

CALL FOR APPLICATIONS FOR THE SELECTION OF MEMBERS OF THE GROUP OF EXPERTS ON LICENSING AND VALUATION OF STANDARD ESSENTIAL PATENTS

1. Background

By decision of 5th July 2018, the Commission has set up a group of experts on licensing and valuation of standard essential patents¹ (“the group”).

The group’s tasks shall be:

- (a) to facilitate an exchange of experience and good practice in the field of licensing and valuation of standard essential patents (“SEPs”);
- (b) to provide the Commission with the necessary economic, legal and technical expertise regarding evolving industry practices related to the licensing of SEPs, the sound valuation of intellectual property, and the determination of FRAND licensing terms;
- (c) to assist the Commission in the monitoring of SEP licensing markets to inform any policy measures that may be required for ensuring a balanced framework for smooth, efficient and effective licensing of SEPs; and
- (d) to assist the Commission in obtaining information on licensing and valuation practices in accordance with the Communication from the Commission on Setting out the EU approach to Standard Essential Patents.

The Commission is calling for applications with a view to selecting members of the group.

2. Features of the Group

2.1. COMPOSITION

In accordance with Article 4 of the above Decision the group shall consist of up to 15 members. All members of the group shall have substantial experience in licensing and/or valuation of SEPs.

Members shall be individuals appointed in a personal capacity and individuals appointed to represent a common interest shared by stakeholders involved in activities related to licensing and/or valuation of SEPs. At least two thirds of the Members of the group shall be individuals appointed in a personal capacity.

Members appointed in a personal capacity shall act independently and in the public interest.

Members appointed to represent a common interest shall not represent an individual stakeholder, but a policy orientation common to different stakeholder organisations.

2.2. APPOINTMENT

Members shall be appointed by the Director General of the Commission’s Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (“DG GROW”), after consultation of other Commission services concerned, from applicants complying with the requirements referred to in chapter 4 of this call.

Members shall be appointed for two years. They shall remain in office until replaced. Their term of office may be renewed.

¹ Commission Decision C(2018) 4161

Registration in the Transparency Register is required in order for individuals representing a common interest to be appointed.

DG GROW shall, after consultation of other Commission services concerned, appoint alternate members, in accordance with the same conditions as members, who shall automatically replace on a provisional basis any members who are absent or indisposed.

In order to ensure continuity and the smooth functioning of the group, DG GROW shall, after consultation of other Commission services concerned, establish a reserve list of suitable candidates that may be used to appoint replacements. DG GROW shall ask applicants for their consent before including their names on the reserve list.

Members who are no longer capable of contributing effectively to the group's deliberations, who in the opinion of DG GROW 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.

2.3 RULES OF ENGAGEMENT AND OPERATION OF THE GROUP

The group shall be chaired by a representative of DG GROW or by a person appointed by DG GROW, after consultation of other Commission services concerned.

The group shall act at the request of DG GROW, which shall cooperate closely with other Commission services concerned, in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')².

In principle, the group shall meet 3 times per year on Commission premises in order to fulfill the tasks referred to in chapter 1. DG GROW shall provide secretarial services.

Members should be prepared to attend meetings systematically, to contribute actively to discussions in the group, to be involved in preparatory work ahead of meetings, to examine and provide comments on documents under discussion, and to act, as appropriate, as 'rapporteurs' on ad hoc basis.

As a general rule, working documents will be drafted in English and meetings will be also conducted in English.

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. The members that voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

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

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

The members of the group, 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

² C(2016) 3301, Article 13.1.

regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443³ and 2015/444⁴. Should they fail to respect these obligations, the Commission may take all appropriate measures.

On a proposal by and in agreement with DG GROW the group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

DG GROW may, after consultation of other Commission services concerned, 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.

Organisations directly involved in the field of licensing and/or valuation of SEPs may be granted an observer status, in compliance with the horizontal rules, by direct invitation. Organisations appointed as observers shall nominate their representatives. 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.

DG GROW may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG GROW. 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. The members of sub-groups that are not members of the group shall be selected via a public call for applications.

2.4. TRANSPARENCY

The group shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').

