

INFORMAL DIALOGUE ON EXPERT GROUPS
INITIATIVES TAKEN BY COMMISSION SERVICES

State of play – February 2013

This note contains an update to the summary provided by the Commission in September 2012 on steps taken to improve the implementation of the rules on expert groups. It includes detailed information in response to concerns raised by a number of stakeholders, as conveyed by MEPs to the Commission at the first meeting of the informal dialogue. It also includes up to date information concerning the initiatives launched by Commission services last year, which were mentioned in the state of play of September 2012, as well as the result of assessments carried out by DGs on a voluntary basis.

Three specific issues are addressed:

(1) Composition of groups

- ✓ The composition of thirteen groups was modified¹.
- ✓ Membership is being reviewed for three groups².
- ✓ Despite calls for application and direct invitations from Commission departments, it was not possible to appoint enough new members in certain groups, for various reasons. For eighteen groups³ Commission services are prepared to examine possible applications from interested NGOs or civil society groups on the basis of a list of stakeholders to be provided by MEPs to the Commission.
- ✓ DG AGRI has been pursuing a bottom-up process leading to the revision and balancing of thirty advisory groups operating in the agricultural sector, which should be completed in the second half of 2013.
- ✓ DG EAC, DG MARE and DG RTD will review the composition of a number of groups placed under their responsibility in connection with the reform of corresponding policies or the modification of EU legislation.

(2) Groups where membership may need to be corrected on the Register

In 2012, following a screening of the groups including members appointed in a personal capacity, Commission services recognised that experts of 31 groups were incorrectly displayed on the Register as experts appointed in a personal capacity acting in the public interest, while in reality they were representatives of stakeholders or of the Member States. This was corrected between the spring and the summer of 2012.

This is the outcome of a new screening carried out on the basis of concerns raised by stakeholders which concerned a limited number of groups:

¹ ENTR: 8 groups; ENV: 2 groups; AGRI: 1 group; SANCO: 1 group; CONNECT: 1 group.

² ENTR: 1 group; TAXUD: 1 group; SG: 1 group.

³ ENTR: 14 groups; TAXUD: 2 groups; SANCO: 1 group; ECFIN: 1 group.

- ✓ The membership of three groups is being corrected⁴;
- ✓ In two cases, there are no members appointed in a personal capacity; members are correctly displayed as individuals representing a common interest or as organisations;
- ✓ Two groups were closed (one group was already closed at the time of the complaint).

(3) Transparency

It is alleged that there are still groups that operate but are not included in the Register and that agendas and/or minutes are still missing for many groups.

This is the outcome of the screening carried out by Commission Services concerning the groups indicated by the complainants:

- ✓ DG ENER will publish the 'Smart Grid Task Force' on the Register;
- ✓ For two groups under the responsibility of DG ENTR, minutes were published in February 2013 or are currently being published;
- ✓ The "Advisory Committee of the Euratom Supply Agency" and the 'SEPA Council' are not Commission expert groups;
- ✓ Three groups were closed (two groups were already closed at the time of the complaint).

Detailed information is provided on each of the three above-mentioned issues in annex.

⁴ Two groups managed by DG TAXUD, one group managed by DG ENTR

Annex

1. Composition of groups

In spring 2012 **DG ENTR** conducted a thorough analysis to identify those groups where the balance among stakeholders could be improved. As a result, **nineteen groups** where there appeared to be industry over-representation were identified. Depending on the specific situation at hand, different initiatives were taken to address such unbalances.

This is the outcome of the work carried out by DG ENTR both on the above-mentioned nineteen groups and on other groups, as indicated by stakeholders:

Rebalancing thirteen groups through one single call

During the summer of 2012, DG ENTR announced that the composition of thirteen groups would be modified as a result of one single call for expressions of interest, which was published on 1 September; the deadline for applications was 31 October 2012. The call was published in the OJEU⁵ and a link to the call was also published on the Register of expert groups. As expected, the process was completed at the beginning of 2013. As a result of the above-mentioned call for expressions of interest, the membership of the groups in question was modified as follows:

➤ E01295 - Working Group on Motor Vehicles

Before the call, the group had 89 members (27 member states, 10 third country authorities, three international organisations, three consumers' organisations, two environmental organisations, two trade unions, four road safety organisations, three research institutions, 34 industry representatives and one automotive consultant appointed on personal capacity). The Commission received eight applications in the call and as a result, a further four members were appointed: one consumers' organisation, one research institution, one environment organisation and a road safety authority.

➤ E01296 - Working Group on Motorcycles

Before the call, the group had 57 members (27 member states, nine third country authorities, one international organisation, five consumers' organisations, four road safety organisations, two research institutions and nine industry representatives). Five applications were received, and a further two members were appointed: one consumers' organisation and one research institution.

➤ E01297 - Working Group on Agricultural Tractors

Before the call, the group had 56 members (30 member states' authorities, 11 third country authorities, two international organisations, one consumers' organisation, two trade unions, two road safety organisations, one research institution and seven industry representatives). Unfortunately, as only two applications were received in the call, both of them without related expertise, no new members were appointed.

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:265:0007:0011:EN:PDF>

➤ E01320 - Fertilisers Working Group

Before the call, the group had 55 members / observers (27 member states' authorities, five third country authorities, one international organisation, one standardisation organisation, one consumers' organisation, one environmental organisation, two trade unions and 17 industry representatives). One application was received and the organisation, representing research, was appointed as a new member.

➤ E01348 - Working Group Gas Appliances

Before the call, the group had 52 members / observers (27 member states' authorities, five third country authorities, one standardisation organisation, one consumers' organisation and 18 industry representatives). Unfortunately, as the only application received in the call did not have relevant expertise, no new members were appointed.

➤ E01349 - Working Group Measuring Instruments

Before the call, the group had 47 members / observers (27 member states' authorities, four third country authorities, two international organisations, two standardisation organisations, one SME representative and 11 industry representatives). No applications were received under the call.

➤ E01356 - Advisory Committee on Community Policy regarding Forestry and Forest-based Industries

Before the call, the group had 44 members (23 member states' authorities and 21 industry representatives). Unfortunately, as the three applications received in the call were without related expertise, no new members were appointed.

➤ E01633 - Working Group on Explosives

Before the call the group had 39 members / observers (27 member states' authorities, three third country authorities, one EU agency, one standardisation organisation and six industry representatives). Five applications were received, and one new member was appointed, representing research.

➤ E01798 - Eco-Design Consultation Forum

Before the call, the group had 56 members (23 member states' authorities, three third country authorities, one standardisation organisation, two consumers' organisations, four environmental organisations, one SME representative and 22 industry representatives). Although six applications were received, the applicants did not have relevant expertise and so no new members were appointed.

➤ E02661 - Mission Evolution Advisory Group

Before the call the group had 27 members (15 individuals appointed on personal capacity and 12 industry representatives). Six applications were received, of which one new member was appointed, representing costumers' interests.

