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COMMISSION DECISION

of 7.12.2022

setting up a Commission expert group on public health and repealing Commission Decision setting up a Commission expert group ‘Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases’

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) In accordance with Article 168(1) of the Treaty on the Functioning of the European Union, Union action, which is to complement national policies, should be directed towards improving public health, preventing physical and mental illness and diseases, and obviating sources of danger to physical and mental health. Under Article 168(2) of the Treaty, Member States are required, in liaison with the Commission, to coordinate among themselves their policies and programmes in the areas referred to in paragraph 1 of that article. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators and the organisation of exchange of best practice.
- (2) The experience and the results achieved through the Commission expert group ‘Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases’ have shown that the coordination among Member States can contribute to reducing the burden of non-communicable diseases in the Union by sharing and implementing best practices and improving the coordination of action.
- (3) In that expert group, the Commission has worked closely with the Member States to develop actions and policies which can support them in achieving the sustainable development goals, and in particular the sustainable development goal 3 ‘Ensure healthy lives and promote well-being for all ages’. This work is in accordance with the Commission Communication on the next steps for a sustainable European future – European action for sustainability¹. The Sustainable Development Goals will continue to provide the steer for actions on public health.
- (4) Since the establishment of that expert group, the Union has been facing other important public health challenges, such as those related to communicable diseases including HIV/AIDS, tuberculosis and hepatitis as well as related challenges concerning vaccination and antimicrobial resistance. Therefore, it is necessary that the coordination should no longer be limited to health promotion, disease prevention and

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Next steps for a sustainable European future European action for sustainability (COM(2016)739 final, 22.11.2016)

management of non-communicable diseases, but should also be extended to these important new public health challenges.

- (5) The mission of a new expert group should complement the work of the Health Security Committee, established by Decision No 1082/2013/EU of the European Parliament and of the Council², by further supporting the exchange and implementation of best practices.
- (6) The new expert group on public health will work on areas which are not overlapping with the work of the Health Security Committee, established by Decision No 1082/2013/EU. The Health Security Committee acts on preparedness and crisis response whilst the new expert group on public health will advise the Commission on policy development and transfer of best practices related to major public health challenges, including non-communicable disease as well as communicable diseases such as HIV/AIDS, tuberculosis and hepatitis, vaccination and antimicrobial resistance, in order to promote coordination between the Member States.
- (7) Due to the broader scope of activities which go beyond of the current expert group, which focuses only on non-communicable diseases, it is necessary to set up a new expert group in the field of public health and to define its tasks and its structure, in compliance with Commission Decision C (2016) 3301 on establishing horizontal rules on the creation and operation of Commission expert groups. The scope of this expert group should be extended to these public health challenges and not be limited to non-communicable diseases only.
- (8) The group should be composed of Member States' authorities.
- (9) Rules on disclosure of information by members of the group should be laid down.
- (10) Personal data should be processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council³ (the General Data Protection Regulation), which applies to the Member States.
- (11) Commission Decision setting up the Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases⁴ should be repealed and this group should be replaced by the new group established in the present decision, in order to develop actions and initiatives, to promote coordination between the Member States, to address major public health challenges in the Union, such as those related to communicable diseases including HIV/AIDS, tuberculosis and hepatitis as well as related challenges including vaccination and antimicrobial resistance and not be limited to non-communicable diseases only.
- (12) It is appropriate to fix a period for the application of this Decision, which should be of five years. The Commission should consider in due time the need for an extension of

² Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1)

⁴ Commission Decision of 17 July 2018 setting up a Commission expert group 'Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases' and repealing the Decision setting up a Commission expert group on rare diseases and the Decision establishing a Commission expert group on Cancer Control (OJ C 251, 18.7.2018, p. 9).

the application period, following an evaluation of the operations and outputs of the Expert group on public health.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The expert group on public health, ('the group'), is set up.

Article 2

Tasks

The group's tasks shall be:

- (a) to assist the Commission in the preparation of policy and legislative initiatives and activities addressing major public health challenges, including non-communicable diseases as well as communicable diseases.
- (b) to advise the Commission on taking any useful initiative aimed at establishing of guidelines and indicators, organising exchange of best, promising, and innovative practices, and implementable research results in the field of public health and health systems for transfer between Member States.
- (c) to provide advice on relevant policies or actions in the field of communicable diseases, on the Commission's request. In this respect the Health Security Committee may indicate to the Commission areas in which the expert group's advice is needed to promote coordination among Member States, to promote priority setting and create synergies between relevant policy areas which have an impact on public health; relevant EU agencies may also be asked to provide advice and information in respect of their areas of competence.

Article 3

Consultation

The Commission may consult the group on any matter relating to public health.

Article 4

Membership

Members of the group shall be composed of Member States' authorities which shall nominate permanent representatives in the expert group or sub-group or appoint representatives on an ad hoc basis, depending on the meeting agenda of the group. They shall be responsible for ensuring that their representatives provide a high level of expertise relevant to the tasks of the group, namely in public health.

Article 5

Chair

The group shall be chaired by a representative of the Directorate General for Health and Food Safety (DG SANTE).

Article 6

Operation

1. The group shall act at the request of DG SANTE, in compliance with the horizontal rules governing the creation and operation of expert groups and the creation of a public register of these groups⁵.
2. Meetings of the group shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
3. DG SANTE shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG SANTE, the group may, by simple majority of its members, decide that deliberations shall be public.
5. 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.
6. As far as possible, the group shall adopt its opinions, recommendations, or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who 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.

Article 7

Sub-groups

1. DG SANTE may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG SANTE. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. Sub-groups on cancer, non-communicable diseases and proton therapy centres which were set up under the ‘Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases’ and still operating at the time of the entry into force of this decision, should continue as sub-groups also under the ‘Expert group on public health’.

Article 8

Invited experts

DG SANTE may invite experts from other DGs and EU entities as well as experts with specific expertise in a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

⁵ Commission Decision C(2016) 3301.

Article 9

Observers

1. Public entities other than Member States' authorities may be granted observer status, in compliance with the Commission's horizontal rules, by direct invitation.
2. Public entities appointed as observers shall nominate their representatives in the relevant expert group or sub-group.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and its sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in formulating the group's recommendations or advice.

Article 10

Rules of procedure

On a proposal by and in agreement with DG SANTE, the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules. Sub-groups shall operate in compliance with the group's rules of procedure.

Article 11

Professional secrecy and handling of classified information

The members of the group and their 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. They are also subject to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443⁶ and 2015/444⁷. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 12

Transparency

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As concerns the composition of the group and sub-groups, the following data shall be published in the Register of expert groups:
 - a) the name of Member States' authorities
 - b) the name of other public entities
 - c) the name of the public entity to which the observer's status was granted
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available *via* a link from the Register of expert groups to

⁶ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁷ 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).

a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions⁸ to publication shall only be possible 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^o 1049/2001 of the European Parliament and of the Council⁹.

Article 13

Meeting expenses

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the budget made available to the Commission departments under the annual procedure for the allocation of resources.

Article 14

Repeal

The Commission Decision¹⁰ setting up a Commission expert group ‘Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases’ and repealing the Decision setting up a Commission expert group on rare diseases and the Decision establishing a Commission expert group on Cancer Control, is hereby repealed.

Article 15

Applicability

This Decision shall apply for 5 years from the date of adoption.

Done at Brussels, 7.12.2022

For the Commission

Stella KYRIAKIDES

Member of the Commission

⁸ 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, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

⁹ 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).

¹⁰ Commission Decision (C(2018)4492).