



**RULES OF PROCEDURE OF THE INFORMAL COMMISSION GROUP OF EXPERTS  
ON THE IMPLEMENTATION OF THE MARINE STRATEGY FRAMEWORK  
DIRECTIVE 2008/56/EC**

**Marine Strategy Coordination Group**

*Adopted on 04<sup>th</sup> February 2013  
by the Marine Strategy Coordination Group*

**RULES OF PROCEDURE OF THE INFORMAL COMMISSION GROUP OF  
EXPERTS ON THE IMPLEMENTATION OF THE MARINE STRATEGY  
FRAMEWORK DIRECTIVE 2008/56/EC  
(*"Marine Strategy Coordination Group"*)**

THE INFORMAL COMMISSION EXPERT GROUP ON THE IMPLEMENTATION OF  
THE MARINE STRATEGY FRAMEWORK DIRECTIVE 2008/56/EC (*"Marine Strategy  
Coordination Group"*)

Having regard to the standard rules of procedure of expert groups<sup>1</sup>,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

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<sup>1</sup> SEC(2010) 1360.

## *Article 1*

### ***Mandate / Tasks of the Group***

1. The Marine Strategy Co-ordination Group ('the group') coordinates the joint activities between the European Commission and the EU Member States to support the implementation of Directive 2008/56/EC<sup>2</sup> ('Marine Strategy Framework Directive' or 'MSFD') as laid down in the Common Implementation Strategy ('CIS').
2. The group's tasks are, in particular,:
  - a) to prepare and agree on the CIS work programme;
  - b) to monitor the work progress of the activities under the CIS;
  - c) to co-ordinate activities, including those of the sub-groups, to establish linkages between the different activities and sub-groups and discuss cross-cutting issues;
  - d) to agree on outcomes and deliverables from the CIS work programme and to provide guidance on questions emerging from the activities;
  - e) to develop the CIS further, where necessary,
  - f) to provide advice and expertise to the European Commission and its services in relation to the preparation of delegated acts.
3. The group shall also assist, as appropriate, in the preparation of the Regulatory Committee set up by Article 25 of MSFD.
4. The group shall also assist in the preparation of the informal meetings of the Marine Directors, senior officials of the EU Member States, EEA and Candidate Countries responsible for marine environment policy, which are organised by the Council Presidency every six months. As appropriate, the group may also call on the Marine Directors to resolve issues, endorse deliverables or conclude on issues which are referred to them.

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<sup>2</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

## Article 2

### *Composition and Appointment*

1. Meetings of the Group are chaired by the European Commission, DG Environment ('the Commission'). The Commission shall provide the secretariat of the meeting.
2. In addition to the Horizontal Rules for Commission Expert Groups<sup>3</sup>, the following specific arrangements for the Marine Strategic Coordination Group shall apply:
  - a. Members: The group shall be composed of representatives of EU Member States' authorities responsible for the implementation of MSFD at national level. The delegations of the Member States, which shall, as a general rule, comprise two representatives per Member State, may include authorities at regional or local level competent for the implementation of the Directive.
  - b. Observers: The European Environment Agency participates in the meetings as observer. The group may also include representatives of third countries, international organisations and stakeholders as observers. Each observer may delegate one representative to the meetings of the group.

In order to apply for observer status in the group, an application shall be sent to the Chair, demonstrating that one of the following criteria is met by the applicant:

- a) The third country is an accession or candidate country, or a Member country of the European Economic Area or European Free Trade Association.
- b) The international organisation is an organisation conforming to the definition provided in art. 3 (10) of MSFD, or is an organisation including as Members the land-locked countries, referred to in art. 6 (2) of MSFD.
- c) The stakeholder represents an international or European umbrella organisation of national or regional organisations and the applying organisation should have a specific profile with regard to EU marine environment policy as well as should have demonstrated in the past its policy profile and relevance in relation to the implementation of the MSFD. The number of stakeholders' representatives shall be fixed by the Commission with a view to ensuring a broad and balanced representation of stakeholders concerned by MSFD.

The decision concerning granting the observer status to an applicant may be taken through a written procedure.

3. External experts: The Commission may invite external experts to participate in the meetings of the group or the sub-groups, where appropriate.