As concerns the group composition, DG GROW shall publish the following data on the Register of expert groups:

- the name of individuals appointed in a personal capacity;
- the name of individuals appointed to represent a common interest; the interest represented shall be disclosed;
- the name of any observers.

DG GROW shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, 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, DG GROW shall ensure publication of the agenda and other relevant background documents 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) N° 1049/2001⁵.

³ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁴ 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).

⁵ 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.

Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

3. Application procedure

Interested individuals are invited to submit their application to DG GROW.

Applications must be completed in one of the official languages of the European Union. However, applications in English would facilitate the evaluation procedure. If another language is used, it would be helpful to include a summary of the CV in English.

An application will be deemed admissible only if it is sent by the deadline and includes the documents referred to below. All documents submitted by applicants should be duly filled in, legible, signed and numbered sequentially.

Supporting documents

Each application shall include the following documents:

- a cover letter explaining the applicant's motivation for answering this call and stating what contribution the applicant could make to the group;
- a classification form duly filled in specifying the member category for which the application is made (Annex I).
- a selection criteria form duly filled in documenting how the applicant fulfills the selection criteria listed in chapter 4 of this call (Annex II).
- a *curriculum vitae* (CV), preferably not exceeding three pages. All CVs shall be submitted in the European format (<https://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>).

Individuals applying to be appointed as members of the group in a personal capacity must disclose any circumstances that could give rise to a conflict of interest by submitting a declaration of interests ('DOI') form on the basis of the standard DOI form for expert groups attached to this call. Submission of a duly completed DOI form is necessary in order to be eligible to be appointed in a personal capacity. DG GROW shall perform the conflict of interest assessment in compliance with the horizontal rules⁶.

Additional supporting documents (e.g. publications) may be requested at a later stage.

Deadline for application

The duly signed applications must be sent by 20th August 2018 at the latest. The date of sending will be established as follows:

- Where applications are sent by e-mail to the following e-mail address: <mailto:GROW-F5@ec.europa.eu>, the date of the e-mail will be the date of sending.
- Where applications are sent by post to the following address: European Commission, DG GROW, Unit F5 secretariat – Avenue de Nerviens, 105, office 09/086, B-1049 Brussels, the postmark will be considered the date of sending.
- Where applications are hand-delivered to the following address: European Commission, DG GROW, Unit F5 secretariat – Avenue de Nerviens, 105, office 09/086, B-1049 Brussels, the date on the receipt given upon delivery will be considered the date of

⁶ C(2016) 3301, Article 11.

sending.

4. Selection criteria

DG GROW will take the following criteria into account when assessing applications:

- proven and relevant competence as regards the valuation, licensing and/or litigation of standard-essential patents, with a particular focus on FRAND determination, including at European level;
- knowledge of recent developments as regards the valuation, licensing and/or litigation of standard-essential patents and ability to provide solutions beyond those existing in the current literature and practice based on a neutral and fair analysis;
- leadership and ability to represent effectively the common interests of the relevant market perspective(s), including the IoT (individuals applying to be appointed in order to represent a common interest only);
- absence of circumstances that could give rise to a conflict of interest (individuals applying to be appointed in a personal capacity only);
- good knowledge of the English language allowing for active participation in discussions and the drafting of reports of the group.
- Furthermore, the following will be considered as an advantage:
 - to have practical experience in the field of valuation, licensing and/or with related litigation, on behalf of both licensors and licensees and/or
 - to have knowledge of licensing of IPRs within an SME context, including in relation to start-ups.

5. Selection procedure

The selection procedure shall consist of an assessment of the applications performed by DG GROW against the selection criteria listed in chapter 4 of this call, followed by the establishment of a list of the most suitable applicants, and concluded by the appointment of the members of the group.

When defining the composition of the group, DG GROW shall aim at ensuring, as far as possible, a high level of expertise, a geographical and gender balance, as well as a balanced representation of relevant know how and areas of interest, while taking into account the specific tasks of the group, the type of expertise required, as well as the relevance of the applications received.

For any further information please contact e-mail: <mailto:GROW-F5@ec.europa.eu>.

ANNEXES:

- Classification form (annex I)
- Selection criteria form (annex II)
- Standard declaration of interests⁷ (annex III)

⁷ To be filled in only by individuals applying to be appointed in a personal capacity.

