INSPIRE
Infrastructure for Spatial Information in Europe

Practical arrangements in support of the new Rules of Procedures for the Maintenance and Implementation Group (MIG)

<table>
<thead>
<tr>
<th>Type</th>
<th>Practical arrangement</th>
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<tbody>
<tr>
<td>Creator</td>
<td>Chairperson of MIG</td>
</tr>
<tr>
<td>Date/status/version</td>
<td>29/05/2017 / FINAL DRAFT / revised version 2.1</td>
</tr>
<tr>
<td>Addressee</td>
<td>MIG (for final comments)</td>
</tr>
<tr>
<td>Identifier</td>
<td>DOC8</td>
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</table>

Description
The document was briefly discussed at the meeting of 1 December 2016. No major outstanding issues were identified. Only some comments were made by DE in writing in advance of the meeting and some oral comments during the meeting which needed consideration. Time was too short to discuss and approve the document.

Instead, it was circulated together with written procedure for the rules of procedures. DE was the only MIG member providing feedback mainly pointing to the changes that still had to be included in the flowchart of procedures. All these comments have now been addressed.

Requested actions:
The members of the MIG are invited to:

- Take note of the revised document and consider it as a complement to the revised rules of procedures.
Practical arrangements for conducting meetings under the RULES OF PROCEDURE for the INSPIRE Maintenance and Implementation Group

[final version, 29/05/2017]

1. Introduction

The MIG\(^1\) discussed its new Rules of Procedures (RoP)\(^2\) on 28 June 2016. It was agreed to complement these RoPs with some practical arrangements which do not amend the RoPs but rather explain and illustrate their practical application. These practical arrangements are proposed and, following discussion and feedback, applied by the Chairperson of the MIG. They are a living document which will be amended as necessary.

2. Relationship between former Terms of References (ToR) and new Rules of Procedures (RoPs)

The new RoPs replace and take over all provisions of the former ToR, whilst being in many cases identical or similar (see Annex 1 for comparison). The main reason for introducing the new RoPs are:

- The alignment with the new horizontal rules (Commission Decision C(2016)3300);
- The clarification and extension of the possibilities for observers (in particular from international, business or non-governmental organisations) to participate as one way to engage closer with user and interest communities;
- The clarification of the relationship between MIG and MIG-T.

In practical terms, the operation of the Maintenance and Implementation Framework and the related groups MIG and MIG-T will largely be unchanged.

3. Amended workflow

As a result of the new RoPs, the workflow of the INSPIRE MIF included in the ToR was updated. The resulting changes are minimal, do not change the roles and responsibilities of the groups and will make the processes clearer and more streamlined. The amended workflow is included in Annex 2.

4. Various MIG documents

One of the main roles of the MIG is to give its position, agreement, guidance and or advice (called "opinions" in point 5 in the RoPs) on the various issues set out in article 1 of the rules of procedure. This happens for example in the preparation of the work programme or the endorsement of new actions in the work programme, guidance documents, technical reports,

\(^1\) The Rules of Procedure now refer to the group that was previously the MIG Policy sub-group (MIG-P) as simply the MIG, in order to emphasise that it is the main group.

workshop reports etc. In addition, the MIG may be asked to give its opinion on formal documents prepared by the Commission, such as draft delegated acts or on early preparations of documents presented to the Committee.

In practice, documents for the meeting can be divided into, at least, the following types:

1. Documents for opinions (in accordance with point 5);
2. Documents for discussion (not falling under point 5), for example, draft documents at a preparatory stage or documents to initiate and facilitate the discussion (such as non-papers, concept papers etc).
3. Documents for information (not falling under point 5).

It will be always clearly indicated on the draft agenda which type of document is presented and whether an opinion will be requested.

5. Adopting opinions according to point 5

According to point 5, the MIG's opinions can take different forms:

- An "opinion" outlines the view of the MIG on a document which is not to be adopted by the MIG (e.g. a draft delegated act).

- A "recommendation" is addressed by the MIG to a third party (e.g. the Commission) and can be based -or not- on a specific document.

- A "report" is a document adopted by the MIG (e.g. a guidance document or a work programme or the summary minutes of the meeting).

Such opinion documents will be presented in the form of a final draft with the clear indication (also in the draft agenda) that a formal opinion in accordance to point 5 is sought.

6. Agreeing on and considering other documents

All comments of the MIG in the earlier stages of preparing formal opinions, recommendations or reports according to point 5, e.g. on earlier versions of drafts, are not considered final opinions in accordance with point 5 but are dealt with as operational discussions and conclusions which will be reflected in the summary record of the meeting (see below) and in subsequent iterations of the draft. Also in case of agreement, MIG members may request that their detailed position is recorded in the summary record.