➤ E02758 - European Multi-Stakeholders Platform on ICT Standardisation

Before the call, the group had 55 members (18 member states' authorities, two third country authorities, two international organisations, four standardisation organisations, one consumers' organisation, one environmental organisation, one SME representative, two organisations representing elderly or disabled people and 24 industry representatives). Six applications were received, and one new member was appointed, representing the interests of disabled people.

➤ X01311 - Ad hoc Advisory Group on Non-Annex I Products

Only one application was received, but the group was closed in the meantime.

➤ X01353 - Raw Materials Supply Group

Before the call, the group had 62 members (27 member states' authorities, five environmental organisations, nine research institutions, a trade union, an educational institution and 19 industry representatives). Although 46 applications were received for this group, 27 of them came from organisations that were already members in the group. Even so, five new members were appointed, four research institutions and a trade union.

Conclusion:

Overall, fifteen new members representing non-industry stakeholders were appointed, which contributed to the rebalancing of the composition of some of the groups in question. In other cases, it was not possible to appoint a sufficient number of new members or no new members at all were appointed; this is due to the limited number of applications received and to the fact that many of the applications were not suitable.

However, DG ENTR will examine possible requests from interested NGOs or civil society groups having relevant expertise, on the basis of a list of stakeholders to be provided by MEPs to SG for rebalancing those groups where this was not possible as a result of the call (agricultural tractors, motor vehicles, fertilizers, gas appliances, measuring instruments, forestry, eco-design, ICT standardization).

Fifteen additional groups which according to the complainants should be rebalanced

Five of these groups were closed, three of which were already closed at the time of the complaint:

- E02073 – FP7 Security Advisory Group – closed in September 2012
- E02470 – Key Enabling Technologies – closed in March 2012
- E02286 – National Bankruptcy Coordinators – closed in December 2012
- E01352 – Tourism Sustainable Group – closed in December 2012
- Furthermore, E02695, Expert Group on the cross-border matching of innovative firms with suitable investors, ceased functioning on 20 July 2012. DG ENTR maintained its presence in the Register so that the information on its activities can still be available for the public.

Two groups will be closed by 31 March 2013 at the latest:

- E02301 – Group of National Coordinators to prepare the European SME Week
- E02774 – Expert group on the revision of the LeaderSHIP strategy

Concerning E01267 – European Business Organisations Worldwide Network, this group is composed of 27 European Chambers of Commerce established in third countries. The aim of the group is to give advice to the Commission in relation to the free trade agreements in those third countries. Membership is limited to chambers of commerce from third countries.

As for E02649 – European design leadership board, this group has a fairly balanced membership, as it is composed of three public research institutions, two educational institutions, one public foundation, one European association of national innovation agencies, one SME representative and seven industry members.

Concerning the remaining six groups (electromagnetic compatibility, low voltage, construction, non-road mobile machinery, pressure equipment, pyrotechnic articles), DG ENTR will examine possible applications from interested NGOs or civil society groups having relevant expertise, on the basis of a list of stakeholders to be provided by MEPs to the Commission.

Counterbalancing the allegedly biased advice gathered from four groups

This question concerns four groups about which last year DG ENTR recognised that there had been industry over-representation and which were about to finish or had already completed their work at the time of the negotiations on the reserve (**STRABO**, **CARS 21**, **High Level Forum for a better functioning of the food supply chain** and the **Ferrous and non-ferrous metals competitiveness expert group**). The Commission was asked to explain how it would collect input from non-industry civil society groups to counterbalance the allegedly biased advice that it received from these four groups in the past.

Concerning two of these four groups, namely STRABO and Ferrous and non-ferrous metals, DG ENTR is willing to organise a consultation session with interested NGOs or civil society groups, on the basis of a list of stakeholders to be provided by MEPs to SG.

As for the **High Level Forum for a Better Functioning Food Supply Chain**, the group was put on hold. However, on 19 December 2012, the Commission decided to prolong the Forum's mandate by two years and to review its membership on the basis of a public call for applications. The call was published in the OJ (2013/C 19/05) and on the Register of expert groups on 23/01/2013 and had a submission deadline of 08/02/2013 with new members to be appointed as of 01/03/2013. As one of the selection criteria of the call was "the need to strike a balance within the group of experts in terms of representativeness of applicants and of their respective geographical origin, interests, and relevant expertise", it is ensured that interested and suitable applicants from the civil society can be members of the renewed group, and can express their views on the topics discussed. The establishment of the list of new members will be closely monitored, and balanced representation will be ensured. Therefore, no additional consultation is necessary.

CARS 2020 is a successor of CARS21. DG ENTR invited two other non-industry members for the first meeting of the new group, which took place at the end of February 2013, with a view to improving the balance of interests. These are: (1) the "Fédération internationale de motocyclisme" that represents motorcyclists and the (2) "International Transport Workers' Federation" which is an international trade union federation of transport workers unions. Furthermore, a public hearing is planned for this group in early summer, so all interested parties will have the opportunity to express their views and opinions on the topics the group deals with.

Finally, it should be noted that the **number of groups placed under the responsibility of DG ENTR** was significantly reduced over the past few years (from 123 groups in 2008 and 85 in March 2012, to currently 64 active groups).

In June 2012 **DG AGRI** initiated a survey of stakeholders on whether and how to proceed with a revision of the Civil Society Dialogue as embodied in the **thirty advisory groups** set up by Commission Decision 2004/391/EC. After a careful analysis of the outcome of the above survey, the Secretaries General of the NGOs were invited in October 2012 to discuss the results. Any change in the system of the advisory groups will have an impact for the participating NGOs and therefore, a careful and in-depth analysis is needed. The content and scope of this analysis is currently being considered; stakeholders will continue to be informed throughout the process. The final design of the new system will be a function of the outcome of the on-going CAP reform process.

In regard to complaints alleging that **smallholder farms** are underrepresented in the advisory groups:

- The European-level NGO ECVV ("via Campesina") is a stakeholder representing the interests of smallholder farmers. ECVV is present and actively participating in 20 out of 30 groups with experts. For these groups and for the remaining 10 groups, ECVV is eligible to request observer seats.
- CEJA is the European representative organisation for young farmers. A substantial part of its constituency consists of smallholder farmers. These stakeholders benefit from special measures under the actual CAP, as well as under the proposed CAP reform. CEJA experts are present in 18 out of 30 advisory groups. For these groups and for the remaining 12 groups CEJA is eligible to request observer seats.
- COPA-COGECA represents the overall farmers' and cooperatives' interests in the Union, including smallholder farmers. It is present with experts in all groups. The CAP reform foresees a number of measures specific for small farmers.

