

COMMISSION DECISION
of 11 August 2021
on setting up the Commission expert group on statistics on plastic packaging waste
(2021/C 324/05)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Pursuant to Article 338 of the Treaty on the Functioning of the European Union, the European Parliament and the Council adopt measures for the production of statistics where necessary for the performance of the activities of the Union.
- (2) Pursuant to Article 13 of Council Regulation (EU, Euratom) 2021/770 ⁽¹⁾, the Commission must establish a formal expert group, composed of representatives of all Member States and chaired by a representative of the Commission, to advise the Commission and to express its views on the comparability, reliability and exhaustiveness of the statistics on plastic packaging waste generated and recycled, to advise the Commission on preparing measures to make the data more comparable and more reliable and to issue annual opinions on the appropriateness of the plastic packaging waste data submitted by the Member States for the purposes of the own resource based on non-recycled plastic packaging waste.
- (3) It is therefore necessary to set up a group of experts (the 'SPPW expert group') in the field of statistics on plastic packaging waste and to define its tasks, its structure and its operation, in compliance with Commission Decision C(2016) 3301 establishing horizontal rules on the creation and operation of Commission expert groups.
- (4) The SPPW expert group should each year express an opinion on the appropriateness of the plastic packaging waste data submitted annually by the Member States for use in the system of own resources of the European Union.
- (5) The SPPW expert group should be composed of experts in plastic packaging waste statistics from all Member States.
- (6) Rules on disclosure of information by members of the SPPW expert group should be laid down.
- (7) Personal data should be processed in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽²⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The Commission expert group on statistics on plastic packaging waste, ('the SPPW expert group') is hereby set up.

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- ⁽¹⁾ Council Regulation (EU, Euratom) 2021/770 of 30 April 2021 on the calculation of the own resource based on plastic packaging waste that is not recycled, on the methods and procedure for making available that own resource, on the measures to meet cash requirements, and on certain aspects of the own resource based on gross national income (OJ L 165, 11.5.2021, p. 15).
 - ⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

*Article 2***Tasks**

The SPPW expert group's tasks shall be as follows:

- (a) to advise the Commission and to express its views with regard to the comparability, reliability and exhaustiveness of the statistics on plastic packaging waste generated and recycled;
- (b) to advise the Commission on preparing measures to make the statistics more comparable and more reliable;
- (c) to examine, on an annual basis, the data submitted in accordance with Article 5(5) of Regulation (EU, Euratom) 2021/770;
- (d) to issue annual opinions on the appropriateness of the plastic packaging waste data submitted by the Member States for the purposes of the own resource based on non-recycled plastic packaging waste;
- (e) to examine issues regarding the implementation of Regulation (EU, Euratom) 2021/770;
- (f) to assist the Commission in preparing legislative proposals and policy initiatives on the harmonisation of the statistics on plastic packaging waste;
- (g) to assist the Commission in the early preparation of implementing acts to be adopted pursuant to Regulation (EU, Euratom) 2021/770, before submission to the committee in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council;
- (h) to facilitate the exchange of experience and good practice in the field of statistics on plastic packaging waste;
- (i) to advise the Commission on questions related to revision policies of statistics on plastic packaging waste.

*Article 3***Consultation**

The Commission may consult the SPPW expert group on any matter relating to plastic packaging waste data.

*Article 4***Membership**

- (1) Members shall be the Member States' authorities responsible for reporting the data according to Article 12 of European Parliament and Council Directive 94/62/EC ⁽³⁾.
- (2) Member States shall appoint their representatives and shall ensure that their representatives provide a high level of expertise in compiling statistics on plastic packaging waste.

*Article 5***Chair**

The SPPW expert group shall be chaired by a representative of the Commission (Eurostat).

⁽³⁾ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).

*Article 6***Operation**

- (1) The SPPW expert group shall act at the request of the Commission (Eurostat), in compliance with the Commission's horizontal rules on expert groups ⁽⁴⁾ ('the horizontal rules') ⁽⁵⁾.
- (2) Meetings of the group shall, in principle, be held on Commission premises.
- (3) The Commission (Eurostat) shall provide secretarial services.
- (4) Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
- (5) In agreement with the Commission (Eurostat), the group may, by simple majority of its members, decide that deliberations shall be public.
- (6) Minutes on the discussion on each point on the agenda and on the opinions delivered by the SPPW expert group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
- (7) The SPPW expert group shall adopt its opinions, recommendations or reports where possible by consensus.
- (8) In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members who 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.

*Article 7***Sub-groups**

The Commission (Eurostat) may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the Commission (Eurostat). 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.

*Article 8***Invited experts**

The Commission (Eurostat) may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the SPPW expert group or its sub-groups on an ad hoc basis.

*Article 9***Observers**

- (1) Organisations or public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
- (2) Organisations or 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 SPPW expert group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the SPPW expert group.

⁽⁴⁾ Commission Decision C (2016) 3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups.

⁽⁵⁾ See Article 13.1 of the horizontal rules.

*Article 10***Rules of procedure**

On a proposal by the Commission (Eurostat) and with its agreement, the SPPW expert 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 11***Professional secrecy and handling of classified information**

(1) The members of the SPPW expert group and their representatives, 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 ⁽⁶⁾ and (EU, Euratom) 2015/444 ⁽⁷⁾. Should they fail to respect those obligations, the Commission may take all appropriate measures.

(2) The members of the SPPW expert group and their representatives, as well as invited experts and observers shall respect the statistical confidentiality, laid down in Regulation (EC) No 223/2009, and in particular in Article 20 (Protection of confidential data) thereof.

*Article 12***Transparency**

(1) The SPPW expert group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups'). The name of the Member States' authorities and the names of observers shall be published on the Register of expert groups.

(2) All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available after the meetings via a link from the Register of expert groups to a dedicated website. Access to dedicated websites shall not be subject to user registration or any other restriction. The agenda 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 ⁽⁸⁾.

*Article 13***Meeting expenses**

(1) Participants in the activities of the SPPW expert group and its sub-groups shall not be remunerated for their services.

(2) Travel and subsistence expenses incurred by participants in the activities of the SPPW expert group and its sub-groups shall be reimbursed by the Commission in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

⁽⁶⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁽⁷⁾ 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).

⁽⁸⁾ 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). Exceptions intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

Done at Brussels, 11 August 2021.

For the Commission
Paolo GENTILONI
Member of the Commission
