

ANNEX 4

RULES OF PROCEDURES

Standard rules of procedure for expert groups

RULES OF PROCEDURE OF THE GROUP OF EXPERTS ON EU Customs Certificate of Recognition for Customs Bachelor and Master's

THE GROUP EU Customs Certificate of Recognition for Customs Bachelor and Master's - Assessment Board,

Having regard to the creation of the group by DG TAXUD,

Having regard to the standard rules of procedure of expert groups¹,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Point 1

Operation of the group

The group shall act at the request of DG TAXUD. The group shall act at the request of its chairman with the agreement of DG TAXUD².

Point 2

Convening a meeting

1. Meetings of the group are convened by the Chair, with the agreement of DG TAXUD either on its own initiative, or at the request of a simple majority of members after DG TAXUD has given its agreement.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the group shall be held on Commission premises.

Point 3

Agenda

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

Point 4

Documentation to be sent to group members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than thirty calendar days³ before the date of the meeting.
2. The secretariat shall send documents on which the group is consulted to the group members no later than fourteen calendar days⁴ before the date of the meeting.

¹ C(2016) 3301 (Annex 3).

² To be deleted as required.

³ To be adapted as required.

⁴ To be adapted as required.

3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in paragraphs 1 and 2 may be reduced to five calendar days before the date of the meeting⁵.

Point 5

Opinions of the group

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus.
2. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports⁶.

Point 6

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 the DG TAXUD. Sub-groups shall operate in compliance with the Commission's horizontal rules on expert groups ('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 the horizontal rules⁷.

Point 7

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.

Point 8

Observers

1. Individuals/organisations/public entities other than Member States' authorities⁸ may be granted an observer status, in compliance with the horizontal rules, by direct invitation/as a result of a call for applications⁹.
2. Organisations/public entities¹⁰ appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, [they shall not have voting rights]¹¹ and shall not participate in the formulation of recommendations or advice of the group.

⁵ To be adapted as required.

⁶ To be inserted, if vote is foreseen.

⁷ C(2016) 3301, Articles 10 and 14.2.

⁸ To be inserted as required.

⁹ To be deleted as required.

¹⁰ To be inserted as required.

¹¹ To be inserted if vote is foreseen.

Point 9

Written procedure

1. If necessary, the group's opinion or recommendation on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the document(s) on which the group is being consulted.
2. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

Point 10

Secretariat

DG TAXUD shall provide secretarial support for the group and any sub-groups.

Point 11

Minutes of the meetings

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.

Point 12

Attendance list

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list also specifying, where appropriate, the organisations, Member States' authorities or other public entities to which the participants belong.¹²

Point 13¹³

Conflicts of interest

1. The chair of each expert group or sub-group shall, at the first meeting of each calendar year, remind all members appointed in a personal capacity of their obligation to promptly inform DG TAXUD of any relevant change in the information previously provided, including as regards upcoming activities, in which case they must immediately submit a newly completed declaration of interests describing the change, in order to enable the Commission / DG TAXUD to assess it in due course, in compliance with the horizontal rules.
2. Should a conflict of interest in relation to an expert appointed in a personal capacity arise, DG TAXUD shall take all appropriate measures, in compliance with the horizontal rules¹⁴.
3. Conflicts of interest shall be reported in writing, e.g. in the minutes of the group's meeting. Information registered must be adequate, relevant and not going beyond what is necessary for the purpose of the management of the conflict of interest.

¹² The names of the representatives of organisations, Member States' authorities or other public entities may be included only subject to their prior freely given, specific, informed and unambiguous consent, in compliance with Article 3(15) and Article 7 of Regulation 2018/1725.

¹³ This point is to be inserted only if the group includes experts appointed in a personal capacity.

¹⁴ C(2016) 3301, Article 11.

Point 14

Correspondence

1. Correspondence relating to the group shall be addressed to DG TAXUD, for the attention of the Chair.
2. Correspondence for group members shall be sent to the e-mail address which they provide for that purpose.

Point 15

Transparency¹⁵

1. The group [and sub-groups]¹⁶ shall be registered on the Register of expert groups.
2. As concerns the group composition, the following data shall be published on the Register of expert groups:
 - (a) the name of individuals appointed in a personal capacity;
 - (b) the name of individuals appointed to represent a common interest; the interest represented shall be disclosed;
 - (c) the name of member organisations; the interest represented shall be disclosed;
 - (d) the name of other public entities;
 - (e) the name of observers;
 - (f) the name of Member States' authorities¹⁷;
 - (g) the name of third countries' authorities¹⁸;
 - (h) the name of [organisations' representatives/ Member States' representatives/ other public entities representatives...] ¹⁹.
3. DG TAXUD shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, either 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

¹⁵ To be adapted as required, in compliance with Commission Decision C(2016) 3301. Individuals who do not wish to have their names disclosed may submit a request to the responsible DG for a derogation from this rule. A derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the individual, in particular where disclosure of the experts' name could endanger their security or integrity.

¹⁶ To be inserted as required.

¹⁷ To be inserted as required. According to the horizontal rules, it is not mandatory to publish the name of the Member States' authorities, see Article 23.1 (b).

¹⁸ To be inserted as required. According to the horizontal rules, it is not mandatory to publish the name of the third countries' authorities, see Article 23.1 (b).

¹⁹ To be inserted as required. According to the horizontal rules, it is not mandatory to publish the name of these representatives, see Article 23.1 (c). The name of the representatives may be published only subject to their prior freely given, specific, informed and unambiguous consent, in compliance with Article 3(15) and Article 7 of Regulation 2018/1725.

protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001²⁰.

Point 16

Access to documents

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001²¹.

Point 17

Deliberations

In agreement with TAXUD, the group may, by simple majority of its members, decide that deliberations shall be public.

²⁰ 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.

²¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