The composition of the **ENRD groups "Coordination committee and Leader subcommittee"** (E02172) is considered to be balanced. It is based on the Rural Development advisory group composition, and was subject to an open and transparent selection procedure. If in the future the RD advisory group changes, also taking into account the statement that the "smallholder farmers are underrepresented in DG AGRI expert & advisory groups", the new body for coordinating the rural development network(s) will also incorporate those changes, as the intention is to include all Rural Development Advisory Group organisations. The new body will become operational from 2014 onwards.

The Expert group on agricultural commodity derivatives and spot markets is composed of representatives of Member States (on a voluntary basis) and key stakeholders chosen on the basis of a call for applications. DG AGRI made available 20 places for stakeholders and had received 39 applications. Of these 39 applications, 16 fulfilled the criteria laid down in the call for applications and consequently all 16 have been accepted.

As for **EGTOP** (E02522) and **Expert Group on School Fruit Scheme** (E02260): the goal of both is to provide expert advice, thus both are composed primarily of scientists.

Expert group on planting rights (E02746) had its last meeting and was closed down.

Finally, as already indicated in the state of play of September 2012, last year DG AGRI modified the composition of the **Groupe d'experts pour la fourniture de denrées alimentaires au bénéfice des personnes les plus démunies de la Communauté** in order to improve, *inter alia*, the geographical balance of the organisations which are members of this group.

During the summer 2012, **DG ENV** announced that it would modify **two important groups** placed under its responsibility.

The first group is the **Competent authorities for Registration, Evaluation, Authorisation and restriction of Chemicals (REACH) and Classification, Labelling and Packaging (CLP) (E02385)**. This group is composed of Member States' competent authorities and a number of stakeholders were appointed as observers. DG ENV decided to extend the list of observers to include more non-industry stakeholders and, therefore, decided to open up participation to a number of these stakeholders. Several organisations were identified and were invited to the meeting, which took place in November 2012. The Register of expert groups has been updated accordingly.

The second group is the **Expert group on the exchange of information on best available techniques related to industrial emissions(E02611)**. Although the main environmental NGO at EU level (EEB) is already a member of this group, DG ENV has decided to actively promote the participation of other environmental NGOs having an acceptable degree of European representation. To that end, a call for applications was published in the OJEU on 20/07/2012 (C2012/214/07)⁶ and a link to the call was also published on the Register of expert groups. The deadline for the replies was set for September 28th. As a result of the Call for application for the selection of NGOs as members of the forum, the Commission received six applications. Out of the six applicant NGOs, one (Coalition Clean Baltic) fulfills both the criteria of competence (promoting environmental protection) and an acceptable degree of European representation, and has therefore been accepted as a member of the forum. The results of the call were published on the website. The register has been updated accordingly.

According to the complainants, the composition of **three groups** under the responsibility of **DG SANCO** may be unbalanced.

Advisory group on the food chain and animal and plant health (AGFC)

This group was created by Commission Decision 2004/613/EC. As foreseen in Article 2 of this Decision the AGFC is consulted by the Commission on its work programme and on any measures the Commission intends to propose in the field of food and feed safety, food labelling, human nutrition in relation to food legislation, animal health, animal welfare, plant protection products, plant health, marketing of seeds and propagation materials, etc. This wide mandate reflects the EU policy adopted in 2000 (White paper on food safety). Drawing the

⁶ <http://eur-lex.europa.eu/Notice.do?val=682013:cs&lang=en&list=682025:cs.682012:cs.681916:cs.681945:cs.681961:cs.681984:cs.681911:cs.682013:cs.681912:cs.681954:cs.&pos=8&page=2&nbl=25&pgs=10&hwords=>

lessons of the BSE crisis, it was decided that only a global policy covering the whole food chain (farm to fork, therefore including food but also feed, animal and plant health issues), could ensure food safety.

The rules governing the composition and functioning of the Advisory Group provide a number of guarantees ensuring that the civil society groups are consulted by SANCO in an equal and transparent way. These guarantees are the following:

1) In accordance with Article 3 of Commission Decision 2004/613/EC, the members are representative European bodies meeting the following criteria: "*general nature of the interests protected, representation covering all or most MSs and permanent existence at EU level with direct access to member's expertise to permit swift and coordinated reactions*". This ensures that the members are not individuals or specific enterprises defending their own private interests. It also guarantees that the aim of the selected body is to protect general interests and that it has a representation covering all or most Member States.

2) All members are treated equally, i.e.; they receive in advance the same information and all relevant documents (including the minutes, presentations, etc.) are published on the website. All the European bodies representing different interests of the food chain have equal access to information and have the same right to express their views in the meetings of the Group and to see these views reflected in the minutes.

In response to an allegedly unbalanced composition (industry being represented by a larger number of bodies than, for example, consumers), it is important to note that the mandate of this Advisory Group is quite wide since it concerns *food safety, feed safety, food labelling, human nutrition, animal health, animal welfare, plant health, plant protection products, seeds and propagating material*. The scope also includes issues linked to food and feed labelling and issues related to human nutrition (nutrition labelling, dietetics products, nutrition and health claims). Food safety is linked to the respect of legal requirements by a wide range of operators. The concept of "food chain" is essential for effective implementation of food safety legislation since safety is ensured by strict compliance of each component of the chain (production, processing and distribution of food, feed and food producing animals). It is important to note that the businesses concerned by the food legislation and policy might have different interests according to the different sectors (for example the dairy sector and the fresh produce sector; traditional farmers and organic farmers).

Food safety involves a wide variety of business operators, but also concerns workers in the food chain businesses and very directly consumers of food. Some NGOs are also concerned by the impact on the environment of some food legislation, such as GMOs.

The mandate of the Advisory Group also covers human nutrition, animal health, animal welfare, plant health and seeds and there is a need to have EU bodies in the Group representing these interests.

Because of the broad mandate of the Group, representation of the following main groups is necessary in order to ensure a balanced consultation of the main interests:

- 1) EU organisations representing interests linked to the food chain
- 2) Organisations representing interest specifically linked to feed safety
- 3) Organisations representing interests specifically linked to human nutrition
- 4) Organisations representing interests specifically linked to animal health
- 5) Organisations representing interests specifically linked to animal welfare
- 6) Organisations representing interests specifically linked to plant protection products, plant health, seeds and reproductive material

It is clear that some groups (workers, farmers, consumers, ENV NGOs, animal welfare associations) are only represented by 2 or maximum 3 organisations compared to some more numerous groups. The fact that some groups are more numerous is explained by the importance of including some sectorial representation (meat, fresh produce) and the different steps of the food chain (including storage, transport and catering).

In addition, it is difficult to find at EU level more organisations representing interests such as consumers' interests, farmers' interests or animal welfare interests. For example, SMEs are represented at EU level by only one horizontal organisation UEAPME (member of the Advisory Group) but it is to be noted that some sectorial organisations members of the Advisory Group because of the specific part of the food chain they represent (for example Association such as HOTREC, representing Hotels, Restaurants, Cafés) represent sectors composed mostly of SMEs.

