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**RULES OF PROCEDURE****RULES OF PROCEDURE OF THE EUROPEAN REGULATORS GROUP FOR  
POSTAL SERVICES (ERGP)**

THE EUROPEAN REGULATORS GROUP FOR POSTAL SERVICES,

Having regard to the Commission Decision of 10 August 2010 setting up the European Regulators Group for postal services (ERGP)<sup>1</sup>, and in particular Article 4 thereof,

Having regard to the standard rules of procedures published by the Commission<sup>2</sup>,

Whereas:

- (1) The ERGP shall advise and assist the Commission in consolidating the internal market for postal services.
- (2) The role of the ERGP is to facilitate consultation, coordination and cooperation between the independent national regulatory authorities in the Member States, and between those authorities and the Commission.
- (3) Close cooperation, exchange of information and promotion of best regulatory practices between independent national regulatory authorities are essential for an effective monitoring of the European postal markets and to the promotion of coherent application of the European Union postal regulatory framework.

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURES:

*Article 1***Structure**

1. In accordance with the Commission Decision, and especially Annex thereof, Members of the ERGP shall comprise the independent national regulatory authorities in the field of postal services, which are represented by their heads, or in exceptional cases other representatives, of these authorities.
2. The independent national regulatory authorities for the postal sector from European Economic Area (EEA) States, which are not Member States, and from those States that are candidates for accession to the European Union shall have observer status and shall be represented at an appropriate level.

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<sup>1</sup> OJ C 217, 11 August 2010, p. 7.

<sup>2</sup> Annex III of document SEC(2005)1004.

The Commission and the EFTA Surveillance Authority shall attend as observers and shall be represented at an appropriate level.

3. Upon the suggestion of members or observers of the ERGP and in agreement with the Commission, the chair may also invite on an *ad hoc* basis other experts and observers to attend meetings.

#### *Article 2*

#### **Types of the acts**

1. In relation to its tasks as defined by Article 2 of the Commission Decision the ERGP shall in particular:
  - (a) issue positions and reports, which represent publicly or internally available document adopted by the ERGP prepared on its own initiative;
  - (b) issue opinions, which represent publicly available document adopted by the ERGP upon the request of the Commission;
  - (c) issue consultation documents, which seek to elicit the views of stakeholders and interested parties;
  - (d) issue communication documents, including for example, the Work Programme, the Annual Report, agendas and minutes of meetings.
2. The ERGP shall adopt acts defined in the previous paragraph by a consensus or, if not possible, on the basis of a simple majority of the votes cast with each member having one vote and at least 2/3 of members casting their vote.

A request for a secret ballot can be made by at least two voting members present and supported by a majority of members. Dissenting opinions shall be recorded in the minutes.

3. The acts defined in paragraph 1 shall not be binding on its members, but members shall take the utmost account of such documents.

#### *Article 3*

#### **Chairmanship**

1. In accordance with the Commission Decision the ERGP shall be chaired by one of its members for a period of 12 months. Members of the ERGP shall also appoint up to two vice-chairs for the same period.
2. Nominations for election as Chair and Vice-Chair shall be submitted to the secretariat no later than 28 days before the date of the meeting at which the election will take place and shall be supported by at least 3 members. The secretariat will circulate the list of candidates according to the rules defined in Article 7.

The chair and up to two vice-chairs of the ERGP shall be elected with the 2/3 majority of all members.

A request for a secret ballot can be made by at least two voting members present.

3. The Chair shall first serve 12 months as vice-chair and also serves a final year as vice-chair.
4. Exceptionally, the member of the ERGP that will be elected as a Chair in the first year of functioning of the ERGP, does not need to fulfil the condition of one year vice-chairmanship as laid down in the previous paragraph.

#### *Article 4*

#### **Secretariat**

The Commission (Directorate General for Internal Market and Services) shall provide secretarial support for the ERGP and any sub-groups created under Article 8 below.

#### *Article 5*

#### **Meetings**

1. Plenary meetings of the ERGP are always convened, in agreement with the Commission, by the chair. The chair can convene the meeting either on its own initiative, or at the request of a simple majority of members.
2. In the case of absence or incapacity of the chair or by its delegation one of the two vice-chairs shall be empowered to exercise the responsibilities of the chair.
3. Quorum necessary for plenary meetings shall be achieved when at least two thirds of all voting members are present or represented by proxy. The written proxy shall be submitted to the Chair at the beginning of the meeting and shall be recorded in the minutes.
4. Summary minutes of the plenary meetings and meetings of sub-groups on each point of the agenda are drafted by the secretariat under the responsibility of their respective chairs.

Summary minutes shall be approved electronically by the participants of the meeting no later than fifteen (15) working days after receiving the draft minutes.

5. At each meeting, the secretariat shall also draw up, under the responsibility of the chair, an attendance list, which should be annexed to the minutes of the meeting.

#### *Article 6*

#### **Agenda for the meetings**

1. The secretariat shall draw up the agenda for plenary meetings under the responsibility of the chair and send it to the members and observers at least ten (10) working days in advance.
2. The secretariat shall draw up the agenda for meetings of sub-groups under the responsibility of the chair of the subgroup and send it to the members and observers at least ten (10) working days in advance
3. The agenda of the meeting shall be approved by the participants at the beginning of each meeting.