- Guidance for filling in the declaration of interests⁸ (annex IV)
- Privacy statement (annex V)

⁸ Idem

Annex I - Classification form⁹

To be filled in by all applicants

This application is made as: (*please select only one option*)

- An individual applying to be appointed in a personal capacity (Type A member);** if appointed I shall act independently and in the public interest.

or

- An individual applying to be appointed to represent a common interest** shared by stakeholders in a particular policy area (**Type B member**); if appointed I shall not represent an individual stakeholder.

Transparency Register identification number: [...] ¹⁰

To be filled in by individuals applying to be appointed as Type B members

The applicant shall represent the following **interest**: (*please select one or more options, taking into account the definitions indicated below*):

- a) Academia/Research
- b) Civil society
- c) Employees/Workers
- d) Finance
- e) Industry
- f) Professionals
- g) SMEs
- h) Other (please specify):

Definitions for interests represented

Academia/Research

Universities, schools, research centers, think tanks and other similar bodies performing academic and/or educational activities.

⁹ This form must be filled in, signed and returned with the application.

¹⁰ If the individuals in question act as self-employed consultants, they should provide their own identification number. If the individuals in question do not act as self-employed consultants, they should provide the identification number of the organisation(s) of which they are employees, see Article 24 of the horizontal rules.

Civil society

Civil society can be defined as the aggregate of non-governmental organisations and institutions that manifest interests and will of citizens or as individuals and organisations in a society which are independent of the government.

Employees/workers

Individuals working part-time or full-time under a contract of employment whether oral or written, express or implied, and having recognized rights and duties.

Finance

The management of revenues or the conduct or transaction of money matters, as in the fields of banking, insurance and investment.


Industry

Companies and groups of companies whose number of employees and turnover or balance sheet total are higher than the ones of SMEs (see below).

Professionals

Individuals operating in a particular profession, such as physicians, nurses, architects, engineers and lawyers.

SMEs

"SME" stands for small and medium-sized enterprises – as defined in EU law: [EU recommendation 2003/361](#) .

The main factors determining whether a company is an SME are:

1. **number of employees** and
2. either **turnover** or **balance sheet total**.

<u>Company category</u>	<u>Employees</u>	<u>Turnover</u>	<u>or</u>	<u>Balance sheet total</u>
Medium-sized	< 250	≤ € 50 m		≤ € 43 m
Small	< 50	≤ € 10 m		≤ € 10 m
Micro	< 10	≤ € 2 m		≤ € 2 m

These ceilings apply to the figures for individual firms only. A firm which is part of larger grouping may need to include employee/turnover/balance sheet data from that grouping too.

Other interest

Interest which is not possible to classify in any other category.

To be filled in by individuals applying to be appointed as Type B members

Please select one **or more policy areas** in which your organisation operate:

- Agriculture
- Archaeology
- Architecture
- Audiovisual and media
- Audit
- Banking
- Biodiversity
- Civil protection
- Civil service
- Climate
- Competition
- Conservation
- Consumer affairs
- Culture
- Cultural Heritage
- Cultural Landscape
- Customs
- Development
- Disaster Risk Reduction
- Economy
- Education
- Employment and social affairs
- Energy
- Engineering (chemical)
- Engineering (civil)
- Engineering (infrastructure)
- Engineering (IT)
- Engineering (maritime)
- Engineering (space policy)
- Engineering (space research)
- Enlargement
- Environment
- Equal opportunities
- External relations
- External trade
- Finance
- Fisheries and aquaculture
- Food safety
- Forestry
- Fundamental rights
- Humanitarian aid
- Industry
- Information society
- Innovation
- Insurance

- Labour
- Land management
- Law (civil)
- Law (corporate)
- Law (criminal)
- Law (taxation)
- Linguistics and Terminology
- Livestock
- Medical profession
- Migration
- Natural resources
- Plant production
- Public affairs
- Public health
- Public relations
- Raw materials
- Research
- Science
- Science diplomacy
- Security
- Smart specialisation
- Social service
- Space and Satellites (policy)
- Space and Satellites (research)
- Sport
- Statistics
- Sustainable Development
- Systemic eco-innovation
- Tax
- Trade
- Training
- Transport
- Urban development
- Water
- Youth
- Other

For individuals applying to be appointed as Type A members

Title:

Surname:

First name:

Date:

Signature

For individuals applying to be appointed as Type B members

Title:

Surname¹¹:

First name¹²:

Date:

Signature

¹¹ It is mandatory to use exactly the same name used when registering in the Transparency Register.
¹² Idem

Annex II: Selection criteria form¹³

Applicants are requested to describe how they fulfil the selection criteria listed in this call.

