

**COMMISSION DECISION**  
**of 17 June 2016**  
**setting up the High Level Expert Group on Information Systems and Interoperability**  
(2016/C 257/03)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) With a view to structurally improve the Union's data management architecture for border control and security in particular by addressing the current shortcomings and knowledge gaps of information systems at Union level, in accordance with the Communication from the Commission to the European Parliament and the Council entitled 'Stronger and Smarter Information Systems for Borders and security' <sup>(1)</sup>, the Commission needs to call upon the expertise of high level experts in an advisory body.
- (2) It is therefore necessary to set up a group of high level experts in the field of Information Systems and Interoperability and to define its tasks and its structure.
- (3) The group should help to develop a joint strategy to make data management in the Union more effective and efficient, in full respect of data protection requirements, to better protect its external borders and enhance its internal security. The group should take a broad and comprehensive perspective on border management and law enforcement, taking into account the relevant customs authorities' roles, responsibilities and systems.
- (4) The group should be composed of the Member States' competent authorities, the competent authorities from the associated members of the Schengen Area which are not members of the European Union, the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the European Union Agency for Fundamental Rights (FRA), the European Asylum Support Office (EASO), the European Police Office (Europol) and the Counter-Terrorism Coordinator (CTC).
- (5) Rules on disclosure of information by members of the group should be laid down.
- (6) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>(2)</sup>.
- (7) This Decision should apply until 31 December 2017. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

*Article 1*

**Subject matter**

The High Level Expert Group on Information Systems and Interoperability ('the group') is hereby set up.

*Article 2*

**Tasks**

The tasks of the group shall be:

- (a) to give advice and assist the Commission in order to achieve the interoperability and interconnection of information systems and data management for border management and security;

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<sup>(1)</sup> Commission Communication of 6 April 2016 on Stronger and Smarter Information Systems for Borders and Security — COM(2016) 205.

<sup>(2)</sup> 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 (OJ L 8, 12.1.2001, p. 1).

- (b) to develop an overall strategic vision on the interoperability and interconnection of information systems and on a more effective and efficient data management for border management and security in the Union, including suggestions of concrete follow up actions for the Commission for the short, medium and long term to better protect its external borders and enhance its internal security through enhanced information sharing;
- (c) to establish cooperation and coordination between the Commission and Member States on questions relating to the implementation of Union legislation on the interoperability and interconnection of information systems and data management for border management and security in the Union.

#### Article 3

##### **Membership**

1. The group shall be composed of Member States' competent authorities, the competent authorities from the associated members of the Schengen Area which are not members of the European Union, the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the European Union Agency for Fundamental Rights (FRA), the European Asylum Support Office (EASO), the European Police Office (Europol) and the Counter-Terrorism Coordinator (CTC).
2. The members of the group shall nominate high level representatives. Each of the high level representatives may be accompanied by one expert in information exchange in order to ensure a high level of technical expertise.

#### Article 4

##### **Chair**

The group shall be chaired by the Director-General of Directorate-General for Migration and Home Affairs of the Commission.

#### Article 5

##### **Operation**

1. The group shall act at the request of its chairman in compliance with the Commission's horizontal rules for expert groups ('the horizontal rules')<sup>(1)</sup>.
2. The meetings of the group shall, in principle, be held in Brussels.
3. The Directorate-General for Migration and Home Affairs of the Commission ('DG HOME') shall provide secretarial services. Commission officials from other directorates with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG HOME, 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 shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

#### Article 6

##### **Sub-groups**

1. DG HOME may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the Commission. 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 the group shall nominate representatives for each subgroup.

<sup>(1)</sup> C(2016) 3301.

*Article 7***Invited experts**

The chairman of the group 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.

*Article 8***Observers**

1. Individuals, organisations and public bodies may be granted an observer status, in compliance with the horizontal rules, by direct invitation from the Chair.
2. Organisations/public entities 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 and shall not participate in the formulation of recommendations or advice of the group.

*Article 9***Rules of procedure**

On a proposal by and in agreement with DG HOME 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.

*Article 10***Professional secrecy and handling of classified information**

Members of the group and their representatives, 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 Union classified information laid down in Commission Decisions (EU, Euratom) 2015/443 <sup>(1)</sup> and 2015/444 <sup>(2)</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

*Article 11***Transparency**

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As concerns composition, the name of the members, including the Member States' authorities, as well as of the observers shall be published on the Register of expert groups.
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 that 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 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) No 1049/2001 of the European Parliament and of the Council <sup>(3)</sup>.

*Article 12***Meeting expenses**

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.

<sup>(1)</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>(2)</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).

<sup>(3)</sup> 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).

2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the rules applied by the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

*Article 13*

**Applicability**

This Decision shall apply until 31 December 2017.

Done at Brussels, 17 June 2016.

*For the Commission*

Dimitris AVRAMOPOULOS

*Member of the Commission*

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