

Organisation of and participation in Advisory Committee meetings by video-link

- Modalities -

Purpose

1. The purpose of these Modalities is to complement the Working Arrangements for the optimal functioning of Advisory Committee meetings established by Article 19 of Council Regulation (EC) No. 139/2004 (Working Arrangements for the Advisory Committee on Concentrations) and by Article 14 of Council Regulation (EC) No. 1/2003 (Working Arrangements for the functioning of the Advisory Committee on Restrictive Practices and Dominant Positions), and to define the conditions for participation in the case of attendance of the competent authorities of the Member States by video-link. In particular, the Modalities replace paragraph 4 and complement paragraph 31 of the Working Arrangements for the Advisory Committee on Concentrations and complement paragraphs 13-27 of the Working Arrangements for the functioning of the Advisory Committee on Restrictive Practices and Dominant Positions

Convening a meeting

2. As established in the respective Working Arrangements for Advisory Committee meetings, the European Commission, as Chair of the Advisory Committee meetings, will convene a meeting on its own initiative by sending invitations to the 'competent authorities of the Member States' (CAs). Where appropriate, the European Commission can convene the meeting as a video-link meeting, allowing for the attendance of CA representatives remotely by video-link.

Confirmation of participation

3. The CAs will inform the Commission beforehand of the names of their representatives as well as whether these representatives will participate in the meeting in person or remotely by video-link.
4. If the meeting concerns a case for which a rapporteur has been appointed, the rapporteur attends the meeting in person.

Participation by video-link

5. CAs whose representatives participate remotely by video-link commit themselves that the participation via video-link takes place from secure premises with restricted access. They ensure that access for unauthorized (i.e. unannounced to the Commission pursuant to paragraph 3 above) persons to the premises during the video-conferencing meeting is prohibited.
6. CAs whose representatives participate remotely by video-link further commit themselves to ensuring that the video-link established from their premises to the Commission premises is secure and compatible with the video-conferencing system of the Commission.
7. They also ensure that a computer with secure email connection is available on their premises for the purposes of signing the Opinion before the end of the meeting (see paragraph 18 below).
8. If the video-link connection with one or several remote participant(s) is interrupted during the meeting, the CA(s) concerned is/are deemed to be absent and not represented. This does not affect the Advisory Committee's capacity to deliver an Opinion pursuant to Article 19(6) of Regulation (EC) No. 139/2004 and Article 14(3) of Regulation (EC) 1/2003.
9. Recording of the video-conferencing meeting by CAs is not permitted.

Languages spoken and Interpretation

10. Due to current technical restrictions, it is not possible to interpret interventions made by remote participants into any other language for the benefit of the other participants, which participate remotely by video-link or are present in the meeting room. The same restrictions limit the interpretation of interventions made by participants present in the meeting room for the benefit of remote participants. The interpretation arrangements for the participants present in the meeting room remain as in current practice.
11. At the beginning of each meeting, CAs whose representatives participate remotely by video-link shall agree that their representatives intervene in the meeting in one commonly understood language.
12. They further agree that interpretation for the representatives participating remotely is done in that commonly understood language.
13. A CA or CA representative who cannot agree to this modality has to attend the meeting in person.

Organisation of the discussions

14. CAs agree that the chair of the Advisory Committee steers the discussion and gives the floor to representatives participating remotely by video-link in the same way as to participants attending in person.

Adoption of the Advisory Committee Opinion

15. The chair of the Advisory Committee takes note of the positions taken by the CAs participating remotely by video-link or present in person in the meeting room.
16. At the end of the meeting, the Opinion is transcribed into a document. In line with Article 14(3) *in fine* of Regulation 1/2003, this Opinion shall be reasoned if so requested by one or several representatives.
17. The text of the Opinion is read out in the meeting to ascertain that all representatives, whether attending in person or remotely by video-link, have the opportunity to verify that the text is correct and to point out any errors.
18. As regards the signature of the Opinion, representatives present in the meeting room sign the transcript in person in line with current practice. Once signed by the participants present in the meeting room, the Opinion is sent to the remote participants for signature via secure email. The remote participants shall immediately sign the Opinion to confirm their agreement and return it forthwith by secure email. The meeting will be closed once all participants, present and remote, have signed the Opinion.

Agreement with these Modalities

19. The CAs agree to the aforementioned modalities and commit their representatives to abide by them.