



## **DECISION OF THE PUBLIC AUTHORITIES BOARD OF THE ECSEL JOINT UNDERTAKING**

### **Amending its Rules of Procedure**

THE PUBLIC AUTHORITIES BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Statutes annexed to Council Regulation (EU) 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking<sup>1</sup> and in particular Article 12;

Having regard to decision ECSEL PAB 2014.01 adopting the Public Authorities Board rules of procedure, as amended by decision ECSEL PAB 2015.12 (the “Rules of Procedure”);

WHEREAS:

- 1) Adjusting these Rules of Procedure has been made necessary by the lack of new candidates to chairing the Public Authorities Board – as concluded in the PAB meeting of 28 June 2018;
- 2) The Public Authorities Board shall adopt amendments to its Rules of Procedure

HAS ADOPTED THE FOLLOWING:

#### *Article 1*

Article 2 §2 of the Rules of Procedure is modified to read as follows:

*The chairperson and the vice-chair may be re-elected for one subsequent term. If, after that period and after a call for expression of interest sent by the Executive Director to the delegations, there are no new candidates for either the chairperson or the vice-chair and subject to the willingness and availability of the current chairperson or vice-chair, the PAB may decide to extend the mandate of the chairperson or vice-chair by one additional year. At the end of that period, a new call for expression of interest should be launched.*

*Article 2*

The other provisions of the Rules of Procedure shall remain unchanged.

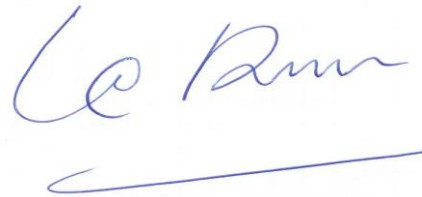
*Article 3*

This decision shall enter into force on the day of its adoption.

An updated version of the Rules of Procedure is annexed to this decision – of which it forms an integral part.

Done on 13.08.2018

For the Public Authorities Board



Ben Ruck  
Chair of the PAB

Annex: Updated PAB rules of procedure

## **Updated Rules of Procedure of the Public Authorities Board**

### *Article 1 Composition*

1. The Public Authorities Board shall be composed of one delegation for the Commission and one for each ECSEL Participating State.
2. A delegation is made up of one or more representatives appointed by the Commission and each ECSEL Participating State according to the delegation they belong to.
3. A lead delegate of each delegation is appointed among the representatives. The lead delegate shall hold the voting rights of his/her delegation.
4. The Commission and each ECSEL Participating State shall also appoint one or more substitutes for their respective lead delegate. The substitutes are part of the delegations.
5. When a lead delegate is not present at a meeting, the delegation nominates its lead delegate among the substitutes present.
6. The delegations in the Public Authorities Board shall be empowered to take all the decisions.
7. The members of the ECSEL Joint Undertaking must notify appointments, substitutions or removals of representatives to the Executive Director of the ECSEL Joint Undertaking in writing. The notice shall indicate the date on which the appointment, substitution or removal takes effect. In case of absence of such information in the notice, the effective date shall be the date on which the notice is received by the ECSEL Joint Undertaking.
8. The functions/positions and/or names of the representatives shall be published on the website of the ECSEL Joint Undertaking.

### *Article 2 Chairperson and Vice-Chair*

1. The Public Authorities Board shall elect a chairperson and a vice-chair for a period of two years. The elected chairperson and vice-chair should belong to different Public Authorities. Their terms of office shall begin from the meeting of the Public Authorities Board at which they are elected. Until the first chairperson is elected, the Executive Director shall act as interim chairperson.
2. The chairperson and the vice-chair may be re-elected for one subsequent term. If, after that period and after a call for expression of interest sent by the Executive Director to the delegations, there are no new candidates for either the chairperson or the vice-chair and subject to the willingness and availability of the current chairperson or vice-chair, the PAB may decide to extend the mandate of the chairperson or vice-chair by one additional year. At the end of that period, a new call for expression of interest should be launched.
3. In case of absence of the chairperson, the vice-chair is in charge of the meeting. If both the chairperson and the vice-chair are absent or unable to attend a meeting, the meeting shall be chaired by the longest serving lead delegate or, in the event of equal length of service, by the oldest of the longest serving lead delegates.