The last call made by SANCO to attract NGOs resulted in the application of a limited number of NGOs and in the selection of 3 NGOs: FoEE (Friends of the Earth Europe), PAN Europe (Pesticides Action Network Europe), SLOW Food (Slow food associazione internazionale). The NGOs, members of the Advisory Group are regularly invited to indicate to the SANCO Secretariat of the Advisory Group whether other NGOs should attend specific working groups (WGs) of the Advisory Group, since the rules of the Advisory Group allow for the invitation of other EU interested stakeholders organisations at the level of the WGs.

It should also be made clear that given the importance of consumer input in this areas, BEUC, the only organisation representing at EU level purely consumers' interests, was given 3 seats in the Advisory Group. The views expressed by this organisation are also considered as a key element of the consultations undertaken in the framework of the Advisory Group.

Changes in the composition

In light of the above, and given the mandate of the AGFC (consultation of stakeholders), it would not be appropriate to change its composition, as it reflects the variety of the different stakeholders' associations representing the different interests in the various parts of food chain and in the animal health and plant health areas. However, DG SANCO is ready to consider concrete suggestions from interested stakeholders.

European Alcohol and Health forum

This group was established in June 2007 by the "Charter establishing the European Alcohol and Health Forum (EAHF)". The overall objective of the Forum is to provide a common platform for all interested stakeholders at EU level that pledge to step up actions relevant to reducing alcohol-related harm.

Membership in the Forum is voluntary, and members include umbrella organisations at EU level, as well as national and sub-national organisations and individual companies. EAHF has four categories of membership:

1. Advertising, marketing, media and sponsorship organisations
2. Research institutes and others
3. Production and sales organisations
4. Non-governmental and health organisations

The members commit to take action to address at least one of the Forum's areas of action and to report yearly on the implementation of their actions.

The total number of members has increased from 53 in 2007 to 71 in December 2012. The composition of EAHF membership, as shown in the table below, is well balanced.

Breakdown of Forum members by membership category, 2007 and 2012

Membership category	2007		2012	
	No.	Share	No.	Share
Non-governmental and health organisations	18	34%	27	38%
Advertising, marketing, media and sponsorship organisations	7	13%	7	10%
Production and sales organisations	23	43%	29	41%
Research institutes and others	5	9%	8	11%
Total	53	100%	71	100%

Medical Devices Working Group (WG) on Clinical Investigation and Evaluation (CIE)

I. Objectives

The CIE WG is a working group that was set up by the European Commission in order to facilitate the effective and harmonised implementation of the Medical Device Directives (Directive 90/385/EEC, 93/42/EEC and 98/79/EEC) in the Member States. Such cooperation between the Member State competent authorities, organised by the Commission, is required and foreseen in Article 20a of Directive 93/42/EEC.

The main task of the CIE group is to develop implementation documents (guidance) and to promote the harmonized application of the relevant regulatory requirements on Clinical Investigation and Evaluation in the Member States.

The CIE Working Group is primarily a group that allows Competent Authorities to agree on harmonized implementation guidance, to exchange views and experiences and to coordinate positions on device-specific or device group-specific issues in relation to clinical investigation and evaluation. Membership is open to all Member States, as well as to those countries directly concerned with the implementation of the Directives, be it because of relevance for the European Economic Area (EEA) or, as is the case with Turkey, the Custom Union agreement.

In order to ensure transparency and to allow stakeholder input, the CIE meets - whenever the issues at stake do not require confidentiality, notably in accordance with Article 20 of Directive 93/42/EEC - in open session. Stakeholders that are directly concerned by the application of the clinical investigation and evaluation rules in the medical device directives are invited to the open sessions. This is the case for manufacturers of medical devices, as they must comply with the respective legal requirements. It is also the case for notified bodies which must examine compliance of manufacturers for certification. It is equally the case for the members of the medical professions, as they are involved in the clinical investigations as investigators and are clinical users of the devices afterwards.

II. Composition and Steps to address concerns of unbalanced composition

a) Closed session

In its closed session the CIE is open to all competent authorities from the Member States of the EU, the EEA, EFTA, Turkey and Croatia. These are listed under Type D and C in the register.

b) Open session

The open session of the CIE is open to all concerned stakeholders, including the above-mentioned competent authorities. Besides the competent authorities, the participating stakeholders are distributed as follows:

- 2 organisations from the medical profession representing European Medical Societies (e.g. cardiologists, orthopaedists);
- 3 organisations from the EU Medical Devices Trade Associations;
- 1 organisation representing the authorised representatives;
- 1 organisation representing Notified Bodies (bodies designated by the National Authorities in charge of reviewing the MD dossiers for conformity with the essential requirements of the Medical Devices Directives).

The distribution of stakeholders ensures a balanced representation of the different players involved in the clinical investigation and evaluation process, and in particular balances industry against medical professions.

All non-confidential documents are circulated to all members via CIRCABC and all members have the same rights in the meetings to voice their view. In addition, a link is provided from the Register to the DG SANCO website which contains all relevant output documents of this group.

Changes in the composition

Consumers represented via BEUC and patients represented via the European Patients Forum were invited to the open sessions of the CIE meetings on 13/14 February 2013. When reviewing the composition, it was decided that UEAPME will be invited to upcoming meetings. The representation of the medical profession may also be extended as necessary.

According to the complainants, the composition of **three groups** under the responsibility of **DG TAXUD** may be unbalanced.

Expert Group on Taxation of Savings ("EUSD Group")

The primary objective of this group is to assist the Commission's Services in their review of the functioning of the Savings Directive as provided in Article 18 of the Savings Directive. It is therefore vital to have the viewpoints of European Union market operators on the practical application of the Directive in Member States. Currently, the EUSD Group includes experts from the following sectors: fund management (7 members), banking (8 members), insurance (4 members), central depositories (1 member), financial intermediaries (1 member), trusts (1 member), pensions (1 member), consumers (1 member), and accountants (1 member). In 2011 an expert from the consumer right's association EuroFinuse⁷ was nominated to the EUSD group in order to provide input on aspects of the work which may be relevant to consumers.

In 2012 the mandate of the EUSD group was extended until 30.06.2014. In addition to the work on the Savings Directive, the Commission may also call, where appropriate, on the expertise of the EUSD group on tax aspects of other financial subjects, for example for the Commission's and Member States' responses to the FATCA rules (US Foreign Account Tax Compliance Act), and the implementation of the Directive on administrative cooperation in (direct) taxation as far as the reporting of information related to financial services is concerned.

Selection of experts for the EUSD group

The experts were nominated by the Trade associations representing key market operators in the banking, fund management, insurance, trust and other related sectors affected by the amending Proposal and the additional tasks included in the extended mandate. A validation was then done by Commission services to ensure the experts were adequately qualified to participate in the EUSD group.

