



THE EUROPEAN ATOMIC ENERGY COMMUNITY  
(EURATOM)

Article 31 Rules of Procedure  
approved by the Group of Experts at the meeting 13 – 14 November 2007

**Group of Scientific Experts  
referred to in Article 31  
of the Euratom Treaty**

## **RULES OF PROCEDURE**

(Including Annexes I and II)

## FOREWORD

It is laid down in Article 31 of the Treaty establishing the European Atomic Energy Community (the “Euratom Treaty”) that a Group of scientific experts shall be attached to the Commission and shall have advisory status.

By virtue of the very high standing of its members, and their qualification in the fields of radiation protection and public health, the Group of scientific experts referred to in Article 31 of the Euratom Treaty (the “Group”) is called upon to assume the all-important function of adviser to the Commission on preparing the basic standards to be established by the latter. Moreover, the Treaty itself requires the Commission to consult the Group when revising and supplementing the basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (Articles 31 and 32 of the Euratom Treaty). Thus, when putting forward proposals concerning the basic standards, the Commission convenes the Group so that it may formally obtain an expert opinion to enable it to guide its decisions and make the requisite choices. Such decisions are collectively given by the Group whose members, each being appointed on a personal basis, speak on their own behalf and act independently of all external influence.

The Commission may convene the Group not only on the occasions specifically laid down in the Treaty, but also whenever it considers such action to be necessary. A schedule of at least two meetings a year should permit the Commission to keep up a fruitful dialogue with the Group, whilst periodically requesting exchanges of view and guidance on any major problem affecting radiation protection. If necessary, additional meetings can be held or matters can be dealt in written procedure.

The members of the Group are appointed for a term of five years, renewable, by the Scientific and Technical Committee set up in compliance with Article 134 of the Treaty. The Group thinks it useful to adopt the following Rules of Procedure, the objective being to formalize the conduct and conclusion of its work, and to standardize certain procedures. These Rules of Procedure are available to the public.

Finally, it should be noticed that even if Article 37 of the Euratom Treaty refers to the Group, the specific tasks under Article 37 are carried out in practice by a separate group of experts. Because of the particular nature of those tasks, these Rules of Procedure will not be applied but there will be special Rules concerning work under Article 37.

For convenience the appropriate articles of the Treaty establishing the European Atomic Energy Community relating to the Group are given here.

### Article 31

*The 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. The Commission shall obtain the opinion of the Economic and Social Committee on these basic standards.*

*After consulting the European Parliament the Council shall, on a proposal from the Commission, which shall forward to it the opinions obtained from these Committees, establish the basic standards; the Council shall act by a qualified majority.*

### Article 32

*At the request of the Commission or of a Member State, the basic standards may be revised or supplemented in accordance with the procedure laid down in Article 31.*

*The Commission shall examine any request made by a Member State.*

### Article 37

*Each Member State shall provide the Commission with such general data relating to any plan for the disposal of radioactive waste in whatever form as will make it possible to determine whether the implementation of such plan is liable to result in the radioactive contamination of the water, soil or airspace of another Member State.*

*The Commission shall deliver its opinion within six months, after consulting the group of experts referred to in Article 31.*

The Scientific and Technical Committee, set up in compliance with Article 134 of the Euratom Treaty, is responsible for appointing the members of the Article 31 Group. Very soon, following the entry into force of the Treaty, the Scientific and Technical Committee became aware that, in view of the specific tasks required by Article 37, the expertise required to carry out such tasks, was different from that required under Articles 31 and 32. It therefore decided to set up a different Group of experts to advise the Commission in relation to Article 37 of the Treaty.

**TITLE I**  
**THE ORGANIZATION OF THE GROUP**

**Chapter I**  
**Group of Experts**

**Article 1**

The Group consists of scientific experts, in particular public health experts.

Members are appointed to the Group by the Scientific and Technical Committee, set up under Article 134 of the Euratom Treaty, for a term of five years.

**Chapter II**  
**Status of the Members of the Group**

**Article 2**

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

The members of the Group shall inform the Commission of any interests which might be considered prejudicial to their independence.