4. The chairperson may resign by notifying his/her resignation to the lead delegates. The Public Authorities Board shall elect a new chairperson in the following meeting. In the meantime, the vice-chair shall act as interim chairperson.
5. The vice-chair may resign by notifying his/her resignation to the chairperson. The Public Authorities Board shall elect a new vice-chair in the following meeting.

#### *Article 3 Meetings*

1. The Public Authorities Board shall hold its ordinary meetings at least twice a year.
2. It may hold extraordinary meetings at the request of:
  - (a) the Commission;
  - (b) a majority in number of the delegations of the ECSEL Participating States;
  - (c) the chairperson.
3. The chairperson shall convene the meetings of the Public Authorities Board by sending an electronic notice, accompanied by the provisional agenda and the relevant documents for decision-making, to each delegation not later than 15 (fifteen) working days prior to each meeting. The chairperson may be assisted by the Executive Director in the organisation of the meetings.
4. If an extraordinary meeting is requested or in case of urgency, the electronic notice, accompanied by the provisional agenda and the relevant documents for decisionmaking may be forwarded to the delegations at a shorter notice, taking into account internal consultation procedures of each of the members of the ECSEL Joint Undertaking, and at least 5 (five) working days prior to the meeting.
5. The meetings shall usually take place at the seat of the ECSEL Joint Undertaking.
6. The Public Authorities Board may convene a meeting in another manner than at a single physical place, e.g. by means of electronic communication.
7. The quorum for holding a meeting of the Public Authorities Board shall be constituted by the presence of the chairperson or vice-chair and the lead delegates or their substitutes, of the Commission delegation and at least three ECSEL Participating States delegations.

#### *Article 4 Attendance to the meetings*

1. Delegations are expected to attend all the meetings of the Public Authorities Board. The Public Authorities Board may also allow attendance to the meetings by means of electronic communication.
2. Unless otherwise decided by the Public Authorities Board, the Executive Director shall participate in the meetings and may be assisted by other staff of the ECSEL Joint Undertaking.
3. Any Member State or Associated Country that is not a member of the ECSEL Joint Undertaking may participate in the Public Authorities Board as an observer.
4. The Public Authorities Board may invite, on a case by case basis, other persons to attend its meetings as observers if their presence is relevant to a specific item on the agenda.

5. At each meeting, the secretary shall draw up an attendance list specifying the authorities, bodies or organisations to which the attendees belong.
6. The costs of attending a meeting are not reimbursed.

#### *Article 5 Agenda*

1. The chairperson with the assistance of the Executive Director shall draw up the provisional agenda of the meetings.
2. The lead delegates may request specific questions to be included in the provisional agenda not later than 10 (ten) working days before the date of the meeting. Such requests shall be submitted in writing to the chairperson.
3. The agenda shall make a distinction between:
  - (a) adoption of the agenda and of the last meeting's minutes;
  - (b) items for decision or opinion;
  - (c) items for information and discussion;
  - (d) any other business.
4. The agenda shall be adopted at the beginning of each meeting.
5. With the agreement of the lead delegates, urgent questions may be added to the agenda at any time prior to the end of the meeting and items on the agenda may be deleted or carried over to a subsequent meeting.