*Article 7*

**Documents for the meetings**

1. The secretariat shall send draft documents on which the plenary meeting is consulted and all other working documents to participants no later than ten (10) working days before the date of the plenary meeting.
2. The secretariat shall send draft working documents to participants of sub-group meetings no later than ten (10) working days before the date of the sub-group meeting.
3. In urgent or exceptional cases, the time limits defined in Article 6(1) and previous paragraphs may be reduced to five (5) working days before the date of the meetings in question.

*Article 8*

**Sub-groups**

1. The ERGP may set up sub-groups to examine specific questions on the basis of terms of references endorsed by the plenary meeting of ERGP.
2. Sub-groups shall be composed of experts from the independent national regulatory authorities in the field of postal services as identified in Article 1 of these Rules of Procedures and observers.
3. The sub-groups shall be of a temporary nature and disbanded as soon as they have fulfilled tasks assigned to them.
4. The sub-groups shall report to the plenary meeting of the ERGP after reporting to the CN.

*Article 9*

**Contact network**

1. The Contact Network is a specific type of sub-group, composed of senior representatives of all members and observers, chaired by the representative of the chair of ERGP.
2. The task of the Contact Network is to ensure coordination of proposals to be considered by the plenary meeting of ERGP. To this end it shall in particular:
  - (a) aim to resolve outstanding differences in relation to documents prepared by the individual sub-group;
  - (b) ensure that documents to be submitted for consideration of the plenary meeting are duly and timely prepared;
  - (c) assess the completeness and the consistency of the documents proposed for the adoption by the plenary meeting and ensure that these documents are ready for discussion and decision by the plenary meeting.
3. The Contact Network could also act as a platform for exchange of information, where the members could address topics not held by sub-groups.

*Article 10*

**Written procedure**

1. If necessary the ERGP act on a specific question may be delivered via a written procedure. To this end, the secretariat sends to the members and observers the draft documents that the ERGP is working on.
2. The time framework for a written procedure shall be set by the chair and communicated by the secretariat at the latest when the draft documents, as laid down in the previous paragraph, are sent to members and observers.

The chair should ensure that the written procedure respects the principles laid down in the provisions on voting procedures.

The chair should also clearly set out the consequence of failure to respond to a call for a written procedure and the provision of comments, if any, within the given time framework.

3. Any member and observer can ask for a specific question referred to in a previous paragraph to be examined at a plenary meeting or a meeting of a sub-group.

In case of a request for referral the written procedure shall be terminated without the result and the secretariat, in cooperation with the chair, shall convene a meeting as soon as possible.

*Article 11*

**Work programme**

1. The draft Work Programme of ERGP shall be prepared by the chair, in agreement with the Commission.
2. The draft Work Programme should be submitted for the consideration and comments of all members and observers through the Contact Network. The amended draft shall be submitted for the approval of the plenary meeting.
3. Once approved by the members, the draft work programme shall be published for public consultation, which shall take the form of written comments and shall last for at least fifteen (15) working days and shall not exceed the period of twenty (20) working days.
4. Having taken account of the responses, the chair, with the assistance of the secretariat, shall finalize the Work Programme for a consideration and approval by the members.
5. The members shall adopt the annual Work Programme of ERGP before the end of each year preceding that to which it relates.
6. The Work Programme for the calendar year 2011 can exceptionally be prepared by the chair, in agreement with the Commission, without carrying out the public consultation as envisaged in paragraph 3 of this Article.

#### *Article 12*

#### **Conflicts of interest**

1. At the start of each meeting, any member or observer whose participation in the deliberations would raise conflict of interest on a specific item on the agenda shall inform the chair.
2. In the case of identified conflict of interest, the member or observer shall abstain from discussing the item on the agenda.

In the case of identified conflict of interest, the member shall also abstain from voting on these items.

#### *Article 13*

#### **Transparency**

1. The principles and conditions concerning public access to the ERGP's documents are the same as laid down in Regulation (EC) 1049/2001<sup>3</sup>. It is for the Commission to take a decision on requests for access to those documents.
2. The meetings of the ERGP are open to members and observers.

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<sup>3</sup> Regulation (EC) 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, 31.5.2002, p. 43.

3. The secretariat shall create and manage the ERGP web-site.
4. The ERGP web-site shall be divided to an area accessible to a public and restricted area accessible only for participants as defined in Article 1 of these Rules of Procedure.

Publicly accessible area of the ERGP web-site shall contain all those acts of the ERGP that were endorsed by the plenary meeting as publicly available final acts of the ERGP and working documents where stakeholders are being consulted on its content.

All working documents of ERGP and its sub-groups as well as other working documents that may need to be treated as confidential shall be accessible only in the restricted area.

5. The documents endorsed by the plenary meeting of ERGP shall be published on its web-site as soon as possible after the meeting.

#### *Article 14*

##### **Public consultations**

1. Public consultations shall be organized in all cases where the input and comments of stakeholders is required.
2. The consultation procedure shall be organized in a written format on the web-site of ERGP.
3. The time scale for responses shall be a minimum of fifteen (15) and a maximum of twenty (20) working days.
4. Comments, to be addressed in the written form to the secretariat, preferably by e-mail, will be made available on the web-site, except where confidentiality has been requested.

#### *Article 15*

##### **Protection of personal data**

All processing of personal data for the purposes of these rules of procedures shall be in accordance with Regulation (EC) 45/2001<sup>4</sup>.

#### *Article 16*

##### **Entry into force**

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<sup>4</sup> Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to processing of personal data by the Community institutions and bodies on the free movement of such data, OJ L 8,12.1.2001, p. 1.



These rules of procedure shall take effect on the day of their endorsement by the European Regulatory Group for postal services.

Done at Brussels,