Changes in the composition

The tasks of the group have thus far been focussed on the expert views of market operators regarding the practical implementation of the Directive. In future the tasks of the group could be broader and take into account the views of stakeholders other than market operators, for example NGOs representing citizen groups. In the short term, DG TAXUD will contact by mid-March 2013 five non-business stakeholders with an interest in direct taxation issues to join the group. In the long term, at the expiry of the mandate (30.06.2014), the scope of the mandate of the EUSD group will be broadened to reflect the wider tasks implicit in Article 18 of the Savings Directive being to better ensure the effective taxation of savings income and to remove undesirable distortions of competition.

⁷<http://www.eurofinuse.org/index.php?id=45>

EU Joint Transfer Pricing Forum (JTPF)

On 25 January 2011 the Commission adopted Decision 2011/175, which extends the JTPF's mandate until March 2015. Set up informally in 2002, the JTPF's task is to assist and advise the Commission in finding common, practical solutions in order to achieve a more uniform application of transfer pricing rules within the EU. It operates on the basis of consensus.

The JTPF has one representative from each Member State, 16 experts from the private sector and is chaired by an independent Chairperson. The chairperson and the private-sector members of the JTPF are appointed for a mandate of 2 years. Representatives from candidate countries (Croatia, FYR Macedonia, Iceland, Montenegro and Turkey) and from the OECD are currently invited to the JTPF as observers.

The proper functioning of the group requires tax experts, experts in enterprise or in direct taxation which typically come from practitioners, such as tax authorities, tax directors of enterprises, tax attorneys or dedicated academic institutions, which explains the current composition.

A call for applications was published in 2002, 2006 and 2011. In 2002 TAXUD received 54 applications (23 from MNEs, 25 tax advisors and 6 from the academic world). In 2006 there were 44 applications (15 from MNEs, 27 tax advisors and 2 from the academic world). In 2011 there were 37 applications (17 from MNEs, 20 tax advisors and 0 from the academic world but 16 of the candidates had academic experience).

The call for applications from 2011 stated the need to strike a balance within the group of experts in terms of representation of relevant areas of expertise and areas of interest, gender and geographical origin of the applicants. Applying these principles resulted in the following outcome: the 16 members represent 12 EU nationalities; there are 6 female and 10 male experts; and there is a balance in the representation of the relevant areas of expertise and areas of interest – 8 work in consultancy and 8 in multinational enterprises.

In ten years of open calls the Commission has not received an application from civil society or NGOs. This might relate to the fact that the JTPF is not a policy group but aims to supplement the OECD transfer pricing guidelines with technical recommendations in order to avoid 27 different interpretations of the issue (and thus creating obstacles to the smooth functioning of the internal market).

Changes in the composition

Transfer pricing experts from non-governmental organisations have always been eligible to apply to become JTPF private sector members, but no such applications have ever been received. DG TAXUD is prepared to examine possible applications from interested NGOs or civil society groups, on the basis of a list of stakeholders to be provided by MEPs to SG.

Trade Contact Group (TCG) and TCG sub-group: 'Project Group to assist to the development of the Modernised Customs Code'

TCG provides a platform for consultations at Union level on the development and implementation of customs related issues and developments on customs policy. This platform gathers consequently representatives of international associations, whose members are involved in customs related activities at the European level, like customs service providers, logistics and industry representatives. The representatives are selected by the association itself, whose application for membership had been accepted according to the criteria referred to in the TCG terms of reference.

Information on the consultation process as well on the role, mandate, terms of reference and the list of TCG Members are published at the DG TAXUD Web Site under the link:http://ec.europa.eu/taxation_customs/customs/policy_issues/customs_trade_consultations/index_en.htm and on the Register of Commission Expert Groups and Other Similar Entities.

The composition can be seen as balanced since all stakeholders applying and meeting the general requirements are represented, which concerns currently around 45 associations.

The Mandate of TCG consists of exchanging views on and contribution to the electronic customs initiative, the Union Customs Code, the implementation of current and future legislation and development of customs policy.

Changes in composition

The applications for TCG membership are constantly reviewed. The European and World-wide associations which are members of the Trade Contact Group (TCG), represent and cover the interests of a wide range of consumers, trade and commerce, involved in international trade, due to the broad range of organisations, committees, confederations, federations and associated companies at national, European and World-wide level, which constitute the Members of TCG Associations.

DG TAXUD is ready to consider applications from potential new members.

Applications for membership to TCG is accepted according to:

- Criteria established according the TCG Terms of reference (under point IV: General Principles) as follows:

- *The Members of the TCG will be representatives of the main international associations involved in customs related activities at the European level.*

- Criteria established according to the Mandate and Working method of the TCG (Doc TAXUD/776/2002):

- *The members of the TCG are representatives of main associations covering importations/exportation issues at European level.*

Their mandate and working method:

- *Represent the views of economic operators on importation/ exportations issues.*
- *Cooperate closely with the Commission to the development of the electronic custom initiative.*
- *Contribute to the implementation of the electronic customs policy in co-operation with the Commission and Member States.*

TCG sub-group

Concerning the TCG sub-group 'Project Group to assist to the development of the Modernised Customs Code', mentioned in this list but not in the Expert Group Register: in the 'Terms of reference' for TCG, under point 'Customs 2013 Programme' page 7, last paragraph:

A separate list of groups is provided concerning groups outside the comitology and Customs 2013 Programme in which trade representatives can participate and will be invited to. Trade representation can be possible on the basis of permanent participation but also on a non-permanent but regular basis for example trade representatives will be invited to every other meeting of a project group. This latter option was used for the preparation of draft

implementing provisions and guidelines for the modernised customs code, where trade representatives participated in different working groups.

This sub-group was active in the past (until 2011), but is currently not active.

During the spring 2012, **DG CONNECT** addressed the composition of two groups, with a view to assessing whether their typically technical character could be supplemented by the participation of relevant civil society representatives: (1) the **Advisory Group – ICT Infrastructure for energy-efficient buildings and neighbourhoods for carbon-neutral cities** and (2) the **Expert group on the security and resilience of communication networks and information systems for smart grids.**

Concerning the first group, DG CONNECT’s initial intention was to open a call for applications in September 2012 with a view to expanding the group's membership to civil society representatives. It was then decided to include the members of this group in the Smart Cities Stakeholders Platform run by DG ENER (<http://www.eu-smartcities.eu/>). This will allow a better integration of smart cities-related activities while avoiding several redundant groups. The platform comprises at present three thematic Working Groups (Energy Supply Networks, Energy Efficiency in Buildings, Mobility and Transport). A fourth thematic Working Group dedicated to ICT-related aspects in smart cities will be established. This working group will include members coming from the Advisory Group – ICT Infrastructure for energy-efficient buildings and neighbourhoods for carbon-neutral cities ICT, as well as civil society representatives and other interested parties. One of the guiding principles of the Platform is openness - anyone can join the Platform and submit relevant content. The second group has finalised its work. DG CONNECT considered that it was no longer needed under the current format and that its activity would not continue.