In their status as members, the annexed Code of Ethics shall be followed.

**Chapter III**  
**Officers of the Group**

**Article 3**

The officers of the Group shall be a Chairperson and a Vice-Chairperson.

The term of duty of the Chairperson shall run for half the duration of the appointment of the Group.

The Chairperson shall be chosen among the Group, without any regard to nationality, at a meeting attended by Group members alone.

Before the end of the mandate of the Chairperson, the Commission will carry out an appropriate consultation to identify a member or members willing to serve as new Chairperson and Vice-Chairperson and then inform the Group about the results in a working document to be sent to the Group in accordance with Article 11.

The Vice-Chairperson shall be chosen from the Group to serve for the same duration as the Chairperson, but offset by one year, and his duties are to assist the Chairperson.

**Article 4**

The Chairperson shall have the following tasks:

Preparation, organisation, and co-ordination of the work of the Group and the Working Parties,

Representation of the Group towards the Commission and other Community institutions as well as towards outside quarters, upon request of the Commission,

All other tasks provided for in these Rules of Procedure.

In the performance of these tasks the Code of Ethics shall be followed.

Between Group meetings, the Chairperson, the Vice-Chairperson and the Commission shall be in regular contact. The Chairperson shall be involved in current matters in the working area of the Group. He/she shall be responsible for reporting on them to the Group at its next meeting.

The Vice-Chairperson shall exercise the duties of Chairperson if the latter is unable to attend and, should both be unable to attend, the Group shall be chaired by the most senior member present.

As far as possible, the Vice-Chairperson shall participate in the same tasks as the Chairperson. He/she shall receive all the necessary information for that purpose.

## **Chapter IV**

### **Secretariat**

#### **Article 5**

A Secretariat shall be provided by the Commission to help the Chairperson organise and conduct the work and prepare the opinions of the Group. The Working Arrangements for this Secretariat are given in Annex II.

## **Chapter V**

### **Substitution of Members**

#### **Article 6**

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

## **Chapter VI**

### **Term of Office**

#### **Article 7**

The term of office of a member of the Group shall commence on the date on which his/her formal appointment by the Scientific and Technical Committee takes effect.

Membership of the Group shall expire at the end of the five-year term, at the time of the Group's renewal.

Should the Group's renewal be delayed, the Memberships and officers shall continue on request of the Commission until appointment of new members.

The term of office of a member of the Group shall be terminated by resignation, permanent inability to discharge the duties attaching to his/her post or death. In such circumstances another member shall be appointed by the Scientific and Technical Committee for the remainder of the term.

Any resignation must be in writing, signed by the resigning member, and sent to the Chairperson of the Group. The Chairperson shall inform the Commission, which shall confirm the vacancy and implement the replacement procedure.

In the event of resignation, the resigning member remains in office until a new member is appointed.

## **Chapter VII**

### **Working Parties**

#### **Article 8**

The Group may, at the suggestion of or with the agreement of the Commission, set up any Working Party, with clearly defined tasks, which it thinks would facilitate the progress of its work.

Only members of the Group may become members of a Working Party. The Group shall fix the membership and terms of reference of each Working Party.

The Commission, upon proposal of the Chairperson of the Working Party, may invite other experts to participate in the work of the Working Parties, or agree to participation of experts financed by their institution. Such participants will act in an advisory capacity.

Each Working Party shall be chaired by a member of the Group and have a Secretary provided by the Commission.

Mandate, membership and Chairperson of each Working Party should be renewed at the beginning of the five-year term of the Group of Experts.

#### **Article 9**

The Chairperson of each Working Party shall be responsible for submitting its findings as a written report to the Group.

## **TITLE II**

### **GROUP PROCEDURES**

#### **Chapter VIII**

#### **Convening the Group**

#### **Article 10**

The Group is convened by the Commission, at least twice a year, after consultation of the Chairperson of the Group on the agenda.

The dates shall be fixed at each preceding periodical meeting, or at least four months beforehand except where there is an urgent matter to be considered.

Meetings shall be held at a place in which the Community exercises an activity.

