



C/2024/2348

27.3.2024

COMMISSION DECISION

of 22 March 2024

amending Commission Decision 2011/C 135/03 as regards its applicability, the tasks of the European ITS Advisory Group and the transparency of its operation

(C/2024/2348)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

- (1) The European Intelligent Transport Systems (ITS) Advisory Group was set up by Commission Decision 2011/C 135/03 ⁽²⁾. That Decision applies until 27 August 2017. As Directive 2010/40/EU does not specify any time limitation for the Advisory Group, it is necessary to remove that limitation and it is not appropriate to specify any time limitation.
- (2) Commission Decision C(2016) 3301 final ⁽³⁾ establishes horizontal rules on the creation and operation of Commission expert groups, including a template for decisions setting up expert groups. Therefore, Decision 2011/C 135/03 should comply with Decision C(2016) 3301 final.
- (3) Article 4a(1) of Directive 2010/40/EU, as amended by Directive (EU) 2023/2661 of the European Parliament and of the Council ⁽⁴⁾, requires the Commission to consult the European ITS Advisory Group and relevant stakeholders before adopting an implementing act establishing a working programme. Therefore, it is appropriate to set out a new task of the European ITS Advisory Group in Decision 2011/C 135/03.
- (4) It is therefore necessary to amend Decision 2011/C 135/03 to include that new task, to ensure it complies with the requirements of Decision C(2016) 3301 and to remove the time limit on its applicability,

HAS DECIDED AS FOLLOWS:

Sole Article

Decision 2011/C 135/03 is amended as follows:

(1) Article 2 is amended as follows:

(a) point (c) is replaced by the following:

‘(c) to bring about an exchange of experience and good practice related to the deployment and operation of ITS;’

(b) the following point (d) is added:

⁽¹⁾ OJ L 207, 6.8.2010, p. 1, ELI: <http://data.europa.eu/eli/dir/2010/40/oj>.

⁽²⁾ Commission Decision 2011/C 135/03 of 4 May 2011 on setting up the European ITS Advisory Group (OJ C 135, 5.5.2011, p. 3).

⁽³⁾ Commission Decision C(2016) 3301 of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups.

⁽⁴⁾ Directive (EU) 2023/2661 of the European Parliament and of the Council of 22 November 2023 amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 2023/2661, 30.11.2023, p. 10, ELI: <http://data.europa.eu/eli/dir/2023/2661/oj>).

‘(d) to assist the Commission in drawing up the working programmes to be adopted by the Commission in accordance with Directive 2010/40/EU.’;

(2) Article 4 is amended as follows:

(a) in paragraph 3, the following subparagraphs are added:

‘The call for applications shall be published on the Register of Commission expert groups and other similar entities. The call for applications shall clearly outline the selection criteria, including required expertise in relation to the work to be performed. The minimum deadline for applications shall be 4 weeks.

Registration in the Transparency Register shall be required for the appointment of individuals representing a common interest and organisations.’;

(b) paragraphs 7 and 8 are deleted;

(3) Article 5 is amended as follows:

(a) paragraph 5 is replaced by the following:

‘5. The meetings of expert groups and sub-groups shall be held on Commission premises or virtually, as necessary. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the European ITS Advisory Group and its sub-groups.’;

(b) the following paragraph 8 is added:

‘8. As far as possible, 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 a 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.’;

(4) the following Articles 5a and 5b are inserted:

‘Article 5a

Professional secrecy and handling of classified information

The members of the group and sub-groups, 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 (*) and (EU, Euratom) 2015/444 (**). Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 5b

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 composition of the group and sub-groups, 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.

3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available 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, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be possible 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) No 1049/2001 (**).

(*) Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41, ELI <http://data.europa.eu/eli/dec/2015/443/oj>).

(**) 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, ELI <http://data.europa.eu/eli/dec/2015/444/oj>).

(***) 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, ELI <http://data.europa.eu/eli/reg/2001/1049/oj>).;

(5) Article 7 is deleted.

Done at Brussels, 22 March 2024.

For the Commission
Adina VĂLEAN
Member of the Commission