DG MARKT conducted in 2011 a comprehensive review of all existing 'non-governmental' **expert groups providing advice in the area of financial services**, in order to rationalise the groups and to ensure that consumers, retail investors, SMEs and trade unions' representatives are represented. Six Expert Groups were abolished⁸. As a result five expert groups are still operational. One of them, the **Payment Market Systems Expert Group (PSMEG)**, was re-shaped to achieve a more balanced representation of concerned stakeholders. In terms of composition of the operational expert groups in the area of financial services, industry representatives account for 28% of total places (21% for members representing the financial services industry) while 50% of places are attributed to consumers, Trade Unions, SMEs and academics.

Concerns have also been raised that expert groups have on occasion been replaced by workshops dominated by corporate interests, as was alleged to have been the case when preparing the revision of the **Markets for Financial Instruments Regulation**. This was not the case. The six targeted roundtables on specific issues organised between December 2009 and January 2010 (in which all categories of stakeholders were represented) were part of the broadest possible consultation process for the review. Other consultation initiatives were: Open public consultation (4200 replies); Consultation of the Committee of European Securities Regulators (CESR) and the European Securities Committee (ESC); Public conference to assess the impact of MiFID after one year and a subsequent public hearing; two

⁸ The European Corporate Governance Forum, the Standards Advice Review Group, the Expert Group on Financial Education, the Group of Experts in Banking Issues, the Expert Group on Market Infrastructure, the Tax Barriers Business Advisory Group.

specific reports adopted by the European Securities Markets Expert Group (ESME) at the request of the Commission; two specific studies to collect data and assess costs and benefits of the review. All stakeholders representing the widest possible range of interests have thus been actively involved.

According to the complainants, the composition of the **Insolvency Law Group of Experts (ILEG)** was unbalanced. This group was closed in January 2013. DG MARKT recalls that the selection of the ILEG members was carried out in compliance with existing rules on the composition of expert groups. In particular, members were selected through an open selection process with a public call and a mandate for ILEG published on the DG MARKT website. The group was well balanced, as it included a good mixture of independent professionals (7/16), academics (1/16), representatives of regulators (6/16) and two banking sector representatives (2/16).

One year after the introduction of the euro cash, the Commission (**DG ECFIN**) and the European Central Bank decided to jointly set up a **Euro Cash Users Group (ECUG)**. This group took up a successful tradition of co-operation with representatives of the private sector on euro cash related issues. In the years prior to euro cash introduction, the Commission regularly held meetings with its consultative groups that discussed all practical aspects of the euro. Similar arrangements had been taken by the ECB with its third party meetings. ECUG was therefore deemed to continue the dialogue and to establish a forum for discussion and mutual information on issues related to the daily use of euro cash in the economy as payments, security features of banknotes and coins, handling and transportation.

ECUG was intended as an opportunity for experts in the field to raise issues of interest to them and to exchange of views with the Commission and the ECB, it being understood that the group is not and has never been consulted on legislative proposals.

MEMBERSHIP AND SCOPE

The Commission and the ECB decided that ECUG would include the banking sector, the vending industry, as well as representatives of the retailers, the cash in transit companies, small and medium sized enterprises and the consumers. The members are not individuals acting in a personal capacity, but organisations and associations coming from various areas and include both representatives of professional cash users and of consumers.

The criteria for inviting the different organisations and associations were linked to the need of an input from experts regarding the practical issues in the fields of payments, cash production, handling and distribution. These are very technical areas for which contribution from professionals actually involved in dealing with practical aspects in the field is needed. An expert group cannot cover all parts of society and should indeed be modulated according to the specific purposes of the discussions. This explains the extensive participation in ECUG of the banking and financial sector or the vending industry.

ECUG has always been open to new members. As an example, in 2005, EURICPA – European Cash Protection Intelligence asked for membership and was accepted.

Consumers have been taken into account from the beginning and are represented in ECUG by BEUC and EURO COOP. BEUC, the European Consumers' Organisation, represents 40 independent national consumer organisations from 30 European countries (EU, EEA and applicant countries). What is most significant is that all euro-area countries are BEUC members. EURO COOP is the European Community of Consumer Co-operatives, whose members are the national organisations of consumer co-operatives in 18 European countries and one non-European member. Euro Coop represents today over 4,500 local and regional co-operatives, the members of which amount to more than 30 million consumers across Europe. Consumer co-operatives are enterprises owned by consumers. Against this background European consumers are properly represented in ECUG.

The SMEs are represented in ECUG by UEAPME, which incorporates around 80 member organizations from 34 countries consisting of national cross-sectorial SME federations, European branch federations and other associate members, which support the SME family. It represents more than 12 million enterprises, which employ around 55 million people across Europe. This covering fits the need of representation of the SMEs in ECUG.

Consumers associations and SMEs have always been invited to ECUG's meetings but have not always attended. For example, in the last five years, BEUC and EURO COOP participated only twice at the meetings (2007 and 2011) and the UEAPME only once (2008).

It is understood that there are technical issues related to euro cash which are not discussed at ECUG meetings, as the group is essentially made up of technical experts in the field. For example, the blind and partially sighted people were consulted through the European Blind Union when the 8 denominations of euro coins were settled. Also, during changeovers of EU countries to the euro, different societal groups in the respective countries were also consulted.

Changes in composition

DG ECFIN is taking all the necessary steps to continue insuring a balanced composition and transparency of ECUG, such as:

1. ECUG continues to be open for new members possessing the relevant technical expertise and willing to respect confidentiality requirements. In this context, DG ECFIN is prepared to examine possible applications from interested NGOs or civil society groups, on the basis of a list of stakeholders to be provided by MEPs to the Commission.
2. In order to boost the visibility of ECUG, ECFIN is about to publish on the Europa website a presentation on the background, composition and role of the group.
3. Finally, as the consumer associations and the representatives of the SMEs are not always present at the meetings, DG ECFIN will contact them to verify whether they are still interested in participating in this group.

In spring 2012, the **Secretariat General** conducted a review of the **High Level Group on Administrative Burdens** to analyse if and how the balance of the Group could be improved. The mandate of the Group was extended on 5 December 2012, cf. COM (2012)8881. On 10 December 2012 a call for applications for membership of the Group was published for the replacement of six of the fifteen members who had resigned under the previous mandate. The deadline expired on 31 January 2013. The 20 applications (including six from NGOs and seven by women) are currently being analysed with a view to further improving both the gender balance and the balance of interests.

In its first meeting in 2013, this group adopted new rules of procedure to align them with the standard rules of procedure and to further improve transparency (e.g. publication of minority opinions alongside majority opinions).