The Group can meet on one or more days.

## **Chapter IX**

### **Working Documents**

#### **Article 11**

In order that meetings of the Group may be conducted in an efficient manner, the Commission Secretariat shall ensure that appropriate Working Documents are made available to members in accordance with Article 10 of Annex II.

#### **Article 12**

If the Group considers that the information in the documents received from the Commission is not adequate to enable it to hold purposeful discussions, it may make a request for any available additional information to be conveyed to it in writing or orally at the meeting. The Group may, if it thinks appropriate, defer the review of any issue that is submitted to it for attention until it is satisfied with the information available to it.

#### **Article 13**

The dossier for a Group consultation shall include not only the documents forwarded by the Commission but also any document that one or more members of the Group, or one or more Working Parties, desire to see included therein.

## **Chapter X**

### **Group Meeting**

#### **Article 14**

The Group shall adopt the preliminary agenda at the beginning of each meeting. Any member may propose further items to a draft agenda.

The agenda shall make a distinction between:

Proposed measures about which the Group is asked to give an opinion, in accordance with the advisory procedure provided in Article 31 of the Euratom Treaty,

Other issues put to the Group.

The Chairperson may postpone the examination or decision of a particular agenda point until later in the meeting or to a later meeting:

- If there is a substantive change to the scope or information on the point during the meeting,
- If the text of the proposal has only been made available to the Group during the meeting.

If a Group member so requests, a decision on an issue can be postponed if the documents relating to a specific agenda point have not been sent to the members within the timeframe laid down in Article 10 of Annex II.

However, at the proposal of the Chairperson or the request of a Group member, the Group may decide to keep this point on the agenda because of the urgency of the matter.

#### **Article 15**

The Group shall generally attempt to reach a consensus opinion on issues before it. When this is not possible, it shall decide by simple majority, save as otherwise provided in these rules.

If a Member of the Group requests a vote, the valid forms of vote shall be “for”, “against” and “abstention”. In calculating the majority, only the votes cast “for” and “against” shall be taken into account. In the event of a tied vote, the text or proposal shall be deemed rejected.

In order for a proposal to be adopted, the votes cast “for” shall in addition be higher than one third of the members present.

#### **Article 16**

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.

### **Chapter XI**

#### **Outcome of the Work**

#### **Article 17**

The outcome drawn from the work of the Group shall be forwarded to the Commission generally either in the form of opinions referred to in Article 31 of the Euratom Treaty or in the form of guidance, proposal or statement.

#### **Article 18**

The Group shall not issue an opinion under Article 31 of the Euratom Treaty on any specific matter unless specifically requested to do so by the Commission. In this case, the fact that an opinion according to Article 31 of the Euratom Treaty has been sought shall be mentioned in a letter to members covering the related working documents.

On other issues, the Group may take initiatives leading to guidance, proposal or statement. In this sense, the Chairperson, acting on his/her own initiative or at the request of the members of the Group may suggest to the Commission subjects on which it would appear desirable that the Group be consulted.

#### **Article 19**

Opinions, guidance, proposals or statements referred to in Article 17 shall be delivered in writing and set out in documents distinct from the records. Public access to these documents shall be in accordance with Article 19 of Annex II.



## **Article 20**

The members dissenting from the majority may have their disagreement and, to a reasonable extent, their reasons recorded with the opinion, provided that a specific request for this is made in every case.

The number of dissenting members shall be recorded.

## **Article 21**

The texts of the opinions, guidance, proposals and statements shall be prepared in draft form with the assistance of the Secretariat. The drafts shall then be submitted to the Group for approval.

If approval cannot be sought and obtained in a meeting of the Group, it may, as an exception, be obtained through a written procedure initiated by the Secretariat in consultation with the Chairperson. A draft shall be deemed to have been approved if the Secretariat receives no request for amendment within three weeks from the date of posting and the Chairperson agrees.

The Group recognises the vital importance of conveying its opinion accurately to the Commission. To that end it shall, if considered necessary, include all of its significant agreed comments together with any proposed amendments and additions within the body of the formal opinion and shall not rely on meeting summary reports or other means for this purpose.

