



Brussels, 27.7.2018
C(2018) 4908 final

COMMISSION DECISION

of 27.7.2018

setting up the group of experts on maritime transport sustainability - The European Sustainable Shipping Forum (ESSF)

COMMISSION DECISION

of 27.7.2018

setting up the group of experts on maritime transport sustainability - The European Sustainable Shipping Forum (ESSF)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) Article 90 of the Treaty establishes that the objectives of the Treaties concerning transport are to be pursued within the framework of a common transport policy. Transport sustainability is an important part of that policy.
- (2) The White Paper Roadmap to a Single European Transport Area – "Towards a competitive and resource efficient transport system"¹ recognises the important contribution that maritime transport should make towards achieving more sustainable EU transport.
- (3) The Commission staff working document "Pollutant emission reduction from maritime transport and the Sustainable Waterborne Transport Toolbox"² which accompanied the Directive 2012/33/EC of the European Parliament and of the Council³, underlined the need to establish a stakeholder platform that could facilitate technical dialogue and co-operation amongst all interested parties.
- (4) The European Sustainable Shipping Forum ("ESSF") was set up by Commission Decision C(2013) 5984 final⁴ and its mandate was extended until 30 June 2018 by Commission Decision C(2015) 9741 final⁵.
- (5) The ESSF is a cooperation platform, where Member States and organisations assist the Commission in relation to the implementation of the Union's activities and programmes aimed at fostering the sustainability of maritime transport. The ESSF has proven to be an effective and efficient tool for supporting the sustainability of maritime transport.
- (6) The ESSF objectives of fostering the sustainability of maritime transport and promoting the competitiveness of maritime transport in Europe remain important tasks, which require further dialogue between the Commission, Member States and stakeholders, in particular in light of the recent international developments on decarbonisation, energy efficiency, the upcoming entry into force of the global 0.5% cap on the sulphur content of marine fuels in 2020.

¹ COM (2011) 144 final.

² SEC (2011) 1052 final

³ OJ L 327, 27.11.2012, p. 1

⁴ Commission Decision C(2013) 5984 final of 24 September 2013 on setting-up the group of experts on maritime transport sustainability - The European Sustainable Shipping Forum (ESSF).

⁵ Commission Decision C(2015) 9741 final of 7 January 2016 on amending Decision C(2013) 5984 final of 24 September 2013 on setting-up the group of experts on maritime transport sustainability - The European Sustainable Shipping Forum (ESSF).

- (7) It is therefore justified that the activities pursuing those objectives should continue. For reasons of clarity and in order to take into account the Commission's horizontal rules on expert groups⁶, a new decision setting up the group of experts, with the same name, should be adopted, instead of amending Decision C(2013) 5984 final once again. Decision C(2013) 5984 final should be repealed accordingly.
- (8) The group should be composed of representatives of European Union (EU) Member States' maritime transport authorities, or relevant national competent authorities, as well as of other public entities and private organisations with relevant expertise in the maritime transport domain and a genuine interest in collaborating towards achieving sustainable and competitive EU maritime transport. European Free Trade Association (EFTA) Member States' relevant authorities should take part in the in the ESSF's meetings as members.
- (9) Rules on disclosure of information by members of the group should be laid down.
- (10) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council⁷.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The group of experts on the sustainability of maritime transport, called the 'European Sustainable Shipping Forum', ("the group"), is set up.

Article 2

Tasks

The group shall provide a platform for structural dialogue, exchange of technical knowledge, cooperation, and coordination between the Commission, Member States and the relevant maritime transport stakeholders, with a view to assisting the Commission in relation to the implementation of the Union's activities and programmes aimed at fostering the sustainability of maritime transport and promoting the competitiveness of maritime transport in Europe.

The group's tasks shall be:

- (a) to facilitate cooperation and foster coordination between the Commission, Member States and key stakeholders on questions relating to the implementation of Union legislation, programmes and policies in the field of maritime transport sustainability;
- (b) to assist the Commission in the preparation of legislative proposals and the development of policy initiatives in the field of maritime transport sustainability by providing advice and technical expertise;
- (c) to assist the Commission in the preparation of delegated acts;

⁶ Commission Decision C(2016) 3301 final of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups.

⁷ Regulation (EC) No 45/2001 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 (OJ L 8, 12.1.2001, p. 1).

- (d) to assist the Commission in the early preparation of the technical basis for implementing acts, before submission to the committee in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁸;
- (e) to exchange information, experience and best practice in the field of sustainability of maritime transport.