Proven and relevant competence as regards the valuation, licensing and/or litigation of standard-essential patents, with a particular focus on FRAND determination, including at European level.	
Knowledge of recent developments as regards the valuation, licensing and/or litigation of standard-essential patents and ability to provide solutions beyond those existing in the current literature and practice based on a neutral and fair analysis.	
Leadership and ability to represent effectively the common interests of the relevant market perspective(s), including the IoT (individuals applying to be appointed in order to represent a common interest only).	
Absence of circumstances that could give rise to a conflict of interest (individuals applying to be appointed in a personal capacity only).	
Good knowledge of the English language allowing for active participation in discussions and the drafting of reports of the group.	
<p>Furthermore, the following will be considered as an advantage:</p> <ul style="list-style-type: none"> - to have practical experience in the field of valuation, licensing and/or with related litigation, on behalf of both licensors and licensees and/or - to have knowledge of licensing of IPRs within an SME context, including in relation to start-ups. 	

For individuals applying to be appointed as Type A members

Title:

Surname:

¹³ This form must be filled in, signed and returned with the application.

First name:

Date:

Signature

For individuals applying to be appointed as Type B members

Title:

Surname¹⁴:

First name¹⁵:

Date:

Signature

¹⁴ It is mandatory to use exactly the same name used when registering in the Transparency Register.
¹⁵ Idem

Annex III: Standard declaration of interests

Standard declaration of interests (DOI) form for individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity

Legal basis:

Commission Decision [C(2016)...] establishing horizontal rules on the creation and operation of Commission expert groups, Articles 2(4) and 11.

Definitions:

"Conflict of interest" means any situation where an individual has an interest that may compromise or be reasonably perceived to compromise the individual's capacity to act independently and in the public interest when providing advice to the Commission in relation to the subject of the work performed by the expert group or sub-group in question.

"Immediate family member" means the individual's spouse, children and parents. "Spouse" includes a partner with whom the individual has a registered non marital regime. "Children" means the child(ren) the individual and the spouse have in common, the own child(ren) of the individual and the own child(ren) of the spouse.

"Legal entity" means any commercial business, industry association, consultancy, research institution or other enterprise whose funding is significantly derived from commercial sources. It also includes independent own commercial businesses, law offices, consultancies or similar.

"Body" means a governmental, international or non-profit organisation.

"Meeting" includes a series or cycle of meetings.

Please answer each of the questions below. If the answer to any of the questions is "yes", please briefly describe relevant interests and circumstances, as appropriate.

If you do not describe relevant interests, your DOI form will be considered incomplete and, therefore, your application to be appointed as a member of an expert group or sub-group in a personal capacity shall be rejected.

First name:

Family name:

Expert group/sub-group:

1 EMPLOYMENT CONSULTANCY AND LEGAL REPRESENTATION

	<i>Within the past 5 years, were you employed or have you had any other professional relationship with a natural or legal entity, or held any non-remunerated post in a legal entity or other body with an interest in the field of activity of the expert group/sub-group in question?</i>	yes	no
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1a	Employment	<input type="checkbox"/>	<input type="checkbox"/>
1b	Consultancy, including services as an advisor	<input type="checkbox"/>	<input type="checkbox"/>
1c	Non-remunerated post	<input type="checkbox"/>	<input type="checkbox"/>
1d	Legal representation	<input type="checkbox"/>	<input type="checkbox"/>

Activity	Time period (from... until month/year)	Name of entity or body	Description

