

DECISION No H2

of 12 June 2009

concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2010/C 106/06)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾, under which the Administrative Commission shall foster and develop cooperation between Member States by modernising procedures for the exchange of information, in particular by adapting the information flow between institutions for the purpose of exchange by electronic means, taking account of the development of data processing in each Member State; and adopt the common structural rules for data-processing services, in particular on security and the use of standards, and shall lay down provisions for the operation of the common part of those services,

Having regard to Article 73 of Regulation (EC) No 883/2004, under which the Administrative Commission shall set up and determine the methods of operation and composition of a Technical Commission, which shall deliver reports and a reasoned opinion before decisions are taken by the Administrative Commission pursuant to Article 72(d),

HAS DECIDED AS FOLLOWS:

Article 1

1. The Administrative Commission sets up the Technical Commission for data processing provided for in Article 73(1) of Regulation (EC) No 883/2004. It shall be called 'the Technical Commission'.

2. The Technical Commission shall have the functions laid down in Article 73(2) of Regulation (EC) No 883/2004.

3. The mandate with regard to the specific tasks of the Technical Commission shall be set by the Administrative Commission who may modify these tasks as required.

Article 2

The Technical Commission shall adopt its reports and reasoned opinions where necessary on the basis of technical documents and studies. It can request from national administrations any

information it deems necessary for appropriate accomplishment of its tasks.

Article 3

1. The Technical Commission shall be composed of two members from each Member State, one of whom shall be nominated as the standing member, with the other designated as his deputy. The nominations from each Member State shall be forwarded to the Secretary-General of the Administrative Commission by the government representative for the Member State on the Administrative Commission.

2. Reports and reasoned opinions shall be adopted by simple majority of all members of the Technical Commission, each Member State having a single vote that shall be cast by the standing member or in his absence by his deputy. The reports or reasoned opinions of the Technical Commission must indicate whether they were reached unanimously or by simple majority. They must, should there be a minority, set out conclusions or reservations of the minority.

3. The Technical Commission may decide to adopt reports and reasoned opinions by the use of written procedure if such a procedure was agreed at a prior meeting of the Technical Commission.

To this end the Chairman shall communicate the text to be adopted to the members of the Technical Commission. The Members shall be given a set time limit of at least 10 working days, within which Members shall have the possibility to state that they reject the proposed text or abstain from the voting. No response within the set time limit shall be considered as an affirmative vote.

The Chair may also decide to launch a written procedure in case no prior agreement had been obtained in a meeting of the Technical Commission. In such a case, only written agreements to the proposed text shall be counted as affirmative votes and the set time limit of at least 15 working days shall be given.

The Chairman shall, at the expiry of the set time limit, inform the members of the result of the voting. A decision having received the required number of affirmative votes shall be considered adopted on the last day set for the period within which members were asked to respond.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

4. If a member of the Technical Commission in the course of the written procedure proposes that the text shall be amended, the Chairman shall either:

- (a) recommence the written procedure by communicating the proposed amendment to the members in accordance with the procedure in paragraph 3; or
- (b) cancel the written procedure in order to have the matter discussed at the next meeting;

depending on which procedure the Chairman considers appropriate for the matter in question.

5. If a member of the Technical Commission, before the expiry of the time limit set for responding, requests that the proposed text shall be examined at a meeting with the Technical Commission, the written procedure shall be cancelled.

The matter shall then be examined at the following meeting of the Technical Commission.

6. A representative of the Commission of the European Communities or a person designated by him shall act in a consultative capacity within the Technical Commission.

Article 4

The office of Chairman of the Technical Commission shall be held each half-year by either the standing member or another designated official belonging to the State whose representative on the Administrative Commission holds the office of Chairman of that Commission for the same period. The Chairman of the Technical Commission shall report on the activities of the Technical Commission as required by the Chairman of the Administrative Commission.

Article 5

The Technical Commission may set up ad-hoc working groups to consider specific issues. The Technical Commission shall describe the tasks to be taken forward by such working groups, the timetable for completion of those tasks and the

financial implications of its action in the work programme mentioned in Article 7.