Likewise, the MIG may or may not draw conclusions from the debate stemming from discussion or information papers and reflect these in the draft minutes. Whenever relevant, the suggested draft conclusions for the summary minutes will be shared in advance on the cover page of a document sent to the MIG for discussion or information (see the outline of a cover page in Annex 1).
These discussions will be recorded in the summary minutes of the meeting according to article 9). To facilitate the preparation of the meeting, all documents will be listed in an overview and will have a cover page using the template enclosed in Annex 1.

7. Summary minutes

As set out in point 11 of the RoPs, "Minutes on the discussion on each point of the agenda and on the opinions delivered by the group shall be meaningful and complete". Draft summary minutes will be prepared as soon as possible after the meeting, preferably within 14 calendar days. The draft minutes will be structured according to the agenda and contain where relevant the following information per agenda item:

- "introduction": setting out the information provided in the beginning of the agenda item (e.g. reference to documents, presentations, introductory remarks of the Chairperson),

- "exchange of views or discussion ": summarising in general the overall discussion without mentioning the individual position of participants during the group’s informal deliberations. If individual or minority views are being expressed in the discussion part, it will be referred to as "one member / observer" or "some members / observers".

- "conclusions": drawing the necessary conclusions from the exchange of views and the summarising the opinions given by the group. The Chairperson draws draft conclusions during the meeting (either orally or in writing, possibly using the visual aids to display draft conclusions prepared during the meeting). These draft conclusions can be commented by the members and observers and will be added to the draft minutes being subject to the usual approval process as described below.

The summary minutes may be adopted as a report in accordance with point 5, at the meeting itself or via written procedure as described under point 9. As specified in point 5, the group shall adopt its reports by consensus as far as possible, and the chair will actively seek such a consensus. However, point 5 recognises that it will not always be possible to achieve consensus but such situations should ideally be the exception. In cases where a large majority is supporting the conclusions at a meeting, this is documented in the minutes together with the minority view. If possible, the Chair will avoid using the voting procedure set out in point 5.2.

8. Deadlines for circulation

Point 4.2 of the RoP states that the secretariat shall send documents on which the group is consulted no later than 14 calendar days before the date of the meeting. This applies strictly to opinions according to point 5, nevertheless. As far as technical issues are covered by the documents and because of its supporting role the permanent subgroup on technical issues should be addressed in copy, too. In order to facilitate preparation of the MIG, the Chairperson will urge all those who prepare documents for the meeting to respect the same deadline for all types of documents mentioned in section 4 above.
For documents where a final opinion is requested, it is clear that this will be challenging if this consultation period is the only one. In most cases anyway, however, the documents for opinion will have been prepared and consulted well in advance before the final opinion in accordance to point 5 will be requested (see also the workflow in Annex 2).

The Chairperson and the secretariat will undertake to ensure that all documents which require an opinion according to point 5 will be consulted with the MIG with sufficient time available (e.g. by consulting the documents twice also in writing procedure between meetings as was the case for the preparation of the MIWP in 2016) and will aim at making the documents available more than 14 calendar days before the meeting, if possible, in particular if substantial changes have been introduced following the first commenting round. Changes between consultations will be highlighted in track changes and the consideration of comments will be documented as far as possible.

9. Terminology for decision making

Decision making by the MIG will either be through opinions in accordance with point 5 or (draft) conclusions as part of the summary minutes (see above). In this context, the following terminology will be used in most cases, in particular:

- "The MIG takes note or welcomes…": this refers to information provided where the MIG is expected to confirm that it has received this information.

- "The MIG endorses or agrees …": this terminology will be used for (draft) conclusion not referring to point 5.

- "The MIG adopts…": this terminology will be used for opinions given in accordance to point 5 to differentiate from other conclusions (see above).

- "The MIG invites…": this refers mainly to actions or request to "third parties", e.g. the Commission, other Working Groups or other addressees which need to be specified.
### ANNEX 1

