

# Rules of Procedure of the Coordinated Supervision Committee

Adopted on 3 December 2019

## I. The Coordinated Supervision Committee

### Article 1 – Identity and Missions

1. The Coordinated Supervision Committee (“the Committee”) is a group of national supervisory authorities and the European Data Protection Supervisor (EDPS). It is established within the framework of the European Data Protection Board (“the Board”), in accordance with Article 37 of the Board’s rules of procedure, to ensure coordinated supervision of large scale IT systems and of EU bodies, offices and agencies in accordance with Article 62 of Regulation (EU) 2018/1725 or with the EU legal act establishing the large scale IT system or the EU body, office or agency.
2. For the purpose of paragraph 1, the Committee shall, as necessary:
  - a) exchange relevant information,
  - b) assist the supervisory authorities in carrying out audits and inspections,
  - c) examine difficulties of interpretation or application of the EU legal act establishing the large-scale IT system or the EU office, body or agency subject to coordinated supervision,
  - d) study problems with the exercise of independent supervision or with the exercise of the rights of data subjects,
  - e) draw up harmonised proposals for solutions to problems and,
  - f) promote awareness of data protection rights.
3. Each authority participating in the Committee shall act within the scope of their respective competences and cooperate actively within the framework of their respective responsibilities to perform the tasks referred to in paragraph 2.

## II. Composition

### Article 2 – Composition and Participation

1. The Committee shall be composed of the supervisory authorities of each EU Member State and the EDPS, as well as supervisory authorities of non-EU Members of the Schengen Area when foreseen under EU law.
2. The representatives of the national supervisory authorities may participate in the activities of the Committee only when their respective country applies the EU legal act establishing the large scale IT system or the EU office, body or agency.

When, in accordance with Article 1 and 2 of Protocol No. 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not bound by the EU legal act establishing the large scale IT system or the EU office, body or agency, Denmark may participate in the activities of the Committee when:

- a) it has implemented the EU legal act, including relevant provisions on coordinated supervision, in its national law, or
- b) it is bound by way of an agreement that allows for participation in the Committee.

3. Where in a country there is more than one supervisory authority responsible, a joint representative shall be designated. The joint representative may, if necessary in accordance with national procedure, be accompanied by representatives of other supervisory authorities of their country.

4. Where, in accordance with the paragraph 3, there is more than one supervisory authority for a country participating in the activities of the Committee, each country shall cast only one vote.

### **Article 3 – Appointment of the Coordinator and Deputy Coordinator**

1. The Committee, through secret ballot, shall elect a Coordinator and at least one Deputy Coordinator by simple majority.

2. In case the elected Coordinator is a representative of a national supervisory authority of a country that does not apply one or several legal acts in accordance with Article 1, the Committee shall ensure that a Deputy Coordinator is a representative of a national supervisory authority of a country that applies at least such legal act(s).

3. The Coordinator and the Deputy Coordinator(s) shall be designated for a term of two years starting from the date of their respective elections. The Coordinator and the Deputy Coordinator(s) may be re-elected once for a further two years.

4. The term of office of the Coordinator and of the Deputy Coordinator(s) is terminated as soon as the term of office at their supervisory authority ends, or when the two-year term of office ends, or in case of resignation.

### **Article 4 – Duties of the Coordinator and Deputy Coordinator(s)**

1. The Coordinator chairs the Committee meetings in a neutral manner and acts as a contact point in all respective matters.

2. The Coordinator shall:

- set the draft agenda,
- convene and chair the meetings of the Committee,
- carry out all the tasks that have been assigned to him/her in these Rules, and
- update the Board of the work of the Committee at least twice a year.

3. If the Coordinator is unable to attend, a Deputy Coordinator shall perform the tasks mentioned in paragraphs 1 and 2.

4. The Coordinator shall cooperate with the Deputy Coordinator(s) in liaison with the Secretariat to:
  - a) ensure the smooth functioning of the Committee;
  - b) prepare the draft agenda;
  - c) prepare the draft work program and the draft joint report of activities on coordinated supervision to be adopted by the Committee.
5. The Coordinator and the Deputy Coordinator(s) shall be responsible for the external representation of the Committee.

#### **Article 5 – Experts, guests and other external parties**

1. Upon proposal by any participant to the Committee, the Coordinator may, unless a majority of the Committee's participating authorities object, invite via the Secretariat external experts, guests or other external parties to take part in meetings of the Committee and may indicate the topics in the agenda, to which they are invited to attend.
2. The invited experts, guests or other external parties participating in a Committee meeting must be mentioned in the respective agenda and in the minutes.
3. Experts, guests and other external attendants shall be bound by the same confidentiality requirements as the participating authorities of the Committee as provided in Article 21 of these Rules.

### **III. Documents and procedures**

#### **Article 6 – Adoption of reports, guidelines, recommendations and best practices**

1. The Committee may adopt reports, guidelines, recommendations and best practices on all matters relating to its tasks, as per Article 1 (2) of these Rules.
2. Except where these Rules provide otherwise, the reports, guidelines, recommendations and best practices of the Committee shall be adopted by consensus. In case where consensus cannot be reached, the reports, guidelines, recommendations and best practices may be adopted by simple majority of authorities participating in the activities in accordance with Article 2.

#### **Article 7 – Written procedure**

1. The Coordinator or a majority of the Committee's participating authorities, may decide to submit documents to a written procedure. The Coordinator, via the Secretariat, shall inform participating authorities as soon as possible of the need and the reasons for a written procedure.
2. When a written procedure has been decided, the Secretariat shall send the invitation to start the written procedure to supervisory authorities participating in the activities in accordance with Article 2(2) of these Rules and make the relevant documents available. The participating

authorities may react within one week or another deadline set by the Coordinator, by specifying whether they have formal objections to the document.

