

RULES OF PROCEDURE FOR THE HEALTH SECURITY COMMITTEE

The Health Security Committee (hereafter named "the HSC"),

Having regard to Decision 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on the serious cross-border threats to health and repealing Decision 2119/98/EC¹, and in particular to Article 17(5) thereof,

Has adopted the following rules of procedure:

Article 1

Membership

1. Each Member State shall designate one representative and no more than 3 alternates in the HSC.
2. The notification of the designated representatives, their alternates and any changes thereof shall be made in writing to the Commission, to the attention of the Director of Public Health Directorate of the Directorate-General for Health and Food Safety (DG SANTE).
3. Member States shall ensure continuity of representation in the HSC. In case of absence of a Member State representative, another Member State can be asked to represent it in replacement.
4. The HSC shall be chaired by a representative of the Commission.

Article 2

Working groups

1. The HSC may create ad-hoc or permanent working groups to discuss specific topics, on the basis of terms of reference defined by the HSC.
2. Member States shall designate representatives of the working groups and notify the secretariat of the HSC of the designations.
3. The working groups shall be chaired by a representative of the Commission or by another HSC member appointed by the HSC.
4. The working groups shall meet either in physical meetings or for audio or video-conferences.
5. The working groups shall report to the HSC.

Article 3

Observers, experts and third parties

1. The representatives of the European Economic Area countries, of the European Centre for Disease Prevention and Control (ECDC) and of the European Medicines Agency (EMA) participate as observers in the meetings of the HSC.
2. The Chair may give observer status to candidate countries and to other third countries where it is in the interest of the Union that such country is involved in the works of the HSC, in particular based on an international agreement, an administrative arrangement or EU legislation.

¹ OJ L 293, 5.11.2013, p. 1.

3. The Chair, acting on its own initiative or on a proposal of a member of the HSC, may invite to participate in the meetings of the HSC or working groups on ad hoc basis experts with a specific competence in a subject on the agenda, representatives of the European Food Safety Agency (EFSA) and of any other relevant Union agency, the World Health Organisation (WHO) and the representatives of the Commission's Scientific Committees.

Article 4

Professional secrecy and security

1. Members of the HSC and their alternates, national experts, members of the working groups as well as invited experts, observers, and third parties shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules.
2. The Chair of the HSC or of a working group, in view of the sensitivity of a specific subject or at the request of a member of the HSC or the working group, can determine that for specific points on the agenda or for an entire meeting only members of the HSC or their alternates, or of the working group can participate in the discussion.
3. When receiving classified information, Article 4 paragraph 4 of Decision 1082/2013/EU applies accordingly.

Article 5

Meetings

1. Regular plenary meetings of the HSC shall be convened by the Chair. Extraordinary meetings shall be convened either on the Chair's own initiative or at the request of a Member State.
2. In application of Article 2(5) of Decision (EU) 1082/2013, joint meetings of the HSC or the working groups may be convened with other committees or groups to discuss issues coming within their respective areas of responsibility. In particular, the Chair may convene a joint meeting of the HSC and the authorities responsible at national level for notifying alerts and determining the measures required to protect public health (the Early Warning and Response System contact points) to facilitate the exchange of information on the latest cases of serious cross border threats to health and to ensure the widest expertise possible.
3. The HSC holds at least two plenary meetings a year. The HSC shall agree on the dates for regular plenary meetings for a period of 12 months ahead. The meetings of the working groups are convened by the Chair of the respective working group.
4. The HSC shall meet either in physical meetings or for audio or video-conferences.
5. The members of the HSC may be accompanied by national experts. Within a reasonable period of time before the date of a meeting, the names and functions of the experts shall be communicated to the Chair of the HSC. The reimbursement of travel expenses by the Commission is limited in principle to one person per Member State, in accordance with the provisions in force within the Commission.
6. In the event of a serious cross-border threat to health, the Chair shall convene a meeting of the HSC without delay for the Member States to consult each other and in liaison with the Commission with a view to coordinating national responses and also risk and crisis communication, in accordance with Article 11(1) of Decision 1082/2013/EU.
7. In the event of a serious cross-border threat to health, the HSC may create ad-hoc working groups to facilitate the exchange of information on that threat. Member States

shall designate representatives of such working groups and notify the secretariat of the HSC of the designations. Article 2 paragraphs 3 to 5 apply accordingly.

Article 6

Agenda

1. The Chair of the HSC and of the working groups shall draw up the draft agendas and submit them to the members of the HSC or the respective working group.
2. It shall be indicated in the agenda what agenda points will be for information, and discussion, a list of documents, if available, for respective agenda points and for which items thereof security clearance and at which level shall be required. Any member of the HSC or of a working group may propose a new item on the agenda for the corresponding meeting.
3. The agenda shall be adopted by the HSC or working groups at the start of the meeting.

