



RULES OF PROCEDURES OF THE eHEALTH NETWORK

The eHealth Network,

Having regard to Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare, and in particular to Article 14 and to Recital 56 thereof,

Having regard to Commission Implementing Decision 2011/890/EU of 22 December 2011 providing the rules for the establishment, the management and the functioning of the Network of national competent authorities on eHealth [Hereinafter 'the Implementing Decision'], and in particular to Article 5 thereof,

Has adopted the following rules of procedure:

Article 1

Membership - notification and withdrawal

1. The notification referred to in Article 3(2) of the Implementing Decision shall be addressed in writing to the Commission, to the attention of the chair.
2. Membership shall take effect one month after the receipt of this notification.
3. Member States shall inform the Chair in writing of the name of their representative. Continuity of representation shall be aimed. Representatives can be accompanied by national experts. Within a reasonable time and no later than 5 calendar days before the date of a Network meeting, the names and functions of the experts and the reasons for which their presence is required, shall be communicated to the secretariat of the Network.
4. A Member State wishing to withdraw from the Network shall send a written notification with a three-month notice.

Article 2

Chair

1. The Network shall be co-chaired by the Commission's Director General for Health and Consumers, or her/his alternate, and by the representative of a Member State participating in the Network.
2. The Member State representative referred to in paragraph 1, shall be appointed for a period of two year, amongst the Member States representatives of the Network, according to the modalities laid out in Article 7.

3. The Chair shall have neither voting rights nor any casting vote, yet the Member State, whose representative is holding the chair, shall nominate another representative to the network and shall retain its voting rights as a Member of the Network.

Article 3
Convening a meeting

1. Meetings of the Network are convened by the Chair, either on his/her own initiative, or at the request of a simple majority of Members.

2. Meetings of the Network shall be held on Commission premises unless otherwise decided by the Network members.

Article 4
Secretariat

In accordance with Article 7(1) of the Implementing Decision, the Commission shall provide secretarial support for the Network and any sub-groups created by the Network.

Article 5
Agenda

1. The Secretariat shall draw up the agenda, after consultation of the chairs, taking into account the work and the results of the 'High-level mechanism of eHealth governance' Joint action¹ and Thematic network set up respectively under the Health Programme² and the ICT Policy Support Programme of the Competitiveness and Innovation Programme³ and other projects and initiatives with direct relevance to the Network's objectives in accordance with the multi annual work programme that the eHealth network shall adopt in accordance with Article 6 of the Commission Implementing Decision.

2. The agenda shall be adopted by the Network at the start of the meeting.

Article 6
Documentation to be sent to Network members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the Network Members no later than thirty calendar days before the date of the meeting.

2. The secretariat shall send the documents for consultation to the Network Members no later than fourteen calendar days before the date of the meeting.

3. In duly justified cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced to five calendar days before the date of the meeting.

¹ Commission Decision C(2010)7593 of 27 October 2010 on the awarding of grants for proposals for 2010 under the second Health Programme, Annex IV, ref. n° 100868.

² Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-13).

³ Decision No. 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing the Competitiveness and Innovation Framework Programme.

Article 7

Adoption of deliverables of the Network

1. As far as possible, the Network shall deliberate by consensus. Abstentions shall not prevent the adoption of deliberations by consensus.
2. A vote shall be taken if any Network Member so requests. In the event of a vote, the outcome of the vote shall be decided by a majority of two thirds of the Networks' Members present when the Chair proceeds to the vote. Each Member State shall have one vote. Absent Member State's vote shall count in the vote if a written mandate is given to another Network's Member.

Article 8

Sub-groups

1. The sub-groups referred to in Article 6 of the Implementing Decision shall be chaired by rapporteurs appointed by the Chair. Such sub-groups shall be disbanded as soon as their mandate is fulfilled.
2. The sub-groups shall report to the Network.

Article 9

Admission of third parties

The Chair may invite on an ad hoc basis experts from outside the Network with specific competence in a subject on the agenda to participate in the work of the Network or sub-groups. In addition, the Chair may give observer status to national authorities responsible for eHealth of EEA/EFTA countries and of accession countries.

Article 10

Written procedure

1. If necessary, the Network's opinions, conclusions, recommendations, or reports on a specific question may be delivered via a written procedure. To this end, upon request of the Chair, the secretariat sends the Network Members the document(s) on which the Network is being consulted and, where appropriate, sets a time limit for observations.
2. The secretariat shall inform the Network of the outcomes of the written procedure.
3. However, if a simple majority of Network Members asks for the question to be examined at a meeting of the Network, the written procedure shall be terminated without result and the Secretariat shall convene a meeting of the Network as soon as possible.

Article 11
Summary minutes of the meetings

1. Summary minutes on the discussion on each point on the agenda and the opinions delivered by the Network shall be drafted by the secretariat and send out to the Network members without delay and no later than 15 working days after the meeting.
2. The Network's members shall send any comments they may have on the draft summary minutes to the secretariat in writing.
3. The summary minutes shall not mention the individual position of the Members during the Network's deliberations.

Article 12
Attendance list and Conflicts of interest

- 1 At each meeting, the secretariat shall draw up an attendance list specifying the authorities and organisations to which the persons designated by the Member States to represent them belong.
2. At the beginning of each meeting, any person designated by the Member States, as well as experts and representatives of third parties who have been invited to attend the meeting, shall inform the chair of any conflict of interest⁴ with regard to a particular item on the agenda.
3. In the event of such a conflict of interest, the person concerned shall, at the request of the chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.
4. Conflicts of interest shall be reported in writing, e.g. in the summary minutes of the Network's meeting.
5. Paragraphs 1, 2, 3 and 4 shall also apply to deliberations taken by the Network in written procedure.

Article 13
Correspondence

1. Correspondence relating to the Network shall be addressed to the secretariat, for the attention of the Chair.
2. Correspondence for Network Members shall be sent to the e-mail address or addresses which they provide for that purpose.

⁴ As an example, Article 52(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.09.2002, p. 1) contains a specific definition of a conflict of interest.

Article 14
Access to documents

Requests for access to Network's documents shall be handled in accordance with Regulation (EC) No 1049/2001⁵. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom⁶. If the request is addressed to a Member State that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.

Article 15
Confidentiality of deliberations

1. The Network's deliberations shall be confidential.
2. The Network may, by a simple majority of its Members, decide to open its deliberations to the public.

Article 16
Protection of personal data

All collecting, processing and publishing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EU) 2018/1725⁷ and Regulation 2016/679 (GDPR)⁸ where applicable.

⁵ 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).

⁶ Commission Decision of 5 December 2001 amending its rules of procedure (2001/937/EC/ECSC, Euratom), (OJ L 345, 29.12.2001, p. 94).

⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1)