

# ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

## DECISION No H8

of 17 December 2015 (updated with minor technical clarifications on 9 March 2016)

**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**

(2016/C 263/04)

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<sup>(1)</sup>, 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 for Data processing, 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*

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 alternate.
2. The nominations from each Member State shall be forwarded to the Secretariat of the Administrative Commission by the government representative for the Member State on the Administrative Commission.
3. 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.
4. Each delegation may, as a rule, consist of not more than four persons.
5. The representative of the European Commission in the Administrative Commission or a person designated by him shall act in a consultative capacity within the Technical Commission.
6. The representative of the European Commission, his/her alternate or any other person designated by the Secretariat of the Administrative Commission may attend all meetings of the Technical Commission and its ad hoc working groups. Those meetings may furthermore be attended, where this is relevant to the question to be dealt with, by representative(s) of the relevant departments of the European Commission.
7. A member of the Secretariat of the Administrative Commission shall attend all meetings of the Technical Commission and its Ad-hoc working groups.

<sup>(1)</sup> OJ L 166, 30.4.2004, p. 1.

*Article 3*

1. The office of Chair 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 Chair of that Commission for the same period.
2. If the Chair in office is prevented from attending a meeting of the Technical Commission, the alternate shall act as Chair.
3. The Chair of the Technical Commission may give the Secretariat instructions for meetings to be held and for the performance of activities that are within the scope of the tasks of the Technical Commission.

*Article 4*

The Technical Commission shall be convened by a letter of convocation sent to the members and the representative of the European Commission at least 10 working days before the meeting, by the Secretariat in consultation with the Chair of the Technical Commission.

*Article 5*

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 6*

1. The Technical Commission may set up ad hoc working groups consisting of a limited number of persons to consider specific issues and present the Technical Commission with proposals.

The Technical Commission shall describe in a written mandate the tasks to be taken forward by such working groups and the timetable for completion of those tasks.

2. Ad hoc working groups shall be presided over by a person designated by the Chair of the Technical Commission in consultation with the representative of the European Commission or, failing this, by an expert representing the State whose representative on the Administrative Commission holds the office of Chair of that Commission.
3. The Chair 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.

*Article 7*

A designated member of the Secretariat of the Administrative Commission shall prepare and organise the meetings of the Technical Commission.

*Article 8*

1. 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 alternate. 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.
2. When a standing member of the Technical Commission holds the office of Chair, his alternate shall vote in his place.
3. Any member present when a vote is taken who abstains from voting shall be invited by the Chair to state his reasons for abstaining.
4. When the majority of members present abstain, the proposal put to the vote shall be considered as not having been taken into consideration.
5. 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 Chair 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 Chair 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.

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

(a) recommence the written procedure by communicating the proposed amendment to the members in accordance with the procedure in paragraph 5, or

(b) cancel the written procedure in order to have the matter discussed at the next meeting,

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

7. 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.

#### *Article 9*

1. The provisional agenda of each meeting of the Technical Commission shall be drawn up by the Secretariat in consultation with the Chair 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.

The provisional agenda shall, in principle, comprise items for which a request is submitted by a member or by the representative of the European Commission.

2. The provisional agenda shall be sent at least 15 working days before the beginning of each meeting, to the members of the Technical Commission and to the persons mentioned in article 2(6) above. A revised version of the agenda can be sent 5 working days before the meeting.

The documents relating to the items on the agenda which require decisions or opinions in the respective meeting should be made available, in principle, at the latest 10 working days before the meeting. This does not apply to documents providing general information which do not need to be approved, exceptional circumstances and other cases that can be agreed by the Technical Commission according to Article 14 below.

3. 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.

#### *Article 10*

1. The Secretariat of the Administrative Commission shall draw up the minutes of the Technical Commission meetings. The minutes are approved by the Technical Commission.

2. The English version of the minutes will be sent to delegations for review at the latest 1 month before the following Technical Commission meeting.

The linguistic versions of the minutes will be made available as soon as possible after the English version has incorporated all agreed changes.

3. Members who have not received the minutes in their own language may reserve their final approval until they have received the minutes in that language.

#### *Article 11*

1. The Technical Commission shall report in writing to the Administrative Commission, on its activities and achievements after each of its meetings.

2. The Chair of the Technical Commission shall report on the activities of the Technical Commission in the meetings of the Administrative Commission, if so required by the Chair of the Administrative Commission.

#### *Article 12*

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

*Article 13*

The reports, reasoned opinions, agenda, and any other documents supporting the activity of the Technical Commission will be drawn up in English.

*Article 14*

In so far as this is necessary, the Technical Commission may agree, by unanimous decision, to further specify and detail the current rules of procedures.

*Article 15*

This decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of publication.

*Article 16*

This Decision replaces Decision No H2 of 12 June 2009.

*The Chair of the Administrative Commission*

Claude EWEN

---