Article 7

Documentation

1. The Chair shall send the invitation to the meeting, the agenda and working papers to the members of the HSC or a working group no later than 21 calendar days before the date of the meeting.
2. In urgent cases the Chair may shorten the time limit for transmission referred to in paragraph 1 to 5 calendar days before the date of the meeting.
3. In cases of extreme urgency, the Chair may depart from the time-limits laid down in paragraphs 1 and 2 of this Article.

Article 8

Deliberations of the HSC

Unless otherwise provided in these Rules of Procedure or in Decision 1082/2013/EU, the HSC shall deliberate by consensus. Reservations should be recorded.]²

Article 9

Referral of a matter

1. In exceptional emergency situations, if a Member State or the Commission considers that public health measures taken previously to combat a serious cross-border threat to health other than those covered by Article 2(1) of Decision No 1082/2013/EU have proven insufficient to ensure a high level of protection of human health, it may request response coordination within the HSC. In such cases the Chair shall ensure coordination and information exchange with the mechanisms and structures relevant to the situation. After that consultation, the Chair shall convene without delay a meeting of the HSC to consider these issues.
2. If a member of the HSC considers that a matter submitted to the HSC is not within its mandate, the Chair shall organise consultations with the HSC to examine the matter. If a two-thirds majority of the HSC members represented at the meeting agrees that the matter submitted to the HSC is not within its mandate and after having consulted a body deemed to be competent, it may recommend referral of this matter to that body.

² Article 8 to be reviewed once implementing acts adopted

The Chair of the HSC shall examine the recommendation. If the Chair considers the request substantiated, the secretariat shall submit it to the relevant body.

[Article 10

Written procedure

1. If necessary and in agreement with the simple majority of all HSC members, the HSC may be consulted via a written procedure. To this end, the secretariat sends the HSC members the document(s) on which the HSC is being consulted and, where appropriate, sets a time limit for observations.
2. The secretariat shall inform the HSC of the outcomes of the written procedure.
3. However, if a simple majority of all HSC members requests that the text be examined at a meeting of the HSC, the written procedure shall be terminated without result and the Chair shall convene a meeting of the HSC as soon as possible or place the point on the agenda of the next Plenary meeting.]³

Article 11

Secretariat of the HSC

The Commission shall provide the secretariat to the HSC and any working groups.

Article 12

Minutes of the meetings

1. Minutes of the meetings shall be drawn up by the secretariat under the responsibility of the Chair and shall contain, in particular, the views expressed. The Chair shall send the minutes of the plenary meetings to the members of the HSC no later than 1 month after the meeting. Minutes of the audio or video-conferences or the ad hoc HSC meetings convened according to Article 5(5) shall be send out to the HSC members in due course and no later than 5 working days after the meeting.
2. The members of the HSC shall send any comments they may have to the Chair in writing. The HSC shall be informed of those comments. If there is any disagreement, the proposed amendment shall be discussed by the HSC. If the disagreement persists, that amendment shall be annexed to the minutes.
3. Paragraphs 1 and 2 apply by analogy to the working groups.
4. After each meeting, the secretariat shall prepare a summary record of the minutes referred to in paragraph 1. The Chair shall send the summary record to the members of the HSC for comments. The members of the HSC shall send any comments they may have to the Chair within 24 hours after having received such summary record. The summary record shall be then published on the Commission's Public Health website.

Article 13

Attendance list

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

³ Article 10 to be reviewed once implementing acts adopted

Article 14

Conflict of interest

1. At the beginning of each meeting, the members of the HSC, national experts, representatives in the working groups, as well as experts and representatives of third parties who have been invited to attend the meeting, shall inform the Chair of any conflict of interest⁴ with regard to a particular item on the agenda.
2. In the event of such a conflict of interest, the person concerned shall, at the request of the Chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.
3. Conflicts of interest shall be reported in writing, e.g. in the minutes of the HSC's meeting.
4. [Paragraphs 1 to 3 of this Article shall also apply to opinions formulated by the HSC in a written procedure.]⁵

Article 15

Access to documents and confidentiality

1. Requests for access to the Plenary's documents shall be handled in accordance with Regulation (EC) No 1049/2001⁶. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom⁷. If the request is addressed to a Member State, that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.
2. The HSC's deliberations shall be confidential.
3. The HSC may, by unanimity, decide to open its deliberations to the public.
4. Documents submitted to members of the HSC, experts and representatives of third parties shall be confidential⁸, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the HSC.
5. The members of the HSC, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The Chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them.

Article 16

Protection of personal data

⁴ As an example, Article 57(2) of Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 contains a specific definition of a conflict of interest, which reads: "a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, (...), is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient."

⁵ *to be revised once implementing acts adopted*

⁶ 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).

⁷ Commission Decision of 5 December 2001 amending its rules of procedure (2001/937/EC/ECSC, Euratom, OJ L 345, 29.12.2001, p. 94).

⁸ In accordance with Article 339 TFEU, "[t]he members of the institutions of the Union, the members of HSCs, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components".

Final adopted version

All collecting, processing and publishing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001⁹ and Directive 95/46/EC¹⁰ where applicable.

⁹ 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).

¹⁰ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).