2 MEMBERSHIP OF MANAGING BODY, SCIENTIFIC ADVISORY BODY OR EQUIVALENT STRUCTURE

	<i>Within the past 5 years, have you participated in the internal decision-making of a legal entity or other body with an interest in the field of activity of the expert group/sub-group in question or have you participated in the works of a Scientific Advisory Body with voting rights on the outputs of that entity?</i>	yes	no
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2a	Participation in a decision-making process	<input type="checkbox"/>	<input type="checkbox"/>
2b	Participation in the work of a Scientific Advisory Body	<input type="checkbox"/>	<input type="checkbox"/>

Activity	Time period (from... until month/year)	Name of legal entity or body	Description

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3 RESEARCH SUPPORT

	<i>Within the past 5 years, have you, or the research entity to which you belong, received any support from a legal entity or other body with an interest in the field of activity of the expert group/sub-group in question?</i>	yes	no
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3a	Research support, including grants, rents, sponsorships, fellowships, non-monetary support	<input type="checkbox"/>	<input type="checkbox"/>
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Activity	Time period (from... until month/year)	Name of legal entity or body	Description

4 FINANCIAL INTERESTS

	<i>Do you have current investments in a legal entity with an interest in the field of activity of the expert group/sub-group in question, including holding of stocks and shares, and which amounts to more than 10,000 EUR per legal entity or entitling you to a voting right of 5% or more in such legal entity?</i>	yes	no
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4a	Shares	<input type="checkbox"/>	<input type="checkbox"/>
4b	Other stock	<input type="checkbox"/>	<input type="checkbox"/>

Investment	Name of legal entity	Description

5 INTELLECTUAL PROPERTY

	<i>Do you have any intellectual property rights that might be affected by the outcome of the work carried out by the expert group/sub-group in question?</i>	yes	no
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5a	Patent, trademarks, or copyrights	<input type="checkbox"/>	<input type="checkbox"/>
5b	Others	<input type="checkbox"/>	<input type="checkbox"/>

Intellectual property	Description

6 PUBLIC STATEMENTS AND POSITIONS

	<i>Within the past 5 years, have you provided any expert opinion or testimony in the field of activity of the expert group/sub-group in question, for a legal entity or other body as part of a regulatory, legislative or judicial process? Have you held an office or other position, paid or unpaid, where you represented interests or defended an opinion in the field of activity of the expert group/sub-group in question?</i>	Yes	no
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6a	For a legal entity or other body as part of a regulatory, legislative or judicial process	<input type="checkbox"/>	<input type="checkbox"/>
6b	Represented interests or defended an opinion	<input type="checkbox"/>	<input type="checkbox"/>

Activity	Time period (from... until month/year)	Name of legal entity or body	Description

7 INTERESTS OF IMMEDIATE FAMILY MEMBERS yes no

7a	To your knowledge, are there any interests of your immediate family members which could be seen as undermining your independence when providing advice to the Commission in the field of activity of the expert group/sub-group in question?	<input type="checkbox"/>	<input type="checkbox"/>
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Interests	Time period (from... until month/year)	Name of legal entity or body	Description

7b	If interests of your immediate family members are declared, it is your responsibility to inform them about the collection and publication of information on their interests included in the DOI and to provide them with the privacy statement attached to the guidance for filling in this DOI, and this at the latest when you file the DOI form with the Commission.
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8 OTHER RELEVANT INFORMATION yes no

8a	Are there any other elements that could be seen as undermining your independence when providing advice to the Commission in the field of activity of the expert group/sub-group in question?	<input type="checkbox"/>	<input type="checkbox"/>
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Description:

I hereby declare on my honour that I have read the guidance for completing this form. I also declare on my honour that the information disclosed in this form is true and complete to the best of my knowledge.

Should there be any change to the above information, including as regards upcoming activities, I will promptly notify the competent Commission department and complete a new DOI form describing the changes in question.

I am informed that my personal data are stored, processed and published by the Commission in accordance with Regulation (EC) N° 45/2001.

Date: _____

Signature: _____

Your DOI form shall be made publicly available on the Register of Commission Expert Groups and Other Similar Entities, as long as you are appointed as member of the expert group or subgroup in a personal capacity. Technical measures will be taken to indicate to search engines that your DOI form should not appear in search results.

