

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

RULES OF PROCEDURE

of 21 October 2016

of the Advisory Committee for the Coordination of Social Security Systems

(2016/C 461/05)

THE ADVISORY COMMITTEE FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS SET UP BY ARTICLE 75(1) OF REGULATION (EC) No 883/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 29 APRIL 2004 ON THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 75 of Regulation (EC) No 883/2004,

Having regard to the standard rules of procedure of expert groups set out in Annex 3 to Commission Decision C(2016) 3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups,

In order to enable the Advisory Committee to fulfil the tasks conferred upon it by Article 75(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾ and by Article 89(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽²⁾,

Acting in accordance with the conditions laid down in the third subparagraph of Article 75(1) of Regulation (EC) No 883/2004,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE OF THE ADVISORY COMMITTEE BY AN ABSOLUTE MAJORITY OF ITS MEMBERS:

Article 1

Frequency of meetings, convening and draft agenda

1. The Advisory Committee shall meet at least once each year.
2. The Chair shall notify each member and alternate member of the date of a meeting not less than 4 weeks before the date thereof. He/she shall simultaneously send them the draft agenda comprising the items to be examined. He/she shall, as far as possible at the same time, make any preparatory documents available to them.
3. In cases of urgency, the Chair may curtail the period of 4 weeks referred to in paragraph 2, but shall in no case give less than 2 weeks' notice.
4. If at least one third of the members of the Advisory Committee submit a written application, accompanied by concrete proposals concerning the agenda, that the Advisory Committee be convened, the Chair shall comply with the request within 3 weeks in accordance with paragraph 2.
5. The draft agenda shall include matters falling within the competence of the Advisory Committee:
 - (a) which are proposed by the Chair; or
 - (b) for which a request for inclusion on the draft agenda and the relevant documentation, submitted by one or more members, have reached the Chair in writing not less than 10 days before the meeting. In this case the Chair must immediately bring such a request to the notice of the other members and alternate members of the Advisory Committee.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1, as lastly amended by Commission Regulation (EU) No 1368/2014 of 17 December 2014 (OJ L 366, 20.12.2014, p. 15).

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

*Article 2***Place of meetings**

As a general rule, the Advisory Committee and the working parties set up under Article 9 shall hold their meetings at the seat of the European Commission.

*Article 3***Agenda**

1. At the beginning of a meeting, the Advisory Committee shall approve the agenda which shall consist of the items included on the draft agenda referred to in Article 1(5) and any other items falling within the competence of the Advisory Committee, proposed by the Chair.
2. During a meeting, any member may propose the inclusion of an item on the agenda for the subsequent meeting. At the beginning of this subsequent meeting, the Advisory Committee shall decide whether to include the proposed item on the agenda.

*Article 4***Attendance at meetings**

Besides the Chair and the members appointed in accordance with the first subparagraph of Article 75(1) of Regulation (EC) No 883/2004, the following persons may attend the meetings of the Advisory Committee:

- (a) alternate members appointed in accordance with the second subparagraph of Article 75(1) of Regulation (EC) No 883/2004; they shall participate in the proceedings referred to in Articles 3, 5, 6, 7, and 12 only where they validly replace a member of the Advisory Committee;
- (b) members of the European Commission's staff designated by the Chair;
- (c) other experts in the field of social security coordination invited to give advice to the Advisory Committee by the Chair, including the coordinators of the European social partners organisations.

*Article 5***Proceedings**

1. The presence of a majority of members or of alternate members validly representing them shall constitute a quorum, account being taken of Article 7.
2. Advisory Committee meetings shall not be public. In agreement with the Directorate-General for Employment, Social Affairs and Inclusion, the Advisory Committee may, by absolute majority of its members, decide that deliberations shall be public.

*Article 6***Required majority, Adoption of opinions and proposals and written procedure**

1. Notwithstanding Articles 5(2), 12 and the third subparagraph of paragraph 3 of the present Article, the Advisory Committee shall decide by an absolute majority of the votes validly cast by the members or alternate members validly representing them. Blank votes and abstentions shall be considered as votes validly cast. The Chair shall not vote.
2. The opinions and proposals referred to in Article 75(2)(b) of Regulation (EC) No 883/2004 shall, as a general rule, be put forward at a meeting of the Advisory Committee.