**Comparison of the former Terms of References with the new Rules of Procedures**

<table>
<thead>
<tr>
<th>Former ToR</th>
<th>New RoPs</th>
<th>Comment</th>
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</thead>
<tbody>
<tr>
<td><strong>Set up (Art. 1)</strong></td>
<td>-</td>
<td>Not needed since group is already established.</td>
</tr>
<tr>
<td><strong>Tasks (Art. 2)</strong></td>
<td>Point 1.3 and 1.4</td>
<td></td>
</tr>
<tr>
<td><strong>Consultation (Art. 3)</strong></td>
<td>Point 1.3 (h)</td>
<td></td>
</tr>
<tr>
<td><strong>Membership (Art. 4)</strong></td>
<td>Point 1.2, 8 and horizontal rules</td>
<td>This point needed adaptation in the light of the new horizontal rules and in order to allow a wider observer participation (see point 8)</td>
</tr>
<tr>
<td><strong>MIG-P permanent sub-group (Art. 5)</strong></td>
<td>Now main group MIG for which RoPs are established.</td>
<td>New MIG and former MIG-P are identical.</td>
</tr>
<tr>
<td><strong>MIG-T permanent sub-group (Art. 6)</strong></td>
<td>MIG-T permanent sub-group (Point 6a)</td>
<td>Operates with the same RoPs</td>
</tr>
<tr>
<td><strong>Operation (Art. 7)</strong></td>
<td>Points 1, 6, 7, 10, 14-16 and horizontal rules</td>
<td>Some rules which are set horizontally do not have to be repeated.</td>
</tr>
<tr>
<td><strong>Meeting expenses (Art. 8)</strong></td>
<td>Art. 20 of the horizontal rules</td>
<td>Budget rules are set horizontally.</td>
</tr>
<tr>
<td><strong>Setting up of temporary sub-groups (Art. 9)</strong></td>
<td>Sub-groups (Point 6)</td>
<td>MIG gives opinion on sub-group including composition on proposal of DG ENV</td>
</tr>
<tr>
<td><strong>Setting up the pool of experts (Art. 10)</strong></td>
<td>Open call for experts (Point 6.2)</td>
<td>Existing pool of experts will be used to identify experts as in the past.</td>
</tr>
</tbody>
</table>
Note: the timing of consultation of national stakeholders (in the endorsement process) is up to the Member States (National Focal Point). However, the MiG Chair together with the Chair of the MiG-T will inform the INSPIRE National Focal Points when a version is considered ready for such a national consultation process.
[xxx] Meeting of the Maintenance and Implementation Group (MIG)

[Meeting location] [Meeting date and time]

[title of the document]

<table>
<thead>
<tr>
<th>Agenda item</th>
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<tr>
<td>Identifier</td>
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<td>Author</td>
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<tr>
<td>Addressee</td>
<td>[to whom and what action required]</td>
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<tr>
<td>Description/Background</td>
<td>[text]</td>
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**Requested actions:** The members [and observers] of the MIG are invited to:

- [Take note / discuss / comment]
- [Endorse / adopt / agree / invite]
- [Follow up / send comments / follow up by Commission, Marine Directors, WGs, etc]

**[Optional]**

The members and observers of the MIG are invited to consider the following draft conclusions:

[actual text which will be displayed and, if necessary amended, during the meeting and then added as draft conclusions into the draft summary minutes]
OVERVIEW OF ACTIVITIES MANDATED TO THE INSPIRE COMMITTEE

Provisions in Directive 2007/2/EC at the moment falling under Regulatory Procedure with Scrutiny (but might be organized differently depending on the outcome of aligning the INSPIRE directive)

- **Article 4(7) (on the annexes)**
The description of the existing data themes referred to in Annexes I, II and III may be adapted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3), in order to take into account the evolving needs for spatial data in support of Community policies that affect the environment.

- **Article 7(1) (Interoperability data sets and services)**
Implementing rules laying down technical arrangements for the interoperability and, where practicable, harmonisation of spatial data sets and services, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3).

- **Article 16 (network services)**
Rules for implementation designed to amend non-essential elements of this Chapter by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3), and shall in particular lay down the following:
  
  (a) technical specifications for the services referred to in Articles 11 and 12 and minimum performance criteria for those services, taking account of existing reporting requirements and recommendations adopted within the framework of Community environmental legislation, existing e-commerce services and technological progress;

  (b) the obligations referred to in Article 12.

- **Article 17(8) (sharing with Community institutions and bodies)**
Implementing rules governing those conditions, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3).


- **Article 5(4) (metadata)**
Rules for the implementation of this Article shall be adopted by 15 May 2008 in accordance with the regulatory procedure referred to in Article 22(2). These rules shall take account of relevant, existing international standards and user requirements, in particular with relation to validation metadata.

- **Article 21(4) (monitoring and reporting)**
Implementing rules governing those conditions, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3).

- **Article 22 of Directive 2007/2/EC detailing the procedures for the Committee**
  1. The Commission shall be assisted by a Committee.
  2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.
  3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

(Note: Whilst Decision 1999/468/EC is repealed by Regulation (EU) No 182/2011, the effects of Article 5a of Decision 1999/468/EC (regulatory procedure with scrutiny) are still maintained for the purposes of

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existing basic acts making reference thereto. This is a transitional arrangement until the full alignment to the Lisbon Treaty has taken place including the alignment to delegated acts.)