



EUROPEAN COMMISSION

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COMMISSION DECISION

of 4.7.2012

setting up the group of experts on Enterprise and SME Policies

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THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Article 173 of the Treaty assigned to the European Union and the Member States the task of ensuring that the conditions required for the competitiveness of the Union's industry exist.
- (2) The Commission needs cooperation with an expert group on industry, business, enterprise and SME policy.
- (3) An Enterprise Policy Group (EPG) was set up in November 2000 by Decision 2000/690/EC¹. Its task was to examine and advise the Commission on enterprise and industrial policy issues. The EPG was set up with a sunset clause (31 December 2005) and this was first extended until 31 December 2006 and then until 31 December 2012 by Commission Decision (2006) 5188.
- (4) The EPG Decision set up two chambers: a Directors-General Chamber representing Member States' administrations responsible for enterprise and industry policies; and a Business Chamber composed of business representatives. The EPG has proved to be a viable consultation mechanism, fostering reflection and debate, and providing valuable advice to the Commission.
- (5) A similar group should therefore be established to continue to advise the Commission. However, the membership and the tasks of the new group should be re-defined to enhance its effectiveness.
- (6) The Network of SME (Small and Medium Enterprise) Envoys² was set up as an informal Commission advisory group in March 2011. This Network, composed of representatives of Member States' authorities responsible for SMEs, was established to monitor the implementation of the Small Business Act (SBA) in the Member States. Together with representatives of business organisations it is tasked with helping to evaluate and report on the uptake of the SBA, to step up efforts to disseminate widely information on SME-policy actions and to promote the exchange of good practices. In this context, it should further develop the SME Performance Review, focusing particularly on the measures in the SBA Action Plan, in order to monitor and assess

¹ OJ L 285, 10.11.2000, p. 24.

² COM(2011) 78, 23.2.2011, Section 4.

Member States' performance in implementing the SBA on the basis of a wide range of success indicators. One of the main roles of the Network of SME Envoys is to provide an authoritative voice on SME issues across the EU³, considering their specific interests and needs in EU programmes and policies.

- (7) In view of the positive results of the Network of SME Envoys and the Commission's willingness to cooperate with such a body, it is necessary to reinforce its role by formalising its establishment, bringing it into the framework of the Enterprise Policy Group and thereby aligning its mandate with the mandate of the new group.
- (8) It is therefore appropriate to create a new group of experts.
- (9) The new group should provide advice to the Commission on enterprise, SME and industrial policies, bringing together the successors to the EPG Directors-General Chamber and the SME Envoys Network.
- (10) Members of the new group, named Enterprise and SME Policies Group, should be representatives of Member States' authorities nominated by each Member State.
- (11) Rules on disclosure of information by members of the new group should be laid down.
- (12) Personal data relating to members of the new group should be processed in accordance with 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 data⁴.
- (13) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

Article 1
Subject matter

1. The group of experts on Enterprise and SME Policies, hereinafter referred to as 'the group' or 'ESPG', is hereby set up with effect from 1 January 2013.

Article 2
Task

The group's tasks shall be:

- (a) to advise the Commission in the preparation of legislative proposals and enterprise and industrial policy initiatives;

³ Role of the Network of SME Envoys as agreed at its meeting on 26.1.2012 in Luxembourg.

⁴ OJ L 8, 12.1.2001, p. 1.

- (b) to establish cooperation between Member State bodies and the Commission on questions relating to enterprise, SME and industrial policies to monitor the evolution of policy in the field of enterprise, in particular as regards SMEs;
- (c) to bring about an exchange of experience and good practice in the field of enterprise, SME and industrial policy issues.

Article 3
Consultation

1. The Commission may consult the group on any matter relating to enterprise, SME and industrial policy.

Article 4
Membership

1. Members shall be Member States' authorities. Each Member State authority shall nominate two representatives.
2. Each Member State shall nominate one representative of the group from among Directors-General of its national administration responsible for enterprise policies, and one representative as its national SME Envoy.
3. Representatives who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in paragraph 2 of this Article or Article 339 of the Treaty on the Functioning of the European Union, may be replaced.
4. The names of Member States' authorities may be published in the Register⁵ of Commission expert groups.
5. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5
Operation

1. The group shall be chaired by a representative of the Commission.
2. Two sub-groups may meet separately: the Directors-General (ESPG I) and the Network of SME Envoys (ESPG II).
3. In meetings of ESPG II, the representative referred to in paragraph 1 of this Article shall be the EU SME Envoy, appointed by the European Commissioner responsible for Industry and Entrepreneurship.

⁵ Communication from the President to the Commission, Framework for Commission expert groups: horizontal rules and public register, C(2010) 7649 final, SEC(2010) 1360 of 10.11.2010, rule 17 on the 'Publication of expert groups and other similar entities in the Register'.

4. The group shall meet at least once per year. The ESPG I and ESPG II shall meet up to four times per year. Information shall be regularly exchanged among the two sub-groups.
5. In agreement with the Commission services, the group or each of its sub-groups may set up working groups to examine specific questions on the basis of terms of reference defined by the group. Such working groups shall be disbanded as soon as their mandate is fulfilled.
6. The Commission's representative may invite experts from outside the group with specific competence in a subject on the agenda to participate in the work of the group, sub-groups or working groups on an ad hoc basis. In addition, the Commission's representative may give observer status to individuals, business organisations, organisations as defined in Rule 8(3)⁶ of the horizontal rules on expert groups, EEA countries and candidate countries.
7. Representatives of the group, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom⁷. Should they fail to respect these obligations, the Commission may take all appropriate measures.
8. The meetings of the group, sub-groups and working groups shall in principle be held on Commission premises. The Commission shall provide secretarial services. In agreement with the Commission's representative chairing the group, other Commission officials with an interest in the proceedings may attend meetings of the group and its sub-groups.
9. The group shall adopt its rules of procedure on the basis of the standard rules⁸ of procedure for expert groups.
10. The Commission shall publish relevant information on the activities carried out by the group either by including it in the Register of Commission expert groups or via a link from the Register to a dedicated website.

Article 6
Meeting expenses

1. Participants in the activities of the group shall not be remunerated for the services they render.

⁶ Communication from the President to the Commission, Framework for Commission expert groups: horizontal rules and public register, C(2010) 7649 final, SEC(2010) 1360 of 10.11.2010, rule 8 para. 3: '*Organisations, in the broad sense of the word including companies, associations, Non-Governmental-Organisations, trade unions, universities, research institutes, Union agencies, Union bodies and international organisations*'.

⁷ Commission Decision of 29.11.2001 amending its Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

⁸ Communication from the President to the Commission, Framework for Commission expert groups: horizontal rules and public register, C(2010) 7649 final, SEC(2010) 1360, rule 15.

2. Travel and subsistence expenses incurred by participants in the activities of the group, sub-groups and working groups shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
3. These expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 7
Applicability

This Decision shall apply until 31 December 2020.

Done at Brussels, 4.7.2012

For the Commission
Vice-President Tajani
Member of the Commission