

RULES OF PROCEDURE OF THE HIGH LEVEL GROUP ON ACCESS TO DATA FOR EFFECTIVE LAW ENFORCEMENT

THE HIGH LEVEL GROUP ON ACCESS TO DATA FOR EFFECTIVE LAW ENFORCEMENT,

Having regard to the Commission Decision setting up the group¹,

Having regard the Scoping Paper endorsed by the Council's Standing Committee on Operational Cooperation on Internal Security (COSI) by written procedure on 13 April 2023²

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Point 1

Operation of the group

The group shall act at the request of its co-chairs, in compliance with the Commission Decision setting up the group.

Point 2

Convening a meeting

1. Meetings of the group are convened by the co-chairs.
2. In principle, plenary meetings of the group shall be held on Council premises, whereas working group meetings shall be held at the premises of the Commission.
3. All meetings will be held in physical format.

Point 3

Agenda

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

Point 4

Documentation to be sent to group members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than fourteen calendar days before the date of the meeting.

¹ C(2023) 3647, Brussels, 06 June 2023.

² 8281/23, Brussels, 13 April 2023.

2. The secretariat shall send documents on which the group is consulted to the group members no later than seven calendar days before the date of the meeting.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in paragraphs 1 and 2 may be reduced.

Point 5

Opinions of the group and its members

In the concluding meeting of the group, recommendations on ways to address identified challenges shall be formulated. Members shall be given the opportunity to issue further statements that shall be annexed to the concluding report of the group.

Point 6

Sub-groups

1. The group shall be supported by technical working groups set up by the group, to enable deeper discussions on specific topics in a more restricted format.
2. Participants in the working groups shall be nominated by the co-chairs, based on proven expertise and experience, with an appropriate balance between the various stakeholders.
3. The working groups shall receive guidance from the group on the topics to be discussed and shall report to it.
4. The working groups will be chaired and moderated by a representative of the European Commission.

Point 7

Invited experts

The group may invite non-institutional stakeholders, such as representatives of the private sector, academia, non-governmental organisations, criminal lawyers, personal data protection experts, with specific expertise with respect to a subject matter on the agenda, to take part in the work of the group, and its working groups, on an *ad hoc* basis.

Point 8

Observers

1. The European Data Protection Supervisor ('EDPS') and the European Parliament's Committee on Civil Liberties, Justice and Home Affairs ('LIBE') may be granted an observer status by direct invitation of the co-chairs.
2. Observers and their representatives may be permitted by the co-chairs to take part in the discussions of the group and provide expertise. They shall not participate in the formulation of recommendations.

Point 9

Written procedure

If necessary, the group's opinion or recommendation on a specific question may be delivered via a written procedure. To this end, the secretariat shall send the group members the document(s) on which the group is being consulted.

Point 10

Secretariat

The Directorate-General Home Affairs and Migration of the European Commission (DG HOME) shall provide secretarial support for the group and its working groups. In consultation with the co-chairs, the secretariat shall prepare discussion papers and background documents for each of the meetings of the group.

Point 11

Correspondence

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

Point 12

Transparency

1. DG HOME shall make available all relevant documents, including the agendas, the reports and the participants' submissions, either on 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, DG HOME shall publish the agenda of the meetings of the group and other relevant background documents in due time ahead of the meeting, followed by timely publication of reports. Exceptions to publication shall only be possible 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) N° 1049/20013.

³ These exceptions are 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.

Point 13

Access to documents

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001⁴.

Point 14

Deliberations

In agreement with the co-chairs, the group may, by simple majority of its members, decide that deliberations shall be public.

⁴ 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).