

Eurodac Supervision Coordination Group

Rules of Procedure

Brussels, May 2014

The Eurodac Supervision Coordination Group was set up under the Eurodac Regulation.
Its Secretariat is provided by the European Data Protection Supervisor.
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The Eurodac Supervision Coordination Group, according to Article 32 (4) of the 'Eurodac' Regulation¹,

has adopted its Rules of Procedure as follows:

Art. 1 Tasks

1. The Eurodac Supervision Coordination Group ('Coordination Group') is a platform in which the data protection authorities responsible for the supervision of Eurodac, according to Article 32 of the Eurodac Regulation, cooperate in the framework of their responsibilities in order to ensure a coordinated supervision of Eurodac.
2. The Coordination Group shall:
 - a) endeavour to enhance cooperation between the supervisory authorities and shall ensure coordinated supervision of Eurodac and the national systems;
 - b) exchange relevant information;
 - c) assist the supervisory authorities in carrying out audits and inspections, as necessary, each acting within the scope of their respective competences;
 - d) examine difficulties of interpretation or application of the Eurodac Regulation;
 - e) study problems with the exercise of independent supervision or with the exercise of the rights of data subjects;
 - f) draw up harmonised proposals for joint solutions to any problems;
 - g) promote awareness of data protection rights, as necessary.

Art. 2 Membership

1. The Coordination Group shall be made up of one representative from each of the national supervisory authorities for Eurodac from each Member State² and the European Data Protection Supervisor ('EDPS').
2. Each delegation shall have one vote.
3. Each member of the Coordination Group shall be designated by the supervisory authority which he represents. Where a Member State has designated more than one supervisory authority, they shall nominate a joint representative.
4. The authorities mentioned in the above paragraphs shall designate an alternate according to the same procedures. A second alternate may be designated if needed.
5. The authorities mentioned in the above paragraphs shall inform the Secretariat of the names of these representatives.
6. Any member who is unable to attend a meeting shall inform the relevant alternate and the Secretariat as soon as possible.

Art. 3 Chair

1. The Coordination Group shall elect a Chairperson and a Vice-Chairperson by means of a secret ballot.
2. The Chairperson and the Vice-Chairperson shall be elected by absolute majority of the delegations which are entitled to vote according to Article 2.
3. The term of office of the Chairperson and the Vice-Chairperson shall be two years and shall be renewable.

¹ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), OJ 29.6.2013, L 180/1.

² For the purpose of these rules of procedure, a "Member State" means any state participating in Eurodac.

4. The Chairperson shall direct the proceedings. If the Chairperson is unable to attend, he/she shall be replaced by the Vice-Chairperson or in his/her absence by the most senior member in age.

Art. 4 Secretariat

1. The Secretariat of the Coordination Group shall be provided by the EDPS.
2. The Secretariat shall prepare the work of the Coordination Group according to its work programme and shall follow up its decisions under the responsibility of the Chair.
3. Correspondence intended for the Coordination Group shall be addressed to the Secretariat.

Art. 5 Meetings

1. A meeting of the Coordination Group shall be organised at least twice a year. Additional meetings can be organised at the request of at least one third of its members.
2. The Secretariat of the Coordination Group shall issue the invitations to each member not less than four weeks before the proposed date of the meeting and shall at the same time inform each alternate.
3. In an emergency, the period of four weeks specified above may be shortened, but in any event not be less than two weeks.
4. The agenda and any documents submitted for discussions shall, as a rule, be distributed to members at least two weeks before the meeting.

Art. 6 Agenda

1. Draft agendas shall be prepared by the Secretariat in close cooperation with the Chairperson.
2. Additional items can be put on the agenda at the request of a member.
3. The Coordination Group shall approve the agenda when the meeting is opened.

Art. 7 Quorum

A meeting of the Coordination Group shall be valid if more than half of the delegations entitled to vote in accordance with Article 2 are present.

Art. 8 Decisions

1. The Coordination Group shall decide by a majority of the votes validly cast, abstentions being regarded as votes validly cast. The decisions of the Coordination Group shall include views expressed by individual members of the Coordination Group where the latter so request. In the event of a tie, the proposal shall be treated as not carried.
2. Decisions may be submitted to a vote by written procedure if so decided unanimously by the Coordination Group. In urgent cases, a question may be submitted to a written vote at the initiative of the Chairperson.
3. The draft which is subject to a written vote shall be sent by the Secretariat to the delegations entitled to vote. The members entitled to vote shall inform the Secretariat of their vote in writing within a fixed term which shall in no case be less than 7 days. Failure to inform the Secretariat within this term shall be considered to be an abstention. The Secretariat shall inform the members of the results of the vote. The result of the vote is recorded in the minutes of the following meeting of the Coordination Group.
4. The written procedure initiated at the initiative of the Chairperson shall be interrupted if one of the members entitled to vote requests within 3 days of receiving the draft that the draft be discussed during a meeting of the Coordination Group.

Art. 9 Other attendees

1. Besides the members and alternates, experts or observers invited pursuant to a decision of the Coordination Group may participate in the meetings for certain parts of the agenda. Representatives of data protection authorities from other Member States may receive a standing invitation to attend the meetings as an observer.
2. Members of the Coordination Group may be assisted, at their own expense, by experts in whom they have confidence, for one or several meetings. The members shall inform the secretariat of the names of these experts.

Art. 10 Venue

1. The Coordination Group shall normally meet in Brussels.
2. In exceptional circumstances and the budget permitting, the Coordination Group may decide to meet elsewhere in the European Union.

Art. 11 Minutes of meetings

1. The Secretariat shall prepare the minutes of each meeting, which shall comprise:
 - a) a list of those present at the meeting;
 - b) a summary record of the proceedings;
 - c) opinions and recommendations adopted.
2. At the beginning of each meeting, the Coordination Group shall adopt the minutes of the previous meeting.
3. Amendments to draft minutes must where possible be submitted in writing in advance of the meeting at which the draft minutes are to be approved
4. The Coordination Group shall decide on what issues a substantive minute of the discussions should be made.

Art. 12 Activity report and publicity

1. The Coordination Group shall draw up an activity report every two years. The report shall be sent to the European Parliament, the Council, the Commission and the Management Authority. This report shall include a chapter on each Member State prepared by the National Supervisory Authority of that Member State.
2. The minutes and any draft documents of the Coordination Group shall not be public documents unless the Coordination Group decides otherwise. Reports, recommendations and any other documents adopted by the Coordination Group shall be public, unless the Coordination Group decides otherwise.
3. The Secretariat shall ensure that public documents will be given appropriate publicity, if possible in different language versions.

Art. 13 Subgroups and rapporteurs

1. The Coordination Group may establish one or more subgroups to prepare its position on certain matters and shall decide on their mandate.
2. The Coordination Group may appoint one or more of its members as rapporteur to prepare work on specific questions or to prepare the activity report referred to in Article 12.

Art. 14 Budget and costs

1. The EDPS shall service and bear the costs of the meetings, including where possible any meetings of subgroups.
2. Travel and, where appropriate, subsistence expenses incurred in connection with the meetings shall be reimbursed in accordance with rules adopted by the EDPS for external experts.

Art. 15 Final provisions

1. Further working methods shall be developed where necessary.
2. These rules shall be amended according to the procedure laid down in Art. 8.

Brussels, 7 May 2014.