



***INFORMAL COMMISSION EXPERT GROUP “TRADE CONTACT GROUP”***

TERMS OF REFERENCE

**1. BACKGROUND**

The Trade Contact Group (hereinafter ‘TCG’ or ‘the group’) was set up in 2002<sup>1</sup> by the Commission’s Directorate-General for Taxation and Customs Union (‘DG TAXUD’). The TCG provides a platform for consultation and discussion on customs and trade, at EU level, focusing on the development and implementation of customs-related issues and developments of customs policy. The TCG consultations are further complemented by targeted consultation actions at European and at national level.<sup>2</sup>

In 2016, the Commission Communication on developing the EU Customs Union and its governance<sup>3</sup> recognised the crucial role trade consultations play in drafting and implementing efficient customs procedures that safeguard both the national and the EU financial interest. It called for reinforced trade involvement in this process especially through joint meetings between the Commission, national customs administrations and traders, focusing on key aspects of the balance between trade facilitation, compliance needs and protection.

In the recent Customs Action Plan<sup>4</sup>, that aimed at ensuring a more coherent and stronger Customs Union, the Commission outlined the importance of working seamlessly with stakeholders. It also stressed the necessity of effective facilitation of legitimate trade for which trade consultations are indispensable.

The purpose of this document is to update the existing terms of reference of the TCG, in compliance with the Commission’s horizontal rules on expert groups<sup>5</sup> (‘the horizontal rules’).

**2. TASKS**

The group’s tasks shall be:

- (a) to provide entrepreneurs expertise to DG TAXUD in the preparation of legislative proposals and policy initiatives in the field of customs;
- (b) to assist DG TAXUD in the preparation of delegated acts;

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<sup>1</sup> For the mandate and working methods see Doc TAXUD/776/2002 of 23 September 2002

<sup>2</sup> The national consultations are foreseen by Art. 14 paragraph 2 of the Union Customs Code (Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code).

<sup>3</sup> COM(2016) 813 final of 21.12.2016

<sup>4</sup> COM(2020) 581 final of 28.9.2020

<sup>5</sup> C(2016) 3301.

- (c) to establish cooperation and coordination between the Commission and stakeholders on questions relating to the implementation of Union legislation, programmes and policies in the field of customs;
- (d) to assist DG TAXUD in the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) N°182/2011;
- (e) to bring about an exchange of experience, good business practice and knowledge of international trade and supply chains in the field of customs.

The group's members, which shall be trade and business associations, should take a pro-active information-dissemination role to their members and beyond. The group should be the main exchange forum between the actual business environment and the Commission's policy makers.

### 3. CONSULTATION

DG TAXUD may consult the group on any matter relating to customs and trade.

### 4. MEMBERSHIP

1. Members shall be European and/or international trade and business associations ('organisations' within the meaning of the horizontal rules<sup>6</sup>).
2. The number of members may vary over time, depending on the work to be performed and the necessity to ensure the smooth functioning of the group, as assessed by DG TAXUD.
3. Members shall not represent an individual stakeholder, but a policy orientation common to different stakeholder organisations.
4. DG TAXUD shall request member organisations to nominate their permanent representatives in the group and its sub-groups, as well as deputy representatives who will attend meetings only in the absence of the permanent representatives. Where necessary, members may appoint representatives on an *ad hoc* basis, in light of the group's meeting agenda. Members shall be responsible for ensuring that all their representatives provide a high level of expertise.
5. DG TAXUD may refuse the nomination by an organisation of a representative if it considers this nomination inappropriate in the light of the requirements specified in the continuously open call for applications used to select the group's members referred to in point 5. In such case, the organisation concerned shall be asked to appoint another representative.
6. Members which are no longer capable of contributing effectively to the expert group's deliberations, which, in the opinion of DG TAXUD do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or which resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

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<sup>6</sup> C (2016) 3301, Art. 7, point 2(c)

## **5. SELECTION PROCESS**

1. The selection of the group's members shall be carried out *via* a continuously open public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed.
2. Registration in the Transparency Register is required in order for organisations to be appointed.
3. The members of the group shall be appointed by the Director General of DG TAXUD from applicants with competence in the areas referred to in point 2 and who have responded to the call for applications.
4. Members shall be appointed for five years. They shall remain in office until replaced under the conditions indicated in point 4.6 or until the end of their term of office. Their term of office may be renewed.

## **6. CHAIR**

The group shall be chaired by a representative of DG TAXUD.

## **7. OPERATION**

1. The group shall act at the request of DG TAXUD in compliance with the horizontal rules.<sup>7</sup>
2. Meetings of the group shall, in principle, be held on Commission premises. In case of special circumstances, meetings shall be organised via video-conferences.
3. DG TAXUD shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG TAXUD the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

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<sup>7</sup> See Article 13.1 of the horizontal rules.

7. As a general rule, working documents will be drafted in English and meetings will be also conducted in English.

## **8. SUB-GROUPS**

1. DG TAXUD may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG TAXUD. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with point 5 and the horizontal rules.<sup>8</sup>

## **9. INVITED EXPERTS**

DG TAXUD may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.

## **10. OBSERVERS**

1. Individuals and organisations may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and sub-groups.

## **11. RULES OF PROCEDURE**

On a proposal by and in agreement with DG TAXUD the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules.<sup>9</sup>

## **12. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION**

The members of the group and their representatives (as well as invited experts and observers) are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>10</sup> and 2015/444.<sup>11</sup> Should they fail to respect these obligations, the Commission may take all appropriate measures.

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<sup>8</sup> See Articles 10 and 14.2 of the horizontal rules.

<sup>9</sup> See Article 17 of the horizontal rules.

<sup>10</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>11</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

### 13. TRANSPARENCY

1. The group and sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As concerns the group and its sub-groups composition, the following data shall be published on the Register of expert groups
  - (a) the name of member organisations; the interest represented shall be disclosed;
  - (b) the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available on the Register of expert groups or *via* a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, DG TAXUD shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001.<sup>12</sup>

### 14. MEETING EXPENSES

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall not be reimbursed by the Commission.

Done in Brussels, on [date].

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<sup>12</sup> These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.