Annex IV: Guidance for filling in the declaration of interests

Guidance for filling in the declaration of interests (DOI) form by individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity

According to the Commission's horizontal rules on expert groups ('the horizontal rules'), Commission expert groups and other similar entities are consultative bodies¹⁶, the role of which is to provide advice and expertise to the Commission and its departments in relation to a number of tasks¹⁷. Individuals appointed as members of expert groups or sub-groups in a personal capacity are due to act independently and in the public interest¹⁸.

In order to ensure the highest integrity of experts, you are requested to duly complete the DOI form. You are required to disclose any circumstances that could give rise to a conflict of interest, i.e. any situation where your interests may compromise or may reasonably be perceived to compromise your capacity to act independently and in the public interest in providing advice to the Commission, in relation to the subject of the work performed by the expert group or sub-group in question. In particular, you must disclose in this DOI form any relevant professional and financial interests.

You must also declare relevant interests of your immediate family members. If interests of your immediate family members are declared, it is your responsibility to inform them about the collection and publication of information on their interests included in this DOI form and to provide them with the privacy statement attached to this guidance, and this at the latest when you file the DOI form with the Commission.

Please submit the completed DOI form to the competent Commission department, together with your CV, as part of your application to become member of an expert group or sub-group in a personal capacity. If there is any change concerning the information provided in the form, including on upcoming activities, you must promptly inform the competent Commission departments by completing a new DOI form which describes the changes in question.

Please note that having a declared interest does not necessarily mean having a conflict of interest. Answering "Yes" to a question on this DOI form does not automatically disqualify you or limit your participation in an expert group or sub-group. The competent Commission departments will review your answers in accordance with the horizontal rules and determine whether a conflict of interest relevant to the subject at hand exists¹⁹.

Where the competent Commission departments conclude that no conflict of interest exists, you are eligible to be appointed in a personal capacity. Where the competent Commission departments conclude that your interests may compromise or be reasonably perceived to compromise your capacity to act independently and in the public interest when providing advice to the Commission in relation to the subject of the work performed by the expert group or sub-group in question, they shall take one of the following measures to deal with the conflict of interest detected, depending on the specific circumstances:

- You shall not be appointed in a personal capacity to the expert group or sub-group in question; in such case the competent Commission department shall inform you about the outcome of the conflict of interest assessment performed;

¹⁶ C(2016) 3301, Article 2.1.

¹⁷ Idem, Article 3.

¹⁸ Idem, Article 7.2. (a).

¹⁹ Idem, Article 11.

- You shall be appointed as member of the expert group or sub-group in a personal capacity with a number of specific restrictions: you may be excluded from certain meetings and/or activities carried out by the group, such as drafting opinions or recommendations; you may also be required to abstain from discussing certain agenda items and/or from any vote on those items;
- You shall be appointed as member of the expert group or sub-group representing a common interest shared by a number of stakeholders, after consultation of the stakeholders concerned.

Your DOI form shall be made publicly available on the Register of Commission Expert Groups and Other Similar Entities, as long as you are appointed as member of the expert group or sub-group in a personal capacity. Technical measures will be taken to indicate to search engines that your DOI form should not appear in search results.

If you decline to complete a DOI form, you are not eligible to be appointed as a member of the expert group or sub-group in question in a personal capacity.

Personal data shall be collected, processed and published by the Commission in accordance with Regulation (EC) No 45/2001.

Annex V: Privacy statement

PROTECTION OF YOUR PERSONAL DATA

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1. Introduction

This privacy statement explains the reason for the processing, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you may exercise in relation to your data (the right to access, rectify, block etc.).

The European institutions are committed to protecting and respecting your privacy. As this service/application collects and further processes personal data, Regulation (EC) N°45/2001²⁰ 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, is applicable.

This statement concerns the Register of Commission Expert Groups and Other Similar Entities ('Register of expert groups') undertaken by the European Commission, Secretariat-General, Head of Unit B.2 (Institutional Affairs). The Register is a database containing a list of Commission expert groups and other similar entities and their sub-groups. For each expert group, the Register provides valuable information including on the Commission department which is running the group, as well as on the

²⁰ [Regulation \(EC\) N° 45/2001](#) (OJ L8 of 12/01/2001).

group members, mission and tasks. The Register also includes relevant documents which are produced and discussed by expert groups.

