

COMMISSION DECISION**of 2 November 2010****setting up the European Multi-Stakeholder Forum on Electronic Invoicing (e-invoicing)**

(2010/C 326/07)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) The Europe 2020 strategy, as set out in the communication from the Commission entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth', sets out a vision of Europe's social market economy for the 21st century enjoying the full economic and social benefits of a digital society.
- (2) One of the flagship initiatives of the Europe 2020 strategy, set out in the communication from the Commission entitled 'A Digital Agenda for Europe' ⁽¹⁾, gives a prominent role to achieving a single digital market by removing the regulatory and technical barriers which prevent citizens from reaping its full benefits.
- (3) Due to the close link between invoicing and payment processes, the creation of the Single Euro Payments Area (SEPA) offers a launch pad for interoperable European e-invoicing schemes. Those schemes can benefit to enterprises and financial service providers through improved efficiency and automation of supply chains.
- (4) Council Directive 2006/112/EC on the common system of value added tax ⁽²⁾ requires Member States, as of 1 January 2013, to adhere to the principle of equal treatment between paper and e-invoices.
- (5) The communication ⁽³⁾ from the Commission entitled 'Reaping the benefits of electronic invoicing for Europe' proposes the establishment of a European multi-stakeholder forum to assist the Commission in coordinating actions at Member States level and identifying measures at Union level to facilitate the mass adoption of e-invoicing.
- (6) It is therefore necessary to set up a group of experts in the field of e-invoicing and to define its tasks and its structure.
- (7) The group's main task will be to monitor the uptake of e-invoicing and to help to develop the e-invoicing market

across the Member States. It should liaise with national multi-stakeholder fora and pay particular attention to cross border aspects of e-invoicing and the uptake of e-invoicing by small and medium-sized enterprises.

- (8) The European multi-stakeholder e-invoicing forum should be composed of members from national fora and representatives of European associations from the users' community, the European Committee for Standardisation (CEN), the European Central Bank (ECB) and the Article 29 Data Protection Working Party.
- (9) Rules on disclosure of information by members of the Forum should be provided for, without prejudice to the Commission's rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom ⁽⁴⁾.
- (10) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽⁵⁾.
- (11) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

*Article 1***Subject matter**

The European Multi-Stakeholder Forum on Electronic Invoicing (e-invoicing), hereinafter referred to as 'the Forum', is hereby set up.

*Article 2***Tasks**

1. The Forum's task shall be:
 - (a) to assist the Commission in the monitoring of the development of the e-invoicing market and the e-invoicing adoption level in industry and services sectors across the Member States;

⁽¹⁾ COM(2010) 45.⁽²⁾ OJ L 347, 11.12.2006, p. 1.⁽³⁾ COM(2010) 712.⁽⁴⁾ OJ L 317, 3.12.2001, p. 1.⁽⁵⁾ OJ L 8, 12.1.2001, p. 1.

- (b) to bring about an exchange of experience and good practice that facilitates the emergence of interoperable e-invoicing solutions;
- (c) to point out problems encountered in particular as regards cross-border transactions and propose appropriate solutions;
- (d) to support and monitor work leading to the adoption of a e-invoice standard data model.

2. In carrying out its tasks, the Forum shall take account of the results of previous activities, existing work and solutions, in particular concerning the legal environment, business requirements and technical standards, in the domain of e-invoicing in the public and private sector.

Article 3

Consultation

The Commission may consult the group on any matter relating to:

- (a) other legislative initiatives that should be taken at Union level to address remaining barriers for the uptake of e-invoicing;
- (b) business processes in the financial supply chain that could facilitate the roll-out of e-invoicing, in particular in the field of payments and the Single Euro Payments Area (SEPA);
- (c) national and European actions supporting the adoption of e-invoicing, in particular by small and medium-sized enterprises.

Article 4

Composition

The Forum shall be composed of 63 members:

- (a) two members per national multi-stakeholder forum;
- (b) six members of European associations representing consumers, small and medium-sized enterprises and large corporates;
- (c) one representative from each of the European Committee for Standardisation (CEN), the European Central Bank (ECB) and the Article 29 Data Protection Working Party ⁽¹⁾.

Article 5

Membership — Appointment

1. The Commission shall appoint the members of the Forum in accordance with the following:

- 1. the members referred to in Article 4(a) shall be appointed on the basis of the proposals by the Member States. These members are appointed as representing the national multi-stakeholder forum;

- 2. the members referred to in Article 4(b) shall be appointed to represent the organisations mentioned in Article 4(b); the Commission Services will ensure balanced representation amongst these stakeholder groups;

- 3. the representatives referred to in Article 4(c) shall be appointed on the basis of the respective proposals of CEN, the ECB and the Article 29 Data Protection Working Party.

- 2. The members are appointed for three years.

- 3. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in paragraph 1 of this Article, or Article 339 of the Treaty, may be replaced for the remainder of their term of office.

- 4. The names of the Members referred to in Article 4 shall be published in the Register of Commission expert groups and other similar entities.

- 5. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 6

Operations

- 1. The Forum shall be chaired by a representative of the Commission.

- 2. The Commission's representative may invite experts on an ad hoc basis from outside the Forum with specific competence on a subject on the agenda to participate in the work of the Forum. In addition, the Commission's representative may give observer status to individuals, organisations as defined in Rule 8(3) of the horizontal rules on expert groups and candidate countries.

- 3. Members of the Forum, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Decision 2001/844/EC, ECSC, Euratom. Should they fail to respect these obligations, the Commission may take all appropriate measures.

- 4. The meetings of the Forum shall be held on Commission premises. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend the meetings of the Forum.

⁽¹⁾ Directive 95/46/EC (OJ L 281, 23.11.1995, p. 31).

5. The Forum shall adopt any necessary rules of procedures on the basis of the standard rules of procedures adopted by the Commission.

6. The Commission publishes relevant information on the activities carried out by the Forum either by including it in the Register or via a link from the Register to a dedicated website.

7. At the end of the mandate of the Forum, the Commission shall prepare a report on the progress achieved by the Forum. That report shall be made available to the public.

Article 7

Meeting expenses

1. Participants in the activities of the Forum shall not be remunerated for the services they render.

2. Travel and subsistence expenses incurred by participants in the activities of the Forum shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 8

Applicability

This Decision shall apply until 31 December 2013.

Done at Brussels, 2 November 2010.

For the Commission

Michel BARNIER

Member of the Commission