In cases of urgency approval may be requested within a truncated timeframe, set by the Secretariat and agreed by the Chairperson.

## **Article 22**

The opinions shall be forwarded to the Commission by the Chairperson of the Group.

## **Chapter XII**

### **Records of Discussions**

## **Article 23**

The proceedings of the Group shall be set out by the Secretariat in the form of records and submitted to the Group for its approval.

Any request for access to the conclusions and summary records of the proceedings of the Group shall be dealt with in accordance with Article 19 of Annex II.

The details of the Group's discussions shall be kept confidential.

**TITLE III**  
**GENERAL PROVISIONS**

**Chapter XIII**  
**Correspondence**

**Article 24**

Correspondence relating to the Group shall be addressed to the Commission, for the attention of the Group Chairperson.

**Chapter XIV**  
**Revision of the Rules of Procedure**

**Article 25**

The Group meeting shall decide by a two-thirds majority of its members if there is a need to amend these Rules of Procedure, either in part or in full.

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.

The Rules of Procedure shall enter into force immediately after their approval by the Group.

**Annex I  
to the Rules of Procedure**

# **Code of Ethics**

The Group of scientific experts referred to in Article 31 of the Euratom Treaty is called upon to assume an important function as it is the unique scientific group officially charged with advising the Commission as regards the Basic Safety Standards for the protection of the health of the workers and of the general public against the dangers arising from ionising radiation. In fulfilling this function, the members of the group, nominated by the Scientific and Technical Committee, are independent experts and do not represent Member States or other bodies. Thus, they speak on their own behalf and independently of all external pressure. This means they take on, *as individuals*, high-level responsibilities concerning *public health*, which require appropriate ethical guidance. Given this specific context, the following guidance is not formulated in an institutional perspective, as ethical rules for the staff of an institution should be. Some rules of this latter kind can be found in the Rules of Procedure. The guidance is also different from the deontological codes that are elaborated in a professional perspective, like the deontological code for the physicians. It is conceived in a societal perspective and can be seen as an expert's deontology *ensuing from social expectations* regarding competence, neutrality and objectivity.

The following code of ethics applies to all the members of the group (called “the experts”), except for some items that are specific for the Chair- and Vice-Chairperson.

## **Priority to health concern**

As a result of their mission, the experts shall give priority to the protection of public health, to the safety and to the development of the best available operational radiation protection. They may express views on political, economical, financial, and liability matters but the health and safety considerations must always be clearly identifiable in their opinions, proposals, guidance and statements. If the need arises, various options shall be proposed, including options giving priority to health aspects.

## **World citizen's approach**

The experts shall take a broader than national view and pursue the improvement of public health, safety and radiation protection for the benefit of the whole world population.

## **Independence**

In the performance of their duties, the experts shall act independently of all external explicit or implicit pressures, particularly in relation to national interests or those of their own institution or organisation.

They shall inform the Commission of any possible conflict of interest and of any restriction of their freedom of expression.

## **Competence**

The experts shall take the necessary steps to update and to broaden their scientific knowledge, in relation with any major issue possibly affecting radiation protection. With this aim in view, they shall maintain close contacts with the scientific world in the relevant matters. They shall use adequate means to take into account all the available scientific information and to avoid inappropriate selection of the sources.

The experts shall limit themselves to their specific field of knowledge and shall not take a stand in matters unknown for them.

## **Objectivity issues**

As some subjectivity is unavoidable even in Science, as scientists in a specific discipline or group of disciplines may share *unconsciously* the same fundamental presuppositions (basic paradigms) and as there is a natural proclivity to avoid cognitive dissonance, - all these elements being susceptible to give rise to an artificial consensus -, the experts shall respect all the points of view, recognise the possible diversity of interpretation of the data and favour interdisciplinary approaches, including disciplines belonging to human sciences.

## **Ethical issues**

The experts shall avoid creating confusion between purely scientific judgements and value judgements on ethical issues that are often deeply interwoven in the scientific evaluations and may not be directly apparent. They shall avoid trying to arbitrate ethical issues. On the contrary, they shall try to recognise the more or less hidden ethical aspects and to bring them into light for those who have to make a decision.