#### *Article 6 Voting*

1. The voting system shall be the following:
  - (a) There is a total of 1000 voting rights.
  - (b) Each year, the total voting rights are distributed among the delegations in proportion to their respective financial commitments to the activities of the ECSEL Joint Undertaking for that year, with an upper limit for any given delegation of 500 rights. The distribution of the voting rights shall be revised in the course of the year whenever changes occur in the individual financial commitments of the public authorities.
  - (c) If, for a given year, fewer than three ECSEL Participating States have communicated to the Executive Director their financial commitment to the activities of the ECSEL Joint Undertaking, the Commission shall hold 500 rights and the remaining 500 rights shall be distributed equally amongst the ECSEL Participating States.
  - (d) Each public authority shall have a right of veto on all issues concerning the use of its own contribution to the ECSEL Joint Undertaking. The Public Authorities Board shall take due consideration of any veto expressed by one or more delegations when preparing its decisions.
2. The Public Authorities Board will work together in the spirit of collaboration and for the benefit of all stakeholders. The delegations shall use their best efforts to achieve

consensus. Failing consensus, the Public Authorities Board shall take its decisions by a majority of at least 75% of all votes, including the votes which were delegated to a proxy according to paragraph 6 by members who are not in attendance. The majority of at least 75% is calculated taking account only of votes cast for and against.

3. The votes shall be cast by show of hands unless these Rules of Procedure provide otherwise or if a secret ballot is requested by a delegation and approved by the other delegations.
4. The chairperson may ask a delegation to provide an oral explanation of its vote, unless it is a secret ballot.
5. For the sake of clarity, voting rights per delegation shall be reminded by the secretary at the beginning of each meeting and with each written procedure to adopt a decision.
6. A lead delegate of an ECSEL Participating State can be a proxy for other lead delegates of ECSEL Participating States up to a maximum of 3 (three).

#### *Article 7 Decisions*

1. The Public Authorities Board may adopt decisions in a meeting or by written procedure.
2. A decision of the Public Authorities Board can be taken by a written procedure, provided that all delegations are given an opportunity to cast their votes and none of them oppose to this method before the deadline set by the chairperson. To this end, the Executive Director on behalf of the chairperson shall send to the delegations the proposal and all relevant supporting material on which they have to decide. Any lead delegate who does not express his/her opposition or intention to abstain before the deadline set by the chairperson is considered to have given its tacit agreement to the proposal. The response period shall not be less than 10 (ten) working days.
3. In cases of urgency to be decided by the chairperson, the deadlines can be reduced to 5 (five) working days.
4. If a delegation requests that the proposal is to be examined at a meeting, the written procedure shall be cancelled.
5. If a proposal for a decision by written procedure is subject to amendments proposed by one or more delegations during the voting procedure, all lead delegates shall be given an opportunity to revise their vote within a period of at least 5 (five) working days after the conclusion of the written procedure. If a decision is rejected as a result of this process, it may be launched again after revision or included in the agenda of the next meeting at the request of any delegation.
6. Each decision adopted by the Public Authorities Board shall be recorded. Upon a request by a lead delegate, a statement of his/her views may be recorded together with the decision taken.
7. The result of a written procedure shall be notified without delay to all delegations.

*Article 8 Minutes*

1. The provisional minutes of each meeting shall be drawn up by the appointed secretary. These minutes shall contain, in particular, decisions taken, outcome of items for information or discussion and, if relevant, subsequent actions, conclusions, the attendance list and a publishable summary. They shall be communicated to all delegations, as well as to other attendees if relevant, within 10 (ten) working days after the date of the meeting.
2. The lead delegates shall send any written comments on the provisional minutes to both the chairperson and the secretary within 10 (ten) working days. In case of absence of comments, delegations are supposed to give their tacit approval to the minutes.
3. If no comments have been received with the 10 working days period, the minutes are deemed to be approved.  
If modifications are proposed within the deadline, a written procedure is organised for the final adoption of the minutes, in accordance with Article 7.
4. The approved publishable summary shall be published on the website of the ECSEL Joint Undertaking.

*Article 9 Secretariat*

1. The Programme Office under the responsibility of the Executive Director shall provide the secretariat for the Public Authorities Board, notably by appointing a secretary for each meeting.
2. Secretariat shall not be provided for working groups, except otherwise agreed with the Executive Director.

