

## **RULES OF PROCEDURE OF THE HIGH-LEVEL GROUP OF EXPERTS ON FAKE NEWS**

THE HIGH-LEVEL GROUP OF EXPERTS ON FAKE NEWS,

Having regard to the creation of the group by DG CONNECT,

Having regard to the standard rules of procedure of expert groups<sup>1</sup>,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

### *Point 1*

#### **Operation of the group**

The group shall act at the request of its chairman with the agreement of DG CONNECT.

### *Point 2*

#### **Convening a meeting**

1. Meetings of the group are convened by the Chair, with the agreement of DG CONNECT either on its own initiative, or at the request of a simple majority of members after DG CONNECT has given its agreement.
2. Meetings of the group shall be held on Commission premises.

### *Point 3*

#### **Agenda**

1. The secretariat shall draw up a draft agenda 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 5 calendar days before the date of the meeting.
2. The secretariat shall send documents on which the group is consulted to the group members no later than 5 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 to 2 calendar days before the date of the meeting.

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<sup>1</sup> C(2016) 3301 (Annex 3).

*Point 5*

**Opinions of the group**

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus.
2. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that have 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.

*Point 6*

**Sub-groups**

1. The Expert Group may set up sub-groups from its members for the purpose of examining specific questions on the basis of terms of reference defined by DG CONNECT. Sub-groups shall operate in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules') and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. Meetings of sub-groups shall, in principle, be held on Commission premises without prejudice to the possibility to hold virtual meetings if the majority of the sub-group members so decide.
3. The group shall appoint for each sub-group a moderator responsible for steering the debate and a rapporteur responsible for drawing up the conclusion of the sub-group and report to the group.

*Point 7*

**Invited experts**

DG CONNECT may 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.

*Point 8*

**Observers**

1. Individuals/organisations/public entities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations/public entities appointed as observers shall nominate their representatives.
3. 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.

*Point 9*

**Written procedure**

1. If necessary, the group's opinion or recommendation on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the document(s) on which the group is being consulted.
2. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

*Point 10*

**Secretariat**

DG CONNECT shall provide secretarial support for the group and any sub-groups.

*Point 11*

**Minutes of the meetings**

Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.

*Point 12*

**Attendance list**

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list.

*Point 13*

**Conflicts of interest**

1. The chair of the expert group shall, at the first meeting, remind all members appointed in a personal capacity of their obligation to promptly inform DG CONNECT of any relevant change in the information previously provided, including as regards upcoming activities, in which case they must immediately submit a newly completed declaration of interests describing the change, in order to enable DG CONNECT to assess it in due course, in compliance with the horizontal rules.
2. Should a conflict of interest in relation to an expert appointed in a personal capacity arise, DG CONNECT shall take all appropriate measures, in compliance with the horizontal rules<sup>2</sup>.
3. Conflicts of interest shall be reported in writing, e.g. in the minutes of the group's meeting. Information registered must be adequate, relevant and not going beyond what is necessary for the purpose of the management of the conflict of interest.

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<sup>2</sup> See Article 11.

*Point 14*

**Correspondence**

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

*Point 15*

**Transparency<sup>3</sup>**

1. The group and sub-groups shall be registered on the Register of expert groups.
2. As concerns the group composition, the following data shall be published on the Register of expert groups:
  - (a) the name of individuals appointed in a personal capacity;
  - (b) the name of member organisations; the interest represented shall be disclosed;
  - (c) the name of observers;
3. DG CONNECT 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 CONNECT shall publish 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° 1049/2001<sup>4</sup>.

*Point 16*

**Access to documents**

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001<sup>5</sup>.

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<sup>3</sup> Individuals who do not wish to have their names disclosed may submit a request to DG CONNECT for derogation from this rule. Derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the individual, in particular where disclosure of the experts' name could endanger their security or integrity.

<sup>4</sup> 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.

<sup>5</sup> 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).

*Point 17*

**Deliberations**

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

*Point 18*

**Professional secrecy and handling of classified information**

The members of the expert groups and sub-groups and their representatives as well as observers and invited experts 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 regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/4435 and 2015/444.6 Should they fail to comply with those obligations, the Commission may take all appropriate measures such as terminate the membership in the Group.