- The competent Commission services keep personal data for the period during which the relevant individual is a member or an observer or a representative of a member or of an observer of the group and for five years after the date on which the individual is no longer member or observer or representative of a member or observer of the group.

- When a group is closed down, it remains published in the Register of expert groups for five years, with the indication 'Closed'. Those types of personal data other than the declarations of interests of members appointed in personal capacity that were published while the group was active remain visible on the Register of expert groups during these five years. On the contrary, the said declarations of interests are removed from the Register after closure of a group and are therefore not public anymore; they are however kept by the competent Commission service for a period of five years after the closure of the group.
- An XML file is created daily with all the information regarding active groups. All versions of this file, showing the situation of the Register of expert groups as of the day it was created, are stored in a file server for 5 years and are not public.

## **6. How do we protect and safeguard your personal data?**

Personal data submitted in paper form is stored in the competent Commission service. All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the Commission. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

[The Commission’s contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the General Data Protection Regulation in the EU Member States ([‘GDPR’ Regulation \(EU\) 2016/679](#)).

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

## **7. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data collected in the course of the process of selection of members of expert groups is provided to the Commission staff authorised for carrying out this processing operation and to other authorised Commission staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Certain personal data collected, as explained in Headings 4 and 5, is publicly available on the Register of expert groups.

The XML files referred to in Heading 5 are only accessible to a reduced number of users in the Secretariat-General (System Owner) and IT development team within the Commission (System Supplier).

Please note that pursuant to Article 3(13) of Regulation (EU) 2018/1725, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The further processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

## **8. What are your rights and how can you exercise them?**

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data is inaccurate or incomplete. Under certain conditions, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing and the right to data portability.

You have the right to object to the processing of your personal data on grounds relating to your particular situation in accordance with Article 23(1) of Regulation (EU) 2018/1725.

As indicated in Heading 4, if you are a representative of an organisation, Member State or another public entity, you may consent to have your name published on the Register of expert groups. You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

Finally, and only as regards the publication of your name on the Register of expert groups, you may submit a request to the competent Commission service for a derogation where justified on compelling legitimate grounds in relation to your specific situation (such as the case where the publication of your name on the Register of expert groups could endanger your security or integrity).

You can exercise your rights by contacting the Data Controller or, in case of conflict, the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

Any request for access to personal data will be handled within one month. Any other request mentioned above will be addressed within 15 working days.

## **9. Contact information**

### **- The Data Controller**

Regarding the personal data collected in the course of the process of selection of the members of the expert groups, if you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint, please contact functional mailbox of the *Directorate-General for Mobility and Transport, Unit C1*: [MOVE-C1-SECRETARIAT@ec.europa.eu](mailto:MOVE-C1-SECRETARIAT@ec.europa.eu).

Likewise, as regards the data published on the Register of expert groups, please contact the corresponding Data Controller Secretariat-General, Unit G4: [SG-EXPERT-GROUPS@ec.europa.eu](mailto:SG-EXPERT-GROUPS@ec.europa.eu).

### **- The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

**10. Where to find more detailed information?**

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

These specific processing operations will be included in the DPO's public register with the following Record references: DPR-EC-01066 and DPR-EC-00656.