## **Quality of the communication**

The experts shall translate their advice into a language clear, unequivocal and accessible to the decision-makers and to the stakeholders. They shall pay due attention to the possibility of erroneous comprehension of their communications, due to the general flavour of the message, sometimes whatever the detailed text may say. In particular, they shall make clear if there are uncertainties, value judgements or ethical issues, what these are exactly and what is at stake. When using comparisons to improve comprehension, they shall be careful not to mislead the reader, owing to the semantic field associated with the elements used in the comparison.

## **Additional items for the Chairperson and the Vice-Chairperson**

The Chairperson and the Vice-Chairperson shall be particularly scrupulous in following the above-mentioned guidance, notably regarding the necessity of acting in an independent way and in a world citizen's perspective.

They shall respect and, if the need arises, disseminate to the other experts all the points of view that are expressed. They shall try to deepen the debates, to consider and examine all the points addressed, to reach if possible a consensus or to identify the key points of disagreement.

They shall carefully inform the other experts of their acts in their capacity of Chair- and Vice-Chairpersons.

They shall be fair and honest when speaking in the name of the Group, giving complete and balanced account.

## **Annex II**

### **to the Rules of Procedure**

# **Article 31 Secretariat Working Arrangements**

## **Foreword**

The Group of Scientific Experts referred to in Article 31 of the Euratom Treaty provides the Commission with an independent and efficient expert advisory service for policy development related in a broad sense to public health.

The Group has adopted Rules of Procedure, the objective being to formalise the conduct and conclusion of its work and to standardise certain procedures; these Rules of Procedure are available to the public.

According to Article 5 of the Rules of Procedure, “A Secretariat shall be provided by the Commission to assist the Chairperson organise and conduct the work and prepare the opinions of the Group”.

In order to complement the Rules of Procedure of the Group, it was considered useful to establish the following Secretariat Working Arrangements. The objective is to formalise the conduct and procedures and in particular to ensure communication and transparency of the highest possible standard for all procedural steps involving the Commission Services.

## **Secretariat**

### **Article 1**

The Commission provides a Secretariat to assist the Chairperson in the organisation and conduct of the work and preparation of the opinions of the Group.

## **Advisory requests**

### **Article 2**

When consulting the Group, as provided for in Article 31, to receive independent scientific expert Opinion regarding all Commission legislative proposals related to Title II, Chapter 3 of the Euratom Treaty, the Commission makes the request in a letter to the members of the Group and attaches all related working documents.

The Commission may consult the Group to receive guidance on any matters related to the implementation of Chapter 3 of the Euratom Treaty.

## **Convening the Group**

### **Article 3**

The Secretariat convenes the Group, at least twice a year, after consultation with the Chairperson of the Group on the agenda.

### **Article 4**

The Secretariat ensures that the officials of the Commission whose attendance is necessary are present. The Commission Services may be called upon by the Chairperson to answer technical questions and participate in the discussions.

### **Article 5**

Between Group meetings, the Secretariat maintains regular contact with the Group and its Chairperson.

## **General Provisions**

### **Article 6**

The Secretariat liaises with the Secretariat of the Scientific and Technical Committee in order to ensure that the appointment of Article 31 experts is progressed in a timely manner. The Secretariat, when informed of the resignation of a member of the Group, informs the Chairperson of the Group and initiates the replacement procedure with the Scientific and Technical Committee.

### **Article 7**

The Secretariat makes all arrangements necessary for meetings of the Group, and in particular:

- Books the meeting room and interpretation facilities,
- Prepares the financial arrangements,
- Prepares and dispatches the invitations, if possible twenty-eight calendar days before the date set for the meeting,
- Prepares the draft agenda in consultation with the Chairperson,
- Dispatches the Working Documents,
- Ensures the provision of necessary facilities in the meeting room,
- Collects the reimbursement forms and arranges for copies of the travel tickets,
- Draws up an attendance list of the Group members,
- Updates working documents as necessary
- Takes records of the meeting.

