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**COMMISSION DECISION**

**of 18.1.2018**

**setting up a group of experts on environmental compliance and governance**

[...]

## COMMISSION DECISION

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### setting up a group of experts on environmental compliance and governance

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Article 191 of the Treaty assigned the Union and the Member States the task of ensuring that Union policy on the environment contributes to preserving, protecting and improving the quality of the environment and aims at a high level of protection.
- (2) With a view to ensuring better implementation of and compliance with Union environment legislation, in accordance with the Communication from the Commission entitled 'EU actions to improve environmental compliance and governance'<sup>1</sup>, the Commission needs to call upon the expertise of specialists in an advisory body.
- (3) It is therefore necessary to set up a group of experts in the field of environmental compliance and governance and to define its tasks and its structure.
- (4) The group should help to develop guidance documents on good practice in environmental compliance assurance, other supporting documents, including on professional skills and expertise and assessment of national systems, as well as outreach and dissemination activities in the field of environmental compliance assurance and governance. The group should also help to coordinate and monitor the implementation of the actions to improve environmental compliance and governance and to assist the Commission in preparation of policy initiatives and legislative proposals related to wider environmental governance issues.
- (5) The group should be composed of experts from EU Member States as well as representatives from existing pan-European professional networks addressing issues of environmental compliance assurance and governance.
- (6) Rules on disclosure of information by members of the group should be laid down.
- (7) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>2</sup>.

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<sup>1</sup> COM(2018)10.

<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).

HAS DECIDED AS FOLLOWS:

*Article 1*  
*Subject matter*

The group of experts on environmental compliance and governance is set up. The group will be called 'Environmental Compliance and Governance Forum'.

*Article 2*  
*Tasks*

The group's tasks shall be:

- (a) to assist the Commission in the coordination and monitoring of the implementation of the actions to improve environmental compliance and governance as well as in the preparation of legislative proposals or policy initiatives in the field of environmental compliance and governance, including in relation to:
- (i) compliance promotion, monitoring and enforcement (compliance assurance);
  - (ii) access to justice on environmental matters;
  - (iii) access to environmental information;
  - (iv) public participation;
  - (v) any other governance issue.
- (b) to establish cooperation and coordination between the Commission, Member States and existing pan-European professional networks<sup>3</sup> on questions relating to the implementation of Union legislation, programmes and policies in the field of environment;
- (c) to bring about an exchange of experience and good practice in the field of environmental compliance and governance.

*Article 3*  
*Consultation*

The Commission may consult the group on any matter relating to the implementation of actions in relation to environmental compliance and governance including the implementation of the actions to improve environmental compliance and governance<sup>4</sup>, its review and the identification of further actions beyond 2019.

*Article 4*  
*Membership*

1. Members shall be Member States' authorities and other public entities.
2. In particular, the following public entities shall be members of the group:

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<sup>3</sup> European Union Network for Implementation and Enforcement of Environmental law (IMPEL), EU Forum of Judges for the Environment (EUFJE), European Network of Prosecutors for the Environment (ENPE), EnviCrimeNet, European Network of the Heads of Environment Protection Agencies (NEPA), European Organisation of Supreme Audit Institutions (EUROSAI).

<sup>4</sup> COM(2018)10.

- (a) European Union Network for Implementation and Enforcement of Environmental law;
  - (b) European Network of Prosecutors for the Environment;
  - (c) EU Forum of Judges for the Environment;
  - (d) EnviCrimeNet;
  - (e) European Network of the Heads of Environment Protection Agencies;
  - (f) European Organisation of Supreme Audit Institutions;
  - (g) Europol;
  - (h) Eurojust.
3. Member States' authorities and other public entities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.
  4. Members who are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

*Article 5*  
*Chair*

The group shall be chaired by a representative of the Commission's Directorate-General for Environment ('DG ENV').

*Article 6*  
*Operation*

1. The group shall act at the request of DG ENV, in compliance with the relevant horizontal rules on Commission expert groups (the 'horizontal rules')<sup>5</sup>.
2. Meetings of the group shall, in principle, be held on Commission premises.
3. DG ENV shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG ENV, 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

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<sup>5</sup> Commission Decision of 30.5.2016 establishing horizontal rules on the creation and operation of Commission expert groups, C(2016) 3301, Article 13(1).

summarising the reasons for their position annexed to the opinions, recommendations or reports.

*Article 7*  
*Sub-groups*

1. DG ENV may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG ENV. 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 sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with the horizontal rules<sup>6</sup>.

*Article 8*  
*Invited experts*

DG ENV 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 9*  
*Observers*

1. Individuals, organisations or other public entities than those listed in Article 4 may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. The 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 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 10*  
*Rules of procedure*

On a proposal by and in agreement with DG ENV 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<sup>7</sup>.

*Article 11*  
*Professional secrecy and handling of classified information*

The members of the 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,

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<sup>6</sup> C(2016) 3301, Articles 10 and 14.2.

<sup>7</sup> C(2016) 3301, Article 17.

laid down in Commission Decisions (EU, Euratom) 2015/443<sup>8</sup> and 2015/444<sup>9</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

*Article 12*  
*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 the group composition, the following data shall be published on the Register of expert groups:
  - (a) the name of Member States' authorities;
  - (b) the name of other public entities;
  - (c) the name of observers.
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 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 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>10</sup>.

*Article 13*  
*Meeting expenses*

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

Done at Brussels, 18.1.2018

*For the Commission*  
*Karmenu VELLA*  
*Member of the Commission*

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<sup>8</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>9</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>10</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).