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<sup>3</sup> C(2010) 7649.

### *Article 3*

#### **Convening a meeting**

1. Meetings of the group are convened by the Commission, either on its own initiative, or at the request of a simple majority of members, subject to the availability of meeting facilities, after the Commission has given its agreement.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the group shall, in principle, be held on Commission premises.

### *Article 4*

#### **Agenda**

1. The Commission shall draw up a draft agenda and send it, together with the invitation, to the group at the latest fifteen working days before the date of the meeting.
2. The Commission shall circulate a revised draft agenda before the meeting, taking into account comments received from members or observers of the group.
3. The agenda shall be adopted by the group at the start of the meeting.

### *Article 5*

#### **Documentation to be sent to group members**

1. The Commission shall send documents on which the group is consulted to the group no later than ten working days before the date of the meeting.
2. In urgent or exceptional cases, the time limits for sending the documentation mentioned in 1 may be reduced to five working days before the date of the meeting.

### *Article 6*

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

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus of its members.
2. In the event of a vote, the outcome of the vote shall be decided by a simple majority of the members.

## *Article 7*

### **Sub-groups**

1. In agreement with the Commission, the group may set up sub-groups to examine specific questions on the basis of terms of reference endorsed by the group; such sub-groups shall be disbanded as soon as their mandate is fulfilled.
2. The sub-groups may invite external experts as appropriate.
3. The sub-groups shall report to the group.

## *Article 8*

### **Written procedure**

1. If necessary, the group's opinion or recommendation on a specific question may be delivered via a written procedure. To this end, the Commission sends the group members the document(s) on which the group is being consulted at least ten working days before the opinion of the group is requested.
2. Members that do not respond by the set deadline are deemed to be in agreement with the draft document(s).
3. If a simple majority of group members asks for the question to be examined at a meeting of the group, or if the Chair recognises major objections to the draft document(s), the written procedure shall be terminated without result and the discussion be postponed to the next meeting of the group. Where appropriate, the Chair shall convene a meeting of the group as soon as possible.
4. At the beginning of each meeting, the Chair shall inform the group of the results of written procedures carried out between this and the previous meeting.

## *Article 9*

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

Summary minutes on the discussion on each point of the agenda and the opinions delivered by the group shall be drafted by the Commission. The minutes shall not mention the individual position of participants during the group's deliberations.

## *Article 10*

### **Attendance list**

At each meeting, the Commission shall draw up an attendance list specifying the authorities, organisations or bodies to which the participants belong. The attendance list shall be annexed to the minutes of the meeting.

## *Article 11*

### **Conflicts of interest**

1. Should a conflict of interest in relation to an expert arise, the Commission may exclude this expert from the group or a particular meeting thereof or they may decide that the expert in question shall abstain from discussing the items on the agenda concerned and from any vote on these items.
2. At the start of each meeting, any expert whose participation in the group's work would raise a conflict of interest shall inform the Chair.
3. Conflicts of interest shall be reported in writing, e.g. in the summary minutes of the group's meeting.
4. Paragraphs 1, 2 and 3 shall, *mutatis mutandis*, also apply to deliberations taken by the group in written procedure.

## *Article 12*

### **Correspondence**

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

## *Article 13*

### **Access to documents**

Applications for access to documents held by the expert group will be handled in accordance with Regulation (EC) No 1049/2001<sup>4</sup> and detailed rules for its application<sup>5</sup>. Unless otherwise

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<sup>4</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).

<sup>5</sup> Commission Decision 2001/937 of 5.12.2001. OJ L 345 of 29.12.2001, p. 94.

specified or agreed by the group, all documents will be made available through the "Communication and Information Resource Centre for Administrations, Businesses and Citizens - CIRCABC"<sup>6</sup>. Such exceptions to publication should be foreseen where 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.

#### *Article 14*

### **Confidentiality of deliberations**

1. The group's deliberations shall be confidential.
2. In agreement with the Commission's services, the group may, by a simple majority of its members, decide to open its deliberations to the public.

#### *Article 15*

### **Protection of personal data**

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001<sup>7</sup>.

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<sup>6</sup> <https://circabc.europa.eu/w/browse/326ae5ac-0419-4167-83ca-e3c210534a69>

<sup>7</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).