### **Article 8**

The Secretariat prepares proceedings in form of a draft summary report of the meeting and submits it to the Group for approval.

The draft summary report shall be delivered at the latest eight weeks after a regular, and four weeks after an extraordinary meeting. It shall include the conclusions reached on each point of the agenda and a brief account of the main views expressed. There shall be no reference to individual views. Where no firm conclusion was reached or, in case of dissenting views on work in progress, the summary report shall give an indication of the main issues that were raised. Where appropriate a more detailed account of the discussions will be appended for the record of the Group's further discussions on these matters.

The summary report will contain the recommendations or suggestions of the Group of Experts on legislative proposals, in cases where these are not recorded in formal opinions as provided for in Article 21 of the Rules of Procedure.

The summary report and the opinions shall be made available on the internet soon after their approval by the Group. The appendices will be kept confidential.

### **Article 9**

The Secretariat assists with the drafting of the texts of the opinions, guidance, proposals and statements.

If, as an exception, approval cannot be sought and obtained in a meeting of the Group, the Secretariat may obtain it through a written procedure, in consultation with the Chairperson.

In cases of urgency approval may be requested by any agreed rapid means of communication, again in consultation with the Chairperson.

## **Working Documents**

### **Article 10**

A complete set of working documents, including the invitation to the meeting, is sent by the Secretariat to the members of the Group no later than fourteen calendar days before the date set for the meeting.

The working documents include at least:

- A preliminary agenda,
- Draft summary report of the previous meeting,
- Proposed measures on which an Opinion is required.

The name of candidates in case of a meeting choosing the Chairperson and Vice-Chairperson of the Group in accordance to Article 3 of the Rules of Procedure,

In the event of the revision of the Rules of Procedure, the draft of new Rules of Procedure to be amended in accordance to Article 25 of the Rules of Procedure.

In urgent cases, and where the measures to be adopted must be applied immediately, the Secretariat may shorten the period laid down in the above paragraph.

### **Article 11**



The dossier for a Group consultation includes not only the documents forwarded by the Secretariat but also any document that one or more members of the Group, or one or more Working Parties, have expressed a desire to have included.

### **Working Parties**

#### **Article 12**

The Commission services are represented in each Working Party.

#### **Article 13**

The Commission services provide a Secretariat for each Working Party to help the Chairperson organise and conduct the work, in particular to assist in the preparation of opinions, agenda and draft summary reports.

#### **Article 14**

The Secretariat has similar responsibilities to those described for the Secretariat of the Group.

#### **Article 15**

The Secretariat prepares the activity summary of the Working Parties, including updates, and relevant documents of the Working Parties for transmission to the Group.

#### **Article 16**

The Secretariat, as representative of the Commission, further

- Contributes to the discussions to the extent this is within the Secretary's area of expertise,
- Explains the expectations of the Commission in terms of policy making,
- Transmits requests of the Working Party to the relevant Services of the Commission.

### **Outcome of the Work**

#### **Article 17**

The Commission, even though not bound by the advice of the Group, informs the Group on all steps undertaken on the Commission side with regard to the advice from the Group.

In particular, the Commission provides the Group with

- Information on the adoption of the advice of the Group and on the follow-up procedure of the Group's advice,
- Information on the advances and status of issues dealt with by the Group.

#### **Article 18**

Opinions of the Group on legislative proposals are included in the submission to the College.

## **Article 19**

The Commission ensures that Opinions, guidance proposals or statements received from the Group can be accessed by the public according to the rules set out in 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 (OL L145, 31.5.2001, p. 43). It is for the Commission to take a decision on requests for access to these documents following the detailed rules for the application of Regulation (EC) No 1049/2001 annexed to the Commission's Rules of Procedure, as amended by Commission Decision 2001/937/EC, ECSC, Euratom, of 5 December 2001 (OJ L 345, 29.12.2001, p. 94)."

## **Correspondence**

### **Article 20**

Correspondence relating to the Group shall be addressed to the Commission, for the attention of the Group Chairperson.