

Rules of procedure for the Expert Group on Health Systems Performance Assessment

Amended, September 2022

RULES OF PROCEDURE FOR THE EXPERT GROUP ON HEALTH SYSTEMS PERFORMANCE ASSESSMENT

The Expert Group on Health Systems Performance Assessment, ("Expert Group"),

Having regard to the conclusions by the Council "Towards modern, responsive and sustainable health systems", adopted in June 2011, and to the conclusions by the Council on "strengthening the European Health Union", adopted in December 2021, recognising that Member States face common challenges in the area of health and need to join forces and enter into more coordinated EU-level cooperation,

Recalling, that Member States and the Commission were invited to initiate a "reflection process" aiming to identify effective ways of investing in health, so as to pursue modern, responsive and sustainable health systems,

Having regard to the decision by the Council Working Party on Public Health at Senior Level in their meeting on the 15 July 2014, to develop the Terms of Reference (ToR) for an Expert Group on Health Systems Performance Assessment (HSPA),

Having regard to the decision by the Council Working Party on Public Health (High Level) in their meeting on the 9 December 2021, to invite the Commission to prepare a proposal to update the ToR of the Expert Group on HSPA in order to support a more strategic approach in fostering collaboration for innovative solutions and transforming health systems,

Having regard to the revised ToR, endorsed by the Expert Group in its plenary meeting on 28 June 2022 and the welcome of the revised ToR by the Council Working Party on Public Health (High Level) in their meeting on 26 July 2022

Considering that cooperation is necessary, both at strategic level and at scientific and technical level,

Has adopted the following Rules of Procedure:

Article 1

Introductory provisions

1. The Expert Group has its basis in the Terms of Reference for an Expert Group on Health Systems Performance Assessment (HSPA), as initially established by the Council Working Party on Public Health at Senior Level on the 15 July 2014, and subsequently revised by the Commission and agreed by the Expert Group itself on 28 June 2022.
2. The participation in the Expert Group is voluntary, and therefore, the Member States are under no obligation to participate in the Expert Group or to conform to any decision taken by the Expert Group.
3. The Expert Group shall focus its activities on strategic issues relevant to EU cooperation on HSPA and health systems and other strategic topics defined by the

Expert Group with the following specific objectives:

- Provide participating Member States with a forum for exchange of experience and best practices on the use of HSPA at national level.
 - Support national policy-makers by identifying tools and methodologies for developing HSPA.
 - Define priority areas for HSPA at national level, as well as priority areas that could be assessed EU-wide in order to illustrate and better understand variations in the performance of national health systems.
 - Provide participating Member States with a forum to discuss and promote strategic innovative approaches to strengthening health systems.
 - Intensify EU cooperation with international organisations, in particular the OECD, the WHO and the European Observatory on Health Systems and Policies.
4. These Rules of Procedure regulate the functioning of the Expert Group.

Article 1.1

Chair of the Expert Group

1. The Expert Group is co-Chaired by a representative from a Member State and a representative from the European Commission, both having same rights and duties and exercising their mandate on equal footing.
2. The Member State co-Chair is elected by the Expert Group, by simple majority. The Member State co-Chair acts as the link between the Council Working Party on Public Health (High Level). The Member State co-Chair has a two-year term, which can be renewed with tacit assent.
3. The Commission co-Chair is appointed by the Directorate-General for Health and Food Safety; changes of the appointed person should be communicated promptly to the Expert Group, and announced at the first occasion to the Council Working Party on Public Health (High Level).
4. Each co-Chair can designate an alternate to perform her/his duties in case of absence.

Article 2

Membership - notification and withdrawal

1. The notification of the wish to participate in the group shall be addressed in writing to the Commission (HSPA Secretariat according to Article 4), for the attention of the co-Chairs.
2. Membership shall take effect ten working days after the receipt of this notification.

3. Member States shall inform the co-Chairs in writing of the name of the organisation(s) and the person(s) representing them in the Expert Group and the alternate(s). Continuity of representation should be a priority. Each Member State is invited to voluntarily appoint up to two representatives to the Expert Group. Within a reasonable time and no later than five working days before the date of an Expert Group meeting, the names and functions of the experts, shall be communicated in writing to the Secretariat of the Expert Group (Article 4).

4. A Member State wishing to withdraw from the Expert Group shall send a written notification to the Secretariat (Article 4), for the attention of the co-Chairs with three months' notice. When a Member State withdraws from the Expert Group, the participating organisation(s) from that Member State shall, where possible, finalise any work agreed to perform prior to withdrawal.

Article 3 **Convening a meeting**

1. Meetings of the Expert Group shall be convened by the co-Chairs, normally four times a year, either on their own initiative, or at the request of a simple majority of Members.
2. Normally, two meetings should take place virtually, while two others should take place in person with option for virtual attendance if necessary. The physical meetings of the Expert Group shall be held in Commission premises, unless otherwise decided by the Expert Group.
3. Normally, dates of the meetings of the Expert Group shall be communicated with eight weeks' notice if the meeting takes place physically, with 6 weeks' notice in case of virtual meetings.