*Article 10 Working groups*

1. The Public Authorities Board may choose to structure its work in the most appropriate way, for example by establishing working groups under the overall coordination of one or more public authorities.
2. A working group shall elect a lead person by simple majority of its members. The election shall be conducted on the basis of “one working group member, one vote”.
3. The lead persons of the working groups shall report back to the Public Authorities Board.

*Article 11 Confidentiality*

1. The delegates and other attendees in the Public Authorities Board shall ensure the protection of sensitive information whose disclosure could damage the interests of the ECSEL Joint Undertaking, the members of the ECSEL Joint Undertaking or the participants in the activities of the ECSEL Joint Undertaking.
2. If specifically requested by the chairperson, some items of the Public Authorities Board’s discussions shall be kept confidential. In such case, the Public Authorities Board may decide to examine those specific items without the presence of the

Executive Director and/or other attendees. This shall be clearly indicated in the minutes of the meeting.

*Article 12 Conflicts of interest*

1. The delegates and other attendees in the Public Authorities Board meetings shall make a personal declaration on any conflicts of interests and confidentiality based on the template in Annex to the present rules. These declarations shall be updated at the initiative of the individual concerned whenever a change occurs.
2. The Executive Director shall monitor declarations and shall make a preliminary appraisal of compatibility of interests declared with the tasks of the individuals concerned and shall inform the chairperson of the Public Authorities Board.
3. During a meeting, any attendee whose participation in the work of the Public Authorities Board leads to a conflict of interest with regard to a particular agenda item shall without delay inform the chairperson who shall decide on any specific measure in this respect.

*Article 13 Correspondence*

1. Correspondence of a delegation relating to the Public Authorities Board matters shall be addressed by its lead delegate to the attention of the secretariat with copy to the chairperson preferably by e-mail.
2. Correspondence for delegations shall be addressed by the secretariat to all the representatives of the delegations.
3. All correspondence shall be written in English and sent by electronic means, unless agreed otherwise between the delegation and the secretariat.
4. The Public Authorities Board shall use whenever possible electronic means (e.g. private shared spaces) for the exchange and sharing of information. The Public Authorities Board shall define an appropriate access policy to this information to be implemented by the ECSEL Joint Undertaking.

*Article 14 Amendments*

The rules of procedure shall be revised by a decision of the Public Authorities Board at the request of one or more lead delegates. The amending decision shall enter into force on the date decided by the Public Authorities Board.

*Article 15 Publicity*

These Rules of Procedure shall be published on the website of the ECSEL Joint Undertaking.

*Article 16 Entry into force*

This decision shall enter into force on the date of its adoption by the Public Authorities Board.



**ANNEX**

**DECLARATION ON CONFLICTS OF INTERESTS AND CONFIDENTIALITY FOR THE ATTENDEES IN THE ECSEL PUBLIC AUTHORITIES BOARD AND ITS WORKING GROUPS**

|                              |  |
|------------------------------|--|
| <b>Name:</b>                 |  |
| <b>Professional Address:</b> |  |
| <b>Position:</b>             |  |
| <b>E-mail:</b>               |  |

In my quality of:

|   |  |
|---|--|
| Chairperson or vice-chair of the Public Authorities Board               |  |
| Representative/lead delegate/substitute of the Commission               |  |
| Representative/lead delegate/substitute of an ECSEL Participating State |  |
| Other (please specify)  |  |

I hereby undertake to act in the performance of my duties in the general interest of the ECSEL Joint Undertaking.

I am aware that I shall declare at each meeting of the Public Authorities Board, or before any decision is taken by written procedure, any interest which might be considered to influence or bias my judgment and therefore be prejudicial to the way an item on the agenda is handled.

I undertake to ensure the confidentiality of sensitive information whose disclosure could damage the interests or the reputation of the ECSEL Joint Undertaking, the members of the ECSEL Joint Undertaking or of participants in the activities of the ECSEL Joint Undertaking.

I know that I shall not disclose sensitive information learnt during the activities of the ECSEL Joint Undertaking even after my duties have ended.

Done at [place], [date]

Name and Signature