

COMMISSION DECISION
of 29 August 2011
setting up a Payment Systems Market Expert Group
(2011/C 253/04)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) One of the main objectives of the Union is to ensure the proper functioning of the internal market, of which payment services are an essential part. In a context of rapid innovation and technological progress, it is important for the internal market to have sound, user-friendly, efficient and secure payment systems, for the benefit of service providers and users alike.
- (2) In accordance with the better regulation principles, the Commission attaches great importance to properly consulting relevant stakeholders, in particular payment service providers and users, including consumers and other representatives of civil society, in developing policy regarding payment systems. For this purpose, the Commission may need to call upon the expertise of specialists in an advisory body.
- (3) A group of experts in the field of payment systems has therefore been set up by Commission Decision 2009/72/EC⁽¹⁾.
- (4) As stated in its White Paper on Financial Services Policy 2005-2010, the Commission attaches high importance to having the views of users adequately represented in the course of developing and implementing policy. Therefore, the Group should enable the views of relevant interested parties to be represented appropriately. The Commission considers that the current composition of the Group is not sufficiently reflecting the views of users, in particular consumers. The establishment of the Group is therefore re-cast to better balance representation between payment service providers and users and to increase the number of members representing consumers.
- (5) The Group should be composed of individuals with the requisite expertise in the area of payment systems. It should, however, be limited to representatives of private stakeholders, since public authorities and central banks have their own consultative group in the field of payment systems.
- (6) The Group should assist the Commission in the preparation and in the implementation of policy regarding payment systems.
- (7) Rules on disclosure of information by members of the Group should be provided for, without prejudice to the rules on security annexed to the Commission's Rules of Procedure by Decision 2001/844/EC, ECSC, Euratom⁽²⁾.
- (8) 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⁽³⁾ governs the processing of personal data carried out within the framework of the Group.
- (9) Commission Decision 2009/72/EC of 15 December 2008 setting up a Payment Systems Market Expert Group should be repealed.
- (10) It is appropriate to fix a period of application of this Decision. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

A Payment Systems Market Expert Group (hereinafter referred to as 'the Group') is hereby set up.

Article 2

Task

The task of the Group shall be:

1. to assist the Commission in the preparation of legislative acts or policy initiatives regarding payment systems, including fraud prevention issues related to the payment industry and users;
2. to provide insight concerning the practical implementation of that policy;
3. to exchange views on up-to-date best practices and ensure monitoring of potential issues of concern for the market.

⁽¹⁾ OJ L 24, 28.1.2009, p. 15.

⁽²⁾ OJ L 317, 3.12.2001, p. 1.

⁽³⁾ OJ L 8, 12.1.2001, p. 1.

*Article 3***Consultation**

The Commission may consult the Group on any matter regarding payment systems, including fraud prevention issues related to the payment industry and users.

*Article 4***Membership — Appointment**

1. The Group shall be composed of a maximum of 40 members.

2. Members shall be appointed by the Commission from among specialists with competence in the areas referred to in Article 2(1) and who have responded to a call for applications. Members shall either be individuals with an academic background or recognised expertise in the areas referred to in Article 2(1) or represent any of the following:

- (a) the payment services industry, including companies, their employees' representatives and associations;
- (b) payment users, including companies, associations and consumers;
- (c) private bodies closely involved in the prevention of payment fraud.

3. Members shall represent in balanced proportions the payment services industry and the users of payment services. At least 15 members of the Group shall represent users of payment services, seven of whom shall represent consumers. At least 15 of the Group's members shall represent the payment services industry. Academics and members of private bodies involved in the prevention of payment fraud shall also be represented in the Group.

4. Members representing the payment services industry, payment users or private bodies involved in the prevention of payment fraud shall be appointed as individuals representing a common interest in supporting user-friendly, efficient and secure payment systems. Members with an academic background or recognised expertise shall be appointed as individuals in a personal capacity.

5. Members shall be appointed for four years. They shall remain in office until their replacement or the end of their mandate.

6. Provision may be made for the same number of alternates as members to be appointed. Alternates shall be appointed on the same terms as members; alternates shall automatically replace any members who are absent or indisposed. Applicants who have been deemed suitable but have not been appointed may be placed on a reserve list ('the List'), which the Commission may use to appoint replacements.

7. 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 2 of this Article, or Article 339 of the Treaty, may be replaced for the remainder of their term of office with a member appointed by the Commission. The Commission may use the List to appoint replacements.

8. Members appointed in a personal capacity shall act independently and in the public interest.

9. The names of individuals representing an interest or appointed in a personal capacity shall be published in the Register of Commission expert groups and other similar entities.

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

*Article 5***Operation**

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

2. In agreement with the Commission, sub-groups may be set up to examine specific questions under terms of reference established by the Group; such sub-groups shall be disbanded as soon as they have completed their assignments.

3. The representative of the Commission may invite experts and observers with specific knowledge to participate in the work of the Group and of the sub-groups.

4. Information obtained by participating in the Group's or a sub-group's deliberations may not be divulged if the Commission says that this relates to confidential matters.

5. The Group and its sub-groups shall usually meet on Commission premises, in the form and according to the timetable determined by the Commission. The Secretariat of the Group shall be provided by the Commission. Commission officials with an interest in the area may attend meetings of the Group and its sub-groups.

6. The Group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

7. The Commission may publish on the internet, in the original language of the document concerned, any summary, conclusion, partial conclusion or working document of the Group.

*Article 6***Meeting expenses**

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

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

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

Article 7

Repeal

Decision 2009/72/EC is repealed.

Article 8

Applicability

This Decision shall apply until 31 December 2015.

Done at Brussels, 29 August 2011.

For the Commission

Michel BARNIER

Member of the Commission