Article 6

The Secretariat of the Administrative Commission shall prepare and organise the meetings of the Technical Commission and draw up the minutes thereof.

Article 7

The Technical Commission shall submit a detailed work programme to the Administrative Commission for its approval. The Technical Commission shall also report each year, to the Administrative Commission, on its activities and achievements in relation to the work programme and with any proposals for amending it.

Article 8

Any proposed action of the Technical Commission involving expenses to be borne by the Commission of the European Communities is subject to the approval of the representative of that institution.

Article 9

The languages of the Technical Commission shall be the same as those recognised as official languages of the Community institutions in accordance with the Article 290 of the Treaty.

Article 10

The supplementary rules laid down in the attached Annex shall also apply to the Technical Commission.

Article 11

This decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of entry into force of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽¹⁾.

The Chair of the Administrative Commission
Gabriela PIKOROVÁ

⁽¹⁾ OJ L 284, 30.10.2009, p. 1.

ANNEX

SUPPLEMENTARY RULES OF THE TECHNICAL COMMISSION**1. Attendance at meetings**

- (a) If the Chairman in office is prevented from attending a meeting of the Technical Commission, his deputy shall act as chairman.
- (b) Members may be accompanied at the meetings of the Technical Commission by one or more additional experts where this is necessary because of the nature of the subjects to be dealt with. Each delegation may, as a rule, consist of not more than four persons.
- (c) The representative of the Commission of the European Communities or a member of the Secretariat or any other person designated by the Secretary-General of the Administrative Commission shall attend all meetings of the Technical Commission or its ad-hoc working groups. Those meetings may furthermore be attended, where this is relevant to the question to be dealt with, by a representative of other departments of the Commission of the European Communities.

2. Voting

- (a) When a standing member of the Technical Commission holds the office of Chairman, his deputy shall vote in his place.
- (b) Any member present when a vote is taken who abstains from voting shall be invited by the chairman to state his reasons for abstaining.
- (c) When the majority of members present abstain, the proposal put to the vote shall be considered as not having been taken into consideration.

3. Agenda

- (a) The provisional agenda of each meeting of the Technical Commission shall be drawn up by the Secretariat in consultation with the chairman of the Technical Commission. Before proposing to include an item in the agenda, the Secretariat may, where this appears necessary, ask the delegations concerned to make their views on this question known in writing.
- (b) The provisional agenda shall, in principle, comprise items for which a request submitted by a member or by the representative of the Commission of the European Communities and, where appropriate, notes relating to it have been received by the Secretariat at least 20 working days before the beginning of the meeting.
- (c) The provisional agenda shall be sent at least 10 working days before the beginning of each meeting to the members of the Technical Commission, the representative of the Commission of the European Communities, and any other person expected to be attending the meeting. The documents relating to the items on the agenda shall be sent to them as soon as they are available.
- (d) At the beginning of each meeting the Technical Commission shall approve the agenda of the meeting. A unanimous vote of the Technical Commission is required for the inclusion in the agenda of any items other than those appearing on the provisional agenda. Except in cases of urgency, members of the Technical Commission may reserve their final position until the following meeting with regard to items appearing on the provisional agenda for which they have not received the relevant documents in their own language five working days before the beginning of the meeting.

4. Ad-hoc working groups

- (a) Ad-hoc working groups shall be presided over by an expert designated by the Chairman of the Technical Commission in consultation with the representative of the Commission of the European Communities or, failing this, by an expert representing the State whose representative on the Administrative Commission holds the office of Chairman of that Commission.

- (b) The Chairman of the ad-hoc working group shall be summoned to the meeting of the Technical Commission in the course of which the report of that ad-hoc working group is discussed.

5. Administrative matters

- (a) The Chairman of the Technical Commission may give the Secretariat any instructions for meetings to be held and for the performance of activities that are within the scope of the functions of the Technical Commission.

 - (b) The Technical Commission shall be convened by a letter of convocation sent to the members and the representative of the Commission of the European Communities 10 working days before the meeting by the Secretariat in consultation with the Chairman of the Technical Commission.
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