Personal data submitted to Commission departments as part of rejected applications are not published on the Register of expert groups. The competent Commission departments keep these data for six months and do not process them for other purposes.

2. Why do we process your data?

Purpose of the processing operation: The European Commission, Secretariat-General, Head of Unit B.2 (Institutional Affairs) ('the Data Controller') collects and uses your personal information to ensure transparency on expert groups' membership and activities.

The processing and publication on the Register of expert's personal data is necessary for the performance of a task carried out in the public interest, since it increases the transparency on Commission expert groups (article 5 (a) of Regulation (EC) N° 45/2001).

As regards, in particular, the declarations of interests filled in by experts appointed in a personal capacity, the processing of personal data of these experts serves the public interest of enabling the Commission to verify the experts' independence in providing advice to the Commission. Furthermore, the public disclosure of declarations of interests allows for public scrutiny of the interests declared by experts appointed in a personal capacity, which is necessary in order to ensure public confidence in the independence of these experts. The public disclosure of declarations of interests also ensures a high degree of transparency with respect to the membership of expert groups and aims at contributing to fostering the integrity of the experts in question.

Art 27 of Regulation (EC) N° 45/2001 is not applicable.

3. Which data do we collect and process?

The personal data collected and further processed may be:

- Name;
- Professional title;
- Professional profile;
- Nationality;
- Gender;
- Interest represented (only for individuals applying to be appointed as members of expert groups or sub-groups representing a common interest and for the designated representatives of organisations applying to be appointed members of expert groups or sub-groups);
- Information included in the declarations of interest (only for individuals applying to be appointed as members of expert groups or sub-groups in a personal capacity).

4. How long do we keep your data?

The Data Controller only keeps the data for the time necessary to fulfil the purpose of collection or further processing.

When an individual is no longer participating in a group listed in the Register of expert groups, all personal information related to this individual is removed from the Register. The competent Commission departments keep personal information for 5 years after the date where relevant individuals cease to participate in the work of the group.

Declarations of interests of individuals appointed as members or alternate members in a personal capacity of expert groups or sub-groups are published on the Register as long as they are members.

When a group is closed down, it remains published in the Register of expert groups for five years, with the indication 'Closed'. During such time, personal information other than the above-mentioned declarations of interests is visible on the Register.

An XML file is created daily with all the information regarding active groups. All versions of this file, showing the situation of the Register as of the day it was created, are stored in a file server for 5 years.

5. How do we protect your data?

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractors, the operations of which abide by the European Commission's security decision of 16 August 2006 [C(2006) 3602] concerning the security of information systems used by the European Commission.

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of Directive 95/46/CE.

6. Who has access to your data and to whom is it disclosed?

Information collected is publicly available on the Register of expert groups.

The XML files referred to in point 4 are not available neither via the internal application of the Register or the public version of the Register, and are only accessible to a reduced number of users in the System Owner and System Supplier's teams.

7. What are your rights and how can you exercise them?

According to Regulation (EC) n°45/2001, you are entitled to access your personal data and rectify and/or block it in case the data is inaccurate or incomplete.

If you do not wish to have your name published on the Register of expert groups, you may submit a request to the relevant Commission department for a derogation from publication. A derogation shall be granted where justified on compelling legitimate grounds in relation to your specific situation, in particular where disclosure of the experts' name could endanger your security or integrity.

You can exercise your rights by contacting the secretariat of the competent Commission department or in case of conflict the Data Protection Officer and if necessary the European Data Protection Supervisor using the contact information given at point 8 below.

8. Contact information

If you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the secretariat of the competent Commission department, using the following contact information:

The Data Processor:

- DG Grow Unit F5
- Tel: 003222960573
- <mailto:GROW-F5@ec.europa.eu>,
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The Data Protection Officer (DPO) of the Commission: DATA-PROTECTION-OFFICER@ec.europa.eu

The European Data Protection Supervisor (EDPS): edps@edps.europa.eu.

9. Where to find more detailed information?

The Commission Data Protection Officer publishes the register of all operations processing personal data. You can access the register on the following link : <http://ec.europa.eu/dpo-register>

This specific processing has been notified to the DPO with the following reference: DPO-2194.8.