The name of the group was changed from 'High Level Group of Independent Stakeholders on Administrative Burdens' to 'High Level Group on Administrative Burdens'. The register was updated accordingly.

With a view to modernising and adapting the consultation of stakeholders on horizontal aspects of the Common Fisheries Policy (CFP), **DG MARE** intends to ensure a new and leaner advisory framework. The mandate of the "Advisory Committee on Fisheries and Aquaculture" (ACFA) will be terminated in April 2013. The Commission considers that the issues covered by ACFA will be covered by the future Advisory Councils, which may meet altogether when necessary ('inter- Advisory Councils' meetings). Once the Regulation on the reformed Common Fisheries Policy is adopted, the role of the "Regional Advisory Councils" (RACs) – renamed Advisory Councils - will be reinforced to be adapted to a more decentralised framework; it is also envisaged to adapt the balance of stakeholder interests and to ensure adequate representation of small scale fishermen within the RACs. Most of these Advisory Councils are already largely functioning and the new ones will be created with the adoption of the new Basic Regulation.

The **two Advisory Groups** set up under the Research Fund for Coal and Steel, which are under the responsibility of DG RTD, are governed by a Council decision dating from 2008, which specifies the sectors that should be represented and affirms that the experts are present in a personal capacity. Following a Monitoring and Assessment exercise, which ended on 28 February 2013, the decision is due to be reviewed.

The outcome of the Monitoring and Assessment exercise (M and A exercise) implies that a revision to the legal basis should be carried out if the Programme Committee (PC) accepts the recommendations. This will be presented to the PC in April 2013. The RFCS legal basis foresees in Article 38 that the "M and A" exercise will publish the report by the end of 2013 and that a revision of the Technical Guidelines must be proposed at the latest in the first 6 months of 2014 (Article 40 of the legal basis).

After finalisation of the 'M and A exercise' in February, the conclusions will be presented to the Advisory Groups and Programme Committee in April 2013. A response to the recommendations for implementation will be prepared either immediately for those elements where no revision to the legal basis is required, or in 2014 for those where a revision to the legal basis is required. This will give sufficient time to carry out the consultation with stakeholders regarding a revision to the legal basis (Council Decision 2008/376/EC). A proposal to modify the legal basis will therefore be made by the end of 2013 to be submitted for opinion to the COSCO (programme committee) in April 2014. Subject to the approval of the Programme Committee, this modification would then be included in the 2014 legislative programme. This would then be consistent with the requirements of Article 40 of the Council decision. Re-appointment of the last Advisory Group members would therefore take place in 2014 immediately after the revision of the legal basis. This approach is consistent with Article 40 and the statement that it will be reviewed after the 'M and A exercise' concludes in 2013.

DG EAC will review the mandate and composition of all expert groups placed under its responsibility in the framework of the new programs on Education and Culture, as of 2014.

According to the complainants, the composition of **two groups** under the responsibility of **DG ENER** may currently be unbalanced.

Smart Grid Task Force (SGTF)

Relevant stakeholders in the Smart Grid arena are represented in the "Smart Grid Task Force" through their associations, which appoint their representatives among their members. This large range of stakeholders includes:

- Associations of Industry and Manufacturers
- Utilities (telecom, electricity and gas)
- Network operators (electricity networks and Telecom networks)
- Renewable energy associations and Environment protection NGO
- National regulators
- Consumers associations

The SGTF has always been and should continue to be a forum open to any stakeholders which could have an interest to participate and is not yet represented among the current members.

In terms of transparency, all documents produced were uploaded in the SGTF web site http://ec.europa.eu/energy/gas_electricity/smartgrids/taskforce_en.htm; this practice will continue in the future. In addition, once the group is published on the register of expert groups, a link from the Register to that web site will be ensured.

Comité Consultatif de l'Agence d'Approvisionnement de l'Euratom (Advisory Committee of the Euratom Supply Agency)

This group is neither a Commission expert group nor another similar entity. Therefore, in June 2012 the group was removed from the Register of expert groups. The Euratom Supply Agency (ESA) is not a Commission department. In accordance with Article 54, first paragraph, of the Euratom Treaty, ESA shall have legal personality and financial autonomy. The group's operating expenses (i.e. the travel expenses of the group's members) are borne by the ESA's budget, pursuant to Article 14, sixth and seventh paragraphs, of the 2008 Council Decision establishing the Agency's Statutes.

ESA does not draft or prepare any legislative acts. ESA's role is to apply the provisions of the Euratom treaty (Chapter 6 on nuclear fuel supply). Therefore, this group does not give any advice on legislative developments, but only helps to inform ESA about the nuclear fuel market situation. This group can be seen as a management board of any other Agency, but without any decision making power, because according to the Statutes of ESA it has only a consultative role.

In terms of transparency, the information about the role, membership and tasks of this group, is available on the ESA web site <http://ec.europa.eu/euratom> under the section Advisory Committee. The Statutes of ESA, adopted by the Council, contain a section on the Advisory Committee, where its role is defined; statutes are also available on DG ENER web page. The minutes of the meetings are not published. They are classified as EU restricted. Article 14, §5

of the of the Statutes of the Agency stipulates that "The members of the Committee shall be bound to secrecy in accordance with Article 194 of the Treaty in respect of all facts, information, knowledge or documents subject to a security grading which come into their possession or are communicated to them in their capacity as members of the Committee."

In order to improve the balance of the "Informal Expert Group with economic and social partners on assistance from Structural Funds" (E00003), **DG REGIO** set up a new group – "**Structured Dialogue with Civil Society Organisations**" (E02677) - extending membership to also include civil society as a whole. This group now includes members representing European NGOs, economic and social partners and associations representing local and regional authorities. The initial group (E00003) was closed in January 2013.

Due to lack of interest and low participation in recent years, in December 2012 **DG ESTAT** closed down the Expert Group "FEBI-FEBS-BUSINESSEUROPE-EUROCHAMBRES-INSEUROSTAT".

2. Groups where membership may need to be corrected on the Register

In 2012, following a screening of the groups including members appointed in a personal capacity, Commission services concluded that experts of 31 groups were incorrectly displayed on the Register as experts appointed in a personal capacity acting in the public interest, while in reality they were representatives of stakeholders or of the Member States. This was corrected between the spring and the summer 2012. The list of groups concerned was included in the state of play of 6 September 2012.

A new screening was carried out, on the basis of concerns raised by stakeholders, as conveyed by a number of MEPs to the Commission, according to which there are groups where members should be recognised as stakeholders and not as individual experts appointed in a personal capacity.

Groups under the responsibility of DG ENTR:

✓ **Mission Evolution Advisory Group (E02661)**

DG ENTR will correct by 31/03/2013 the type of membership for nine of the fifteen individuals appointed in a personal capacity; these nine experts work for EU institutions or national authorities. The other six members remain in a personal capacity, as they come from academia.

