

## **RULES OF PROCEDURE OF THE GROUP OF EXPERTS REFERRED TO IN ARTICLE 31 OF THE EURATOM TREATY**

*As adopted by the Group of Experts referred to in Article 31 of the Euratom Treaty by written procedure on 30 June 2017*

THE GROUP OF EXPERTS REFERRED TO IN ARTICLE 31 OF THE EURATOM TREATY,

Having regard to Article 31 of the Euratom Treaty which requires that "*... basic standards shall be worked out by the Commission after it has obtained the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts, and in particular public health experts, in the Member States.*",

Having regard to Article 134 of the Euratom Treaty which requires the setting up of a Scientific and Technical Committee,

In the light of the Commission Decision of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups<sup>1</sup> and the standard rules of procedure of expert groups, proposed therein<sup>2</sup>,

Considering its role, in a recent reflection on its strategy, to be twofold:

- Advising the European Commission on relevant issues raised by the Commission, especially on legal initiatives
- Proactively scanning new or emerging issues, and ongoing developments in the area of radiation protection and inform the Commission on potential policy implications

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

### *Point 1*

#### **Operation of the group**

1. The group shall advise the Commission on basic safety standards for protection against the dangers arising from ionising radiation.
2. The group shall provide opinions, recommendations and reports at the request of the Commission.
3. The group shall consist of scientific experts, in particular public health experts, with expertise relating to the protection against dangers arising from ionising radiation.

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<sup>1</sup> Commission Decision of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups C(2016) 3301

<sup>2</sup> C(2016)3301 (Annex 3)

*Point 2*

**Members of the group**

1. Members are appointed to the group in their personal capacity by the Scientific and Technical Committee, set up under Article 134 of the Euratom Treaty, for a term of five years. Their appointment shall be renewable.

When appointing experts the Scientific and Technical Committee shall strive to achieve a gender balance in the composition of the expert group.

2. Members of the group, in their capacity as such, shall be independent in the performance of their duties.

3. Having regard to the nature of the group conferred upon it by the Treaty, no substitution of an absentee member shall be permitted.

*Point 3*

**Term of Office**

1. The term of office of a member of the group shall commence on the date on which the formal appointment by the Scientific and Technical Committee takes effect.

2. Membership of the group shall expire at the end of the five-year term. In case the group's renewal is delayed, Membership shall continue on request of the Commission until appointment of new members.

3. The term of office of a member of the group shall be terminated by resignation, permanent inability to discharge the duties or death. Any resignation must be communicated by the resigning member to the Chair of the group. The Chair shall inform the Commission.

4. In case of termination of membership, the Commission shall implement the replacement procedure by the Scientific and Technical Committee for the remainder of the term.

*Point 4*

**Officers of the group**

1. The officers of the group shall be a Chair and a Vice-Chair.

2. The term of duty of the Chair and the Vice-Chair shall run for half the duration of the appointment of the group.

3. Chair and Vice-Chair shall be chosen among the group, without any regard to nationality, at a meeting attended by group members alone.
4. Before the end of the mandate of the Chair and the Vice-Chair, the Commission will carry out an appropriate consultation to identify a member or members willing to serve as new Chair and Vice-Chair and then inform the group about the results in a working document.
5. The Chair shall represent the group towards the Commission, other EU institutions, and, upon request of the Commission, towards outside parties.

*Point 5*

**Convening a meeting**

1. Meetings of the group are convened by the Commission at least twice a year, except in special circumstances.
2. The dates of meetings shall be fixed at each preceding periodical meeting, or at least four months beforehand, except where there is an urgent matter to be considered.
3. Meetings of the group shall be held at a place in which the Community exercises an activity.

*Point 6*

**Agenda**

1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group.
2. The agenda shall be adopted by the group at the start of the meeting.

*Point 7*

**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 thirty calendar 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 fourteen calendar days before the date of the meeting.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in paragraphs 1 and 2 may be reduced to five calendar days before the date of the meeting.

### *Point 8*

#### **Opinions of the group**

1. The group shall issue an Opinion under Article 31 of the Euratom Treaty only on request from the Commission.
2. As far as possible, the group shall adopt its Opinions by consensus.
3. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions.
4. A member who is unable to attend a meeting may state his views in writing on any agenda item. These shall be distributed to the group.
5. Opinions shall be forwarded to the Commission by the Chair of the group.