Article 3

Consultation

1. The Commission may consult the group on any matter relating to the sustainability of maritime transport.

Article 4

Membership

1. The group shall be composed of no more than 70 members
2. Members shall be:
 - a. individuals appointed in a personal capacity;
 - b. individuals appointed to represent a common interest shared by stakeholders in one of the areas listed in point c;
 - c. organisations active in maritime transport, covering a wide-range of expertise, in particular ship owning, management and operations, short sea shipping, maritime transport use and services provision, sea ports management and administrations, terminal management and operations, shipbuilding and marine equipment, ship safety, health and environment protection, research and innovation, investment and financing, energy and fuel supply (including alternative / sustainable fuel sources) and technical standardisation.
 - d. Member States' maritime transport or other relevant national competent authorities;
 - e. other public entities, such as the EFTA Member States' relevant authorities, Union agencies and the European Investment Bank.
3. Members appointed in a personal capacity shall act independently and in the public interest.
4. Members appointed to represent a common interest shall not represent an individual stakeholder, but a policy orientation common to different stakeholder organisations.
5. Member States' authorities, organisations and other public entities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.
6. The Commission's Directorate-General for Mobility and Transport ('DG MOVE') may refuse the nomination of a representative by an organisation referred to in point (c) of paragraph 2, if it considers that nomination inappropriate in the light of the requirements specified in the call for applications referred to in Article 5.

⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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

Article 5

Selection process

1. The selection of the group's members referred to in points (a), (b) and (c) of Article 4(2) shall be carried out through a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications to be received by the Commission shall be four weeks.
2. Individuals applying to be appointed as members of the group in a personal capacity shall disclose any circumstances that could give rise to a conflict of interest. In particular, the Commission shall require those individuals to submit a declaration of interests ('DOI') form on the basis of the Commission's standard DOI form for expert groups, together with an updated *curriculum vitae* (CV), as part of their application. Submission of a duly completed DOI form shall be necessary in order to be eligible to be appointed as a member in a personal capacity. The conflict of interest assessment shall be performed in compliance with the Commission's horizontal rules on expert groups⁹ ('the horizontal rules').
3. Registration in the Transparency Register is required in order for individuals representing a common interest and organisations to be appointed.
4. The members of the group shall be appointed by the Director General of DG MOVE from among eligible experts with competence in the areas referred to in Article 2 and point (c) of Article 4(2) who have responded to the call for applications.
5. Members shall be appointed for 5 years. They shall remain in office until the end of their term of office. Their term of office may be renewed.

Article 6

Chair

The group shall be chaired by a representative of DG MOVE.

Article 7

Operation

1. The group shall act at the request of DG MOVE, in compliance with the horizontal rules.
2. Meetings of the group shall, in principle, be held on Commission premises.

⁹ Idem.

3. DG MOVE, with support of the European Maritime Safety Agency (EMSA), shall provide secretarial services to the group. Secretarial services in the sub-groups shall be provided by the Commission department in charge of the sub-group with assistance of EMSA. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG MOVE, the group may, by simple majority of its members, decide that deliberations shall be public.
5. 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.
6. 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. Members who have voted against shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

Article 8

Sub-groups

1. DG MOVE, or other Commission departments, in agreement with DG MOVE, may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG MOVE, in consultation with other departments and the group, as appropriate. Sub-groups shall be chaired by DG MOVE or the Commission department in charge of the sub-group. They 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.
2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with Article 5 and the horizontal rules.

Article 9

Invited experts

DG MOVE, or, in the case of sub-groups, the Commission department in charge of the sub-group in question, 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.

Article 10

Observers

1. Individuals, organisations and public entities other than Member States' authorities may be granted observer status, in compliance with the horizontal rules, by direct invitation from DG MOVE or the Chair of a sub-group.
2. Organisations and 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.

Article 11

Rules of procedure

On a proposal by and in agreement with DG MOVE the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules.

Article 12

Professional secrecy and handling of classified information

The members of the group, the sub-groups and their representatives, 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 regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443¹⁰ and 2015/444¹¹. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 13

Transparency

1. The group and sub-groups shall be registered in the Register of expert groups.
2. As concerns the group composition, the following data shall be published on the Register of expert groups:
 - the name of Member States' authorities;
 - 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 member organisations; the interest represented shall be disclosed;
 - the name of other public entities, including the name of third countries' authorities;
 - the name of observers;
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available 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 subject to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be made where it is deemed that disclosure of a document would undermine the protection of a public or private

¹⁰ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

¹¹ 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).

interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹².

Article 14

Meeting expenses

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group, but not its 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.

Article 15

Repeal

Decision C(2013) 5984 final is repealed.

Done at Brussels, 27.7.2018

For the Commission

Violeta BULC

Member of the Commission

¹² 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). Those 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.