They shall state the reasons on which they are based.

The voting figures shall be stated in each opinion or proposal delivered by the Committee. The opinion or the proposal shall be accompanied by a written statement of the views of the minority, where the latter so requests.

Opinions and proposals shall be forwarded to the European Commission, the Administrative Commission for the Coordination of Social Security Systems and the members and alternate members of the Advisory Committee.

3. The Advisory Committee may adopt an opinion or a proposal and other decisions by the use of a written procedure if such a written procedure was agreed at a prior meeting of the Advisory Committee.

To this end, the Chair shall communicate the text to be adopted to the members of the Advisory Committee. The members shall be given a set time limit of at least 10 working days within which the members shall have the possibility to state that they reject the proposed text or abstain from voting. No response within the set time limit shall be considered as an affirmative vote.

The Chair shall, at the expiry of the set time limit, inform the members of the result of the voting. An opinion, proposal or other decision having received affirmative votes by the absolute majority of the members of the Advisory Committee shall be considered adopted on the last day set for the period within which the members were asked to respond.

Article 7

Replacement of a member by another person than his/her alternate

1. Any member who is unable to attend a meeting and who cannot arrange for his alternate to replace him/her, may authorise any other member or alternate member in his/her own category to vote on his/her behalf. Members so doing must inform the Chair thereof in writing before the meeting.
2. Neither members nor alternate members may be given more than one proxy vote.
3. A proxy vote is valid only for the meeting for which it has been given.

Article 8

Minutes of the meetings

1. Minutes on the discussion on each point on the agenda and on the opinions, proposals and recommendations delivered by the Advisory Committee shall be meaningful and complete. Minutes shall be drafted by the Secretariat under the responsibility of the Chair.
2. The minutes shall include the list of those present, also specifying, where appropriate, the Member States' authorities, organisations or other public entities to which the participants belong.
3. The Advisory Committee shall approve the minutes.
4. The minutes shall be submitted for approval by the Advisory Committee only if a draft has been sent to the members and alternate members at least 15 days before the date envisaged for the meeting. Should this document not have been sent in time, it shall be held over for approval until the next Advisory Committee meeting.
5. Motions to amend the draft minutes shall be submitted in writing not later than the opening of the meeting at which they are to be approved.

Article 9

Working parties

1. The Committee may set up working parties for specified tasks. It may dissolve such working parties if it deems fit.
2. The members of the working parties shall be appointed by the Advisory Committee.

The Advisory Committee shall endeavour, when selecting representatives of trade union and employers' organisations, to achieve equitable representation in the working parties of the various sectors concerned.

3. Working parties shall be chaired by the Chair of the Advisory Committee or by a person appointed by him/her.
4. The Chair of a working party may, either on his/her own initiative or at the request of one or more members of the working party, invite experts to attend its meetings.
5. Documents required for the proceedings of a working party shall be made available to all members and alternate members of the Advisory Committee.

Article 10

Secretariat

1. The Directorate-General for Employment, Social Affairs and Inclusion shall provide the Secretariat for the Advisory Committee. The Secretariat shall, under the supervision of the Chair, organise the work of the Advisory Committee and of the working parties and shall assist in preparing draft opinions and proposals.

2. Correspondence intended for the Advisory Committee, the working parties and the Secretariat shall be addressed to the email address dedicated to this end (empl-ss-advisory-committee@ec.europa.eu) within the Directorate-General for Employment, Social Affairs and Inclusion.

Article 11

Transparency

1. The Advisory Committee and its working parties shall be registered on the Register of expert groups.
2. Trade unions and employers' organisations shall be registered in the Transparency Register.
3. The Secretariat shall make all relevant documents available, 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, the Secretariat shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by publication of the approved 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 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾.
4. Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001.

Article 12

Entry into force, revision and repeal

1. These rules of procedure shall enter into force on the day of their adoption by an absolute majority of the members of the Advisory Committee.

They shall be published in the *Official Journal of the European Union*.

2. The Advisory Committee shall decide by an absolute majority of its members on the revision of its rules of procedure.
3. The rules of procedure of the Advisory Committee of 22 October 2010 are repealed with effect from the date referred to in paragraph 1.

Done at Brussels, 21 October 2016.

The Chair of the Advisory Committee

Jordi CURELL GOTOR

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.