### *Point 9*

#### **Working Parties**

1. The group may, at the suggestion of or with the agreement of the Commission, set up working parties for the purpose of examining specific questions on the basis of terms of reference defined by the group and the Commission. They shall be dissolved as soon as their mandate is fulfilled.
2. The group shall define the membership of the working party. Only members of the group may become members of the working party.
3. The working party shall be chaired by a member of the group. The working party may elect a vice-chair if appropriate.
4. Mandate, membership and chair of the working party shall be reviewed on a regular basis.
5. The chair of the working party shall submit the findings of the working party as a written report to the group.

### *Point 10*

#### **Invited experts**

The Commission, at the suggestion of or with the agreement of the group, may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or working parties on an ad hoc basis.

*Point 11*

**Observers**

1. Organisations and public entities may, with the agreement of the group and the Commission, be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. 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 have voting rights and shall not participate in the formulation of opinions, recommendations or reports of the group.

*Point 12*

**Written procedure**

1. If necessary, the group's opinion, recommendation, or report 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. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

*Point 13*

**Secretariat**

The Commission shall provide secretarial support for the group and any working parties.

*Point 14*

**Summary report of the meetings**

A Summary Report on the discussion on each point on the agenda and on the opinions delivered by the group shall be comprehensive. Summary Reports shall be drafted by the secretariat under the responsibility of the Chair.

*Point 15*

**Attendance list**

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list.

*Point 16*

**Conflicts of interest**

1. The chair of the group shall, at the first meeting of each calendar year, remind all members appointed in a personal capacity of their obligation to promptly inform the Commission of any conflict of interest or of any relevant change in the information provided during the nomination procedure<sup>3</sup>, including as regards upcoming activities, in which case they must immediately submit a declaration of interests form, identical to the one attached in the horizontal rules (Annex III), describing the change, in order to enable the Commission to assess it in due course, taking due account of the horizontal rules.
2. Should a conflict of interest in relation to an expert appointed in a personal capacity arise, the Commission shall take all appropriate measures to resolve the conflict of interest as soon as possible, taking due account of the horizontal rules.
3. Where the Commission concludes that no conflict of interest exists, the individual in question may continue to be member of the group.
4. Where the Commission concludes that the expert's interests may compromise or be reasonably perceived as compromising the expert's capacity to act independently and in the public interest when advising the Commission, the expert shall be excluded from the discussions on a particular issue or from the group.

Where current members of the group or working parties refuse to submit duly completed declaration of interests forms, they shall be excluded from the Group.

5. Conflicts of interest shall be reported in writing, e.g. in the summary reports of the group's meeting. Information registered must be adequate, relevant and not going beyond what is necessary for the purpose of the management of the conflict of interest.

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<sup>3</sup> The following process needs to be incorporated into the nomination procedure followed by the Scientific and Technical Committee:

Individuals nominated to be appointed as members of the group in a personal capacity shall disclose any circumstances that could give rise to a conflict of interest. In particular, the Commission shall require those individuals to submit a declaration of interests ('DOI') form on the basis of the standard DOI form for expert groups, together with an updated curriculum vitae (CV), as part of their application. Submission of a duly completed DOI form shall be necessary in order to be eligible to be appointed as a member in a personal capacity. The conflict of interest assessment shall be performed in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules').

6. A declaration of interests shall not be required in relation to observers, since they do not have voting rights and do not participate in the formulation of opinions, recommendations or reports.

#### *Point 17*

### **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 address which they provide for that purpose.

#### *Point 18*

### **Transparency**

1. As concerns the group's composition, the name of individuals appointed in a personal capacity and the name of observers shall be published on the Commission website.
2. Experts who do not wish to have their names disclosed may submit a request to the Commission for derogation from this rule. A derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the expert, in particular where disclosure of the experts' name could endanger their security or integrity.
3. The Commission shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, either on a dedicated website, where this information can be found. Access to the dedicated website shall not be submitted to user registration or any other restriction. In particular, the Commission shall publish 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>4</sup>.

#### *Point 19*

### **Access to documents**

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001<sup>2</sup>.

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<sup>4</sup> 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).

*Point 20*

**Processing of data**

Personal data may be processed by EU institutions only in accordance with the provisions of Regulation (EC) No 2018/1725.

*Point 21*

**Revision of the Rules of Procedure**

1. The group shall decide by a two-thirds majority if there is a need to amend these Rules of Procedure, either in part or in full.
2. The group shall create a Working Party to draw up a report and a draft text as a basis for the adoption of new rules by a simple majority of its members.
3. The Rules of Procedure shall enter into force immediately after their approval by the group.