3. Unless a participating authority has formally objected to the document subject to the written procedure within the deadline, the document shall be deemed adopted.

### **Article 8 – Role and responsibilities of Rapporteurs**

1. The Committee or the Coordinator may designate one or several (co-) rapporteur(s) for specific issues on a case-by-case basis.

2. The (co-) rapporteur(s) is/are responsible for the elaboration of documents, incorporating comments into revised drafts, finalizing the document and presenting them to the Committee.

### **Article 9 – Publication of documents**

Reports, guidelines, recommendations and documents adopted by the Committee shall be public, unless the Committee decides otherwise.

### **Article 10 – Joint report of activities on coordinated supervision**

1. The Committee shall adopt a joint report of activities on coordinated supervision every two years. That report shall describe the activities of the Committee related to each large scale IT system and EU office, body or agency subject to coordinated supervision. It shall also include a chapter on each country prepared by the participating authority of that country when required by the EU legal act establishing the large-scale IT system or the EU office, body or agency subject to coordinated supervision.

For the coordinated supervision of the Schengen Information System (SIS), as per Article 57 of Regulation 2018/1861 and Article 71 of Regulation 2018/1862, the Committee shall adopt a joint report of activities every year.

2. The joint report of activities on coordinated supervision shall be communicated by the Coordinator to the Board for submission to the European Parliament, the Council and the Commission as well as other addressees when specifically required in the EU legal act establishing the large-scale IT or the EU office, body or agency subject to coordinated supervision.

3. The joint report of activities on coordinated supervision shall also be made available on the Board's website.

### **Article 11 – Committee work program**

The Committee shall adopt a two-year work program.

## IV. Working methods

### **Article 12 – Meetings of the Committee**

1. The Committee shall meet at least twice a year.
2. The ordinary meetings shall be convened by the Coordinator not less than three weeks prior to the meeting. The Secretariat shall issue the invitation to each participating authority. Where technically feasible and secure, participants may attend ordinary meetings remotely through videoconferencing or other technical means.
3. Extraordinary meetings may also be convened by the Coordinator, on its own initiative or at the request of the majority of the Committee's participating authorities. Where technically feasible and secure, participants may attend extraordinary meetings remotely through videoconferencing or other technical means.
4. The Coordinator or the Deputy-Coordinator(s) in accordance with Article 4(2) of these Rules, shall direct the proceedings during the meeting.
5. Meetings shall only take place if at least half of the participating authorities or their representatives are attending.

### **Article 13 – Agenda of meetings**

1. Once a meeting has been scheduled, the coordinator should, via the Secretariat, send the Committee a draft agenda without delay and in any event 10 days in advance of the meeting.
2. The draft agenda shall be structured on the basis of the following subject matters:
  - (a) Border, asylum and migration
  - (b) Police and judicial cooperation
  - (c) Digital single market
  - (d) Miscellaneous
3. Participating authorities may propose additional topics to be included as an item on the draft agenda.
4. The draft agenda shall be adopted at the beginning of a meeting.
5. Experts, guests and other external attendants participating in a meeting shall be mentioned in the respective agenda item and discussions point for which they will attend.

### **Article 14 – Documents for meetings**

As a rule, all relevant documents shall be circulated as early as possible via the Secretariat, in any event 10 days in advance of the meeting. In exceptional circumstances, given the importance of the matter or the urgency, documents may be distributed later.

### **Article 15 – Minutes of meetings**

1. After approval by the Coordinator, the Secretariat shall prepare the draft minutes of the Committee's meetings and send them for comments to all participating authorities after the meeting. A list of participants to meetings should appear in annex to the minutes.
2. The draft minutes shall include a summary of the discussions, a record of the conclusions reached and the documents adopted.
3. The draft minutes shall be circulated to the participating authorities for approval.

## **V. Secretariat and organisation**

### **Article 16 – Convening and venue**

1. Committee meetings should be planned well in advance by the Coordinator, together with the Secretariat. The planning of meetings should take into account budgetary constraints.
2. As a general rule, the Committee should meet in person in Brussels. Where possible or necessary, in urgent cases, meetings may take place by way of telecommunication and/or videoconferencing.

### **Article 17 – Secretariat of the Committee**

The Secretariat of the Board shall also provide the Secretariat of the Committee.

### **Article 18 – Travel costs and reimbursement**

One representative of each Member State shall be entitled to the reimbursement of their travel expenses for the participation to the Committee meeting. Representatives from EFTA States shall not be entitled to reimbursement.

### **Article 19 – Language**

The working language of the Committee shall be English.

## **VI. Final provisions**

### **Article 20 – Access to meetings**

Attendance to the Committee meetings is restricted to persons mentioned in Article 2 (Composition and Participation), Article 5 (Experts, guests and other external parties) and Article 17 (Secretariat) of these Rules.

**Article 21 – Confidentiality of discussions**

Participants to the Committee and the Secretariat shall be obliged to treat in a confidential manner any information that comes to their knowledge in the context of their activities and shall exercise discretion with regard to the discussions of the Committee.

**Article 22 – Revision of the Rules of Procedure**

1. Amendments to these Rules may be proposed by the Coordinator of the Committee or by one of its participating authority.
2. Amendments shall be adopted in accordance with Article 6(2). These Rules shall be reviewed within two years after their adoption by the Committee.

**Article 23 – Webpage of the Committee**

The Committee shall have a dedicated webpage on the Board's website.

**Article 24 – Entry into force**

These Rules shall enter into force on the date of their adoption.