Article 4 **Secretariat – Meeting agendas**

1. In accordance with the ToR of the Expert Group, the Commission shall provide secretarial support for the Expert Group.
2. The Secretariat shall draw up the agenda of the meetings, in consultation with the co-chairs and in line with the objectives and priorities as stated in the ToR and/or as related during subsequent meetings and discussions.
3. In doing so, the Secretariat shall take due account of proposals from Expert Group Members. Observers, as defined in Article 7 of these Rules of Procedure, may also submit proposals.
4. Proposals for items to be included on the agenda shall reach the Secretariat at least four weeks before the meeting.

5. The agenda shall be adopted by the Expert Group at the start of the meeting.

Article 5

Documentation to Expert Group members

1. The Secretariat shall send the invitation to the meeting and the draft agenda to the Expert Group and observers referred to in Article 7, no later than fifteen working days before the meeting. The invitation shall specify also which third parties are invited to the meeting.
2. The Secretariat shall send any documents for consultation to the Expert Group Members no later than ten working days before the date of the meeting. Observers shall be consulted on the same documents, unless decided otherwise by the co-Chairs.
3. In duly justified cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced.

Article 6

Decisions of the Expert Group

1. The Expert Group shall make decisions by consensus.
2. The Expert Group decisions shall normally be made public. However, in duly justified circumstances¹, the Expert Group may decide that certain decisions can be kept confidential or be subject to explicit public consultations.

Article 7

Admission of third parties

1. The co-Chairs shall invite observers to attend meetings of the Expert Group.
2. The meeting as a whole or selected parts of the meeting may be reserved for Expert Group members only.
3. The Expert Group may give observer status to:
 - a. Authorities competent for HSPA in EEA countries and in accession countries. In appointing their representatives, EEA countries shall take into account Article 2(3) and 2(4) of these Rules of Procedure.
 - b. European and international organisations such as the OECD, the WHO and the European Observatory on Health Systems and Policies, whose activities

¹ For example, when decisions may have an impact on public health, or when commercially sensitive information is referred to.

are relevant to meet the objectives of the Expert Group.

- c. Stakeholders representatives, appointed within the context of the Expert Group.
4. Following proposals from the Expert Group members, the Secretariat will draw up a list of observers as defined in paragraph 3 (b) and (c), for adoption by the co-Chairs. This list will be subject to revision, as appropriate.
5. In addition to the above, the co-Chairs may invite, on an ad hoc basis, experts with relevant competence in a subject, to participate in one or more items on the agenda of the meetings of the Expert Group.

Article 8

Written procedure

1. If necessary, Expert Group decisions may be delivered via written procedure. To this end, upon request of the co-Chairs, the Secretariat will send to the Expert Group members the document(s) on which the Expert Group is being consulted and will set a time limit for comments.
2. The Secretariat shall inform the Expert Group of the outcome of the written procedure.
3. However, if a third of Expert Group members asks for the question to be examined at a meeting of the Expert Group, the written procedure shall be terminated without result and the Secretariat will convene a meeting of the Expert Group as soon as possible.

Article 9

Minutes of the meetings

1. Minutes of the meetings shall be drafted by the Secretariat and sent out to the Expert Group members without delay and no later than ten working days after the meeting.
2. The Expert Group members shall send any comments they may have on the draft minutes to the Secretariat in writing within ten working days.
3. The minutes shall not mention the individual position of the members and observers during the Expert Group's deliberations. The minutes will be made public on the Commission's website. In duly justified circumstances², parts of the minutes may remain confidential.

² For example when discussions are of a confidential or sensitive nature, including on proprietary topics, such as individual products, data exclusivity, or commercially sensitive information.

Article 10
Attendance list and Conflicts of interest

1. At each meeting, the Secretariat shall draw up an attendance list including the authorities and organisations to which the persons designated by Member States and third parties as per Article 7 belong.
2. At the beginning of each meeting, all persons designated by the Member States, as well as experts and representatives of third parties who have been invited to attend the meeting, shall inform the co-Chairs of any potential conflict of interest³ with regard to a particular item on the agenda. The co-Chairs shall decide if a conflict exists.
3. In the event of such a conflict of interest, the person concerned shall withdraw from the meeting whilst the relevant item(s) of the agenda are being dealt with.
4. Conflicts of interest shall be reported in the minutes of the Expert Group's meeting.
5. Paragraphs 1, 2, 3 and 4 shall also apply to any working groups formed and to deliberations taken by the Expert Group in written procedure.

Article 11
Correspondence

1. Correspondence relating to the Expert Group shall be addressed to the Secretariat, for the attention of the co-Chairs.
2. Correspondence with Expert Group members shall be sent to the e-mail address or addresses which they provide for that purpose.

Article 12
Access to documents

Requests for access to Expert Group's documents shall be handled in accordance with [Regulation \(EC\) No 1049/2001](#).

Article 13
Protection of personal data

All collection, processing and publishing of personal data for the purposes of these Rules of Procedure shall be in accordance with [Regulation \(EU\) 2018/1725](#) and [Regulation \(EU\) 2016/679](#).

³ As an example, Article 52(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.09.2002, p. 1) contains a specific definition of a conflict of interest.

Article 14
Meeting expenses

1. Participants in the activities of the group shall not be remunerated for the services they offer.
2. The Commission will reimburse travel costs for a maximum of two representatives of each Member State for each in-person meeting. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Article 15
Revision clause

These Rules of Procedure may be revised by the Expert Group when necessary at request of simple majority of the members or at request by one of the co-Chairs.