

RULES OF PROCEDURE OF THE GROUP OF EXPERTS ON TOBACCO POLICY

THE GROUP OF EXPERTS ON TOBACCO POLICY,

Having regard to the Commission Decision setting up the group of experts for Tobacco Policy¹,

Having regard to the standard rules of procedure of expert groups²,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Convening a meeting

1. Meetings of the Group shall be chaired by the Commission.
2. Meetings of the group are convened by the Chair, either on the Commission's initiative, or upon duly justified requests of at least one third of the group members.
3. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
4. Meetings of the group shall be held on Commission premises.

Article 2

Members

Member States shall designate a competent authority in the field of tobacco control, or responsible for the implementation of the relevant EU tobacco control legislation, as member of the group. The designated competent authority may nominate individuals as permanent representatives or appoint appropriate alternates, if necessary from a different competent authority, depending on the meeting agenda. Members shall assure the necessary coordination with relevant national authorities.

Article 3

Agenda

1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group.

¹ C(2014)3509

² SEC(2010) 1360.

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

Article 4

Documentation to be sent to group members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than fifteen working days before the date of the meeting.
2. The secretariat shall send documents on which the group is consulted to the group members no later than ten working days before the date of the meeting.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced to five working days before the date of the meeting.
4. Without prejudice to the obligations mentioned under Article 5(7) of Commission Decision C(2014)3509, the documentation shall be confidential. Members shall not disclose the documentation of the expert group unless the author of the documentation and the Chair give their consent.

Article 5

Opinions of the group

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus.
2. In exceptional cases, the Chair may call for a non-binding vote to determine the group's opinion. The outcome of the vote shall be decided by a simple majority of the members.
3. In the case of paragraph 2, and where a member so requests, the dissenting opinion of that member shall be recorded in the minutes.

Article 6

Sub-groups

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

Article 7

Admission of third parties

1. The Commission's representative may invite on an ad hoc basis and on specific agenda items experts from outside the group with specific competence in a subject on the agenda to participate in the work of the group or sub-groups while not taking part in the formulation of recommendations or opinions. In addition, the Commission's representative may give observer status to individuals, organisations as defined in Rule 8(3) of the horizontal rules on expert groups, and candidate countries. EFTA States which are party to the European Economic Area Agreement may also be granted observer status.
2. The group may oppose by a simple majority of its members the invitation of an expert or the granting of observer status to an individual or organisation.
3. When inviting experts to attend specific parts of an expert meeting, or granting observer status, special attention shall be paid to potential conflicts of interest as well as to Article 5.3. of the Framework Convention on Tobacco Control and the guidelines for its implementation.

Article 8

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. Where the opinion of the group is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the Chair or at least one quarter of the group members so request. In such cases the Chair shall convene a meeting of the group at the earliest convenience.

Article 9

Secretariat

The Commission shall provide secretarial support for the group and any sub-groups created under Article 5(1) above.

Article 10

Summary minutes of the meetings

Summary minutes of the discussion reflecting the main opinions expressed on each point on the agenda and the opinions delivered by the group shall be drafted by the secretariat under the responsibility of the Chair. Without prejudice to Article 5 (3), the minutes shall not mention the individual position of the members during the group's deliberations. The minutes shall be approved by the Group.

Article 11

Attendance list

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list specifying, where appropriate, the authorities, organisations or bodies to which the participants belong.

Article 12

Conflicts of interest

1. Representatives of members and any alternates shall declare in writing any activities or interests which may give rise to a potential conflict of interest prior to their participation in meetings of the expert group. In cases where a representative or alternate is unsure whether a given activity or interest may constitute a conflict of interest, they shall inform the Commission services prior to the meeting, who shall then advise on the need to make a written declaration.
2. Should a conflict of interest in relation to a representative or any alternate arise, the Commission services may exclude this representative or alternate from the group or a particular meeting thereof or they may decide that the representative or alternate in question shall abstain from discussing the items on the agenda concerned and from any vote on these items.
3. Conflicts of interest shall be reported in writing, e.g. in the summary minutes of the group's meeting.
4. Paragraphs 1, 2 and 3 shall also apply to deliberations taken by the group in written procedure.

Article 13

Correspondence

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

Article 14

Access to documents

Applications for access to documents held by the expert group will be handled in accordance with Regulation (EC) No 1049/2001³ and detailed rules for its application⁴.

Article 15

Confidentiality of deliberations

1. Without prejudice to the obligations mentioned under Article 5(7) of Commission Decision C(2014)3509, the group's deliberations shall be confidential.
2. In agreement with the Commission's services, the group may, by a simple majority of its members, decide to open its deliberations to the public.

Article 16

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 45/2001⁵.

³ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁴ Commission Decision 2001/937 of 5.12.2001. OJ L 345 of 29.12.2001, p. 94.

⁵ 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).