

DRAFT

**RULES OF PROCEDURE**  
**OF THE EXPERTS GROUP**  
**'THE PLATFORM ON ELECTRONIC DATA RETENTION FOR THE**  
**INVESTIGATION, DETECTION AND PROSECUTION OF SERIOUS CRIME'**

The 'Platform on electronic data retention for the investigation, detection and prosecution of serious crime',

Having regard to COMMISSION DECISION of 25 March 2008 setting up the 'Platform on Electronic Data Retention for the Investigation, Detection and Prosecution of Serious Crime' group of experts (2008/324/EC)<sup>1</sup>, and in particular Article 1 of that Decision,

Having regard to the standard rules of procedure published by the Commission<sup>2</sup>,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

*Article 1*

**Convening a Meeting**

1. Meetings of the group are convened by the Chair, either on its own initiative, or at the request of a simple majority of members after the Commission has given its consent.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.

*Article 2*

**Agenda**

1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group.
2. The agenda shall be adopted by the group at the start of the meeting.

*Article 3*

**Forwarding of documents to group members**

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than 15 working days before the date of the meeting.
2. The secretariat shall send drafts on which the group is consulted and all other working documents to the group members no later than ten working days before the date of the meeting.

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<sup>1</sup> OJ L 111 of 23.4.2008, p. 11

<sup>2</sup> C(2005)2817 SEC(2005) 1004 of 27.7.2005

3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced to five calendar days before the date of the meeting.

#### *Article 4*

##### **Opinions of the group**

1. As far as possible, the group shall adopt its opinions or reports by a consensus either at a meeting of the group or via written procedure.
2. At an appropriate time after the group has adopted provisional conclusions on a specific question the Commission may distribute copies of the draft to representatives of law enforcement, Data Protection authorities and other stakeholders in Member States for written comments. The Commission may set a deadline within which Member States are requested to deliver their opinion.
3. The group shall consider any written comments received before adopting a conclusion.
4. In the event of a vote, the consensus is obtained by a simple majority of the members present.
5. The Commission may publish the opinions and reports adopted by the group on the Internet, and may distribute copies of the opinions and reports to Member States.

#### *Article 5*

##### **Written procedure**

1. If necessary, the group's opinion on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the drafts on which the group is being consulted and any other working documents. The Commission may set a deadline within which the members are requested to deliver their opinion.
2. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

#### *Article 6*

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

1. With the consent of the Commission, the group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the group; they shall be disbanded with the consent of the Commission, as soon as they have fulfilled those terms of reference.
2. The sub-groups shall report to the group.
3. Articles 1 to 3 shall apply to meetings of sub-groups.

#### *Article 7*

##### **Admission of third parties**

The Commission representative may invite experts or observers<sup>1</sup> with special expertise or

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<sup>1</sup> The Commission intends to invite a representative of the EFTA Secretariat to participate at expert group

interest on a matter on the draft agenda to participate in the group's or sub-groups' work where appropriate and/or necessary.

#### *Article 8*

##### **Secretariat**

The Commission shall provide secretarial support for the group and any sub-groups created under Article 5(1) above.

#### *Article 9*

##### **Summary minutes of the meetings**

Summary minutes of the discussion on each point on the agenda and the opinions delivered by the group are drafted by the secretariat under the responsibility of the Chair.

#### *Article 10*

##### **Attendance list**

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list specifying, where appropriate, the authorities, organisations or bodies to which the participants belong.

#### *Article 11*

##### **Prevention of conflicts of interest**

1. At the start of each meeting, any member whose participation in the group's deliberations would raise a conflict of interest on a specific item on the agenda shall inform the Chair.
2. Members appointed in a personal capacity shall sign a declaration certifying that their participation will not result in conflicts of interest.
3. In the event of such a conflict of interest, the member shall abstain from discussing the items on the agenda concerned and from any vote on these items.

#### *Article 12*

##### **Correspondence**

1. Correspondence relating to the group shall be addressed to the Commission, for the attention of the Chair.
2. Correspondence for group members shall be sent to the e-mail address which they provide for that purpose.

#### *Article 13*

##### **Transparency**

1. The principles and conditions concerning public access to the group's documents are the same as laid down in Regulation (EC) No 1049/20014. It is for the Commission to take a decision on requests for access to those documents.
2. The Commission may publish these rules of procedure on the Web.
3. The group's deliberations are confidential.
4. In agreement with the Commission, the group may, by a simple majority of its members, decide to open its deliberations to the public.

*Article 14*

**Protection of personal data**

1. 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, 31.5.2002, p. 43).
2. All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001<sup>1</sup>.

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<sup>1</sup> Regulation (EC) 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).