✓ **X01353 – Raw Materials Supply Group**

In this group no members are appointed in a personal capacity. Members are displayed as stakeholders.

✓ **E02470 – Key Enabling Technologies**

This group was closed in March 2012.

Groups under the responsibility of DG TAXUD:

✓ **VAT Expert Group (E02813)**

Le 10 janvier 2013 la DG TAXUD a informé 8 experts qui ont été désignés à titre personnel, ainsi que leurs suppléants, qu'ils ne pourraient plus continuer à participer aux travaux du VAT Expert Group à ce titre. La DG TAXUD a réunis les titulaires le 25 Janvier 2013 à Bruxelles pour leur exposer plus précisément les raisons de cette décision, répondre à leurs questions et voir les alternatives qui pourraient leur permettre de continuer à participer aux travaux, la solution la plus simple et transparente étant que les organisations pour lesquelles ils travaillent (leur entreprise ou une autre association pertinente dont ils seraient membres) ne deviennent elles-mêmes membres du groupe et qu'elles les nomment comme leurs représentants. La liste amendée sera publiée dans le registre des groupes d'experts. La revue de la composition de ce groupe devrait, donc, être achevée vers la mi-mars 2013.

✓ **Joint Transfer Pricing Forum (E0951)**

Private sector members were appointed by DG TAXUD amongst specialists with proven competence and practical day-to-day experience in transfer pricing, who have responded to the call for applications, in compliance with the Commission decision setting up the group. DG TAXUD recognises that, given the affiliation of these experts with business, they cannot continue to serve in a personal capacity. Letters will be sent to private sector experts explaining that, if they wish to remain as members, they must accept their new status as representatives of their employers.

Groups under the responsibility of DG CONNECT:

✓ **Information Society Technology Advisory Group (E01386)**

This group was closed in December 2012.

Concerning groups under the responsibility of DG MARE:

✓ **Technical Advisory Group (E02518)**

In this group no members are appointed in a personal capacity. Members are displayed as individuals representing a common interest or as organisations.

3. Transparency

It is alleged that there are other groups operating that are not included in the Register and that agendas and/or minutes are still missing for many groups. These claims have been investigated with the following results.

Groups under the responsibility of DG ENTR:

- ✓ E02773 - Commission Expert Group on Textile Names and Labelling – Minutes are currently being published.
- ✓ E01274 - Commission expert Group of Members States' TBT notification points – Minutes of the meeting hold in 2012 were published on 07/02/2013.
- ✓ E01699 – Accounting guide for SMEs expert group - The final report is published; since its last meeting in October 2011, the group did not convene, thus there are no other documents to be uploaded. The next session will take place in the coming months and relevant activity reports will be published.
- ✓ E01361 – Expert Group on Mainstreaming Corporate Social Responsibility (CSR) amongst SMEs – Closed in September 2007.
- ✓ E02073 – The FP7 Security Advisory Group – Closed in September 2012
- ✓ X01311 – Ad-hoc Advisory Group on Non-Annex I Products - Closed in December 2012.

Groups under the responsibility of DG MARKT:

The '**SEPA Council**' is not registered as an expert group in the Register of Commission Expert Groups and Other Similar Entities, because it does not have the formal status of a Commission expert group. The SEPA Council, an ad-hoc high-level governing body, was established in March 2010 in order to improve stakeholders' involvement in the whole governance of SEPA. It is a joint body of the European Central Bank and the Commission which do co-chair the SEPA Council without being members. Due to the fact that the SEPA Council is not a sole Commission project, but rather a joint project of the Commission and the European Central Bank, the rules of the 'Framework for Commission expert groups' and a formal set-up of the SEPA Council by a Commission Decision were not suitable. Against this background, it was decided at that time to set up the SEPA Council in an informal way as a '*sui generis*' forum.

Moreover, the SEPA Council can also not be considered as a Commission expert group, since its role and composition differ significantly from the rules of the Framework for Commission expert groups. According to Rule 3 of the Framework for Commission expert groups, the role of experts groups is to provide advice and expertise to the Commission inter alia in the context of legislative proposals, policy initiatives, delegated acts or implementation of legislation.

However, this is clearly not the case for the existing SEPA Council, which operates in a different way. The SEPA Council primarily serves as a platform for the demand and supply side to address issues referring to retail payments. As laid down in Article 1(2) of 'The SEPA Council: Description and Functioning', the tasks of the SEPA Council are (1) to promote the realisation for the SEPA vision and provide a strategic direction for EU retail payments; (2) to ensure accountability and transparency of the SEPA process; and (3) to monitor and support the SEPA migration process. The SEPA Council can provide non-binding recommendations

and guidance and issue statements addressed to the market. Therefore, the SEPA Council is not consulted by the Commission on legislative proposals or any other policy initiative. The SEPA Council is co-chaired by the Commission and the European Central Bank. Members of the SEPA Council are high-level representatives from the demand side (corporates, SMEs, retailers, consumers) and the supply side (banks, payment service providers) of the market which speak on behalf of the sector they represent. National Central Banks representing the Euro system do also participate in the SEPA Council.

In order to ensure transparency the SEPA Council publishes its meeting agendas, minutes and statements. These documents are available at the webpage of the European Commission (http://ec.europa.eu/internal_market/payments/sepa/council_en.htm) and of the European Central Bank (<http://www.ecb.int/paym/sepa/stakeholders/governance/html/index.en.html#council>).

The European Commission is currently reviewing the SEPA governance arrangements in place, including the role and composition of the SEPA Council, as it has been asked for by the European Parliament and the Council in recital 5 of the SEPA end-date Regulation [Regulation (EU) No 260/2012 of 14 March 2012]. The Commission will come forward with a Commission Communication on the 'Review of existing SEPA governance arrangements' in the summer 2013. This Communication aims at a clarified governance model which ensures a better balance of interests of the supply and the demand side. It will provide for a clearer and reinforced mandate for the SEPA Council in order to enhance its role and its work in the SEPA project. Moreover, the composition of the SEPA Council would be broadened and encompass new market players and an adequate representation of the demand side with the aim of having an adequate and balanced representation of the supply and demand side in the SEPA Council. The overall objective of the revised SEPA governance structure is to contribute to the creation of an integrated, competitive and innovative market for retail payments in euro in the EU and to ensure that the voice of all relevant market actors in the SEPA project is heard.

Groups under the responsibility of DG ENER:

Smart Grid Task Force (SGTF)

This group has worked on an informal basis since 2010 to facilitate discussions and promote consensus among all stakeholders regarding the deployment of smart grids.

Initially, it was not considered necessary to formally register this group. However, taking into account the results achieved so far, as well as potential future activities of the Task Force to advise the Commission while Member States are preparing the roll-out of smart meters as first steps towards smart grids, the Smart Grid Task Force will now be registered as a 'Commission Expert Group', according to the definition and rules set up by the Communication C(2010)7649.