



PROPOSAL TO BE DISCUSSED AT THE LDAC EXECUTIVE COMMITTEE (10 December 2020)

Annex to the Code of Conduct for LDAC members

Conducting virtual meetings

Background / motivation

Due to the health emergency situation caused by the COVID-19 pandemic, the LDAC started to conduct many virtual meetings. At the Executive Committee held in May 2020, the need to add an Annex to the code of conduct to have a specific protocol agreed by consensus was identified.

This Annex was adopted by the LDAC Executive Committee on **WRITE DATE OF ADOPTION** and will remain in force once the health emergency situation is over.

Organisation and format of meetings

The General Secretary, in joint agreement with the Chair and Vice Chair of the relevant body (General Assembly / Executive Committee / Working Group / Focus Group) organising the session and the LDAC Bureau¹, will choose the most suitable virtual platform for each meeting subject to budgetary availability, technical requirements and interpreting needs identified or number of participants².

Interested members and observers will be informed within a minimum period of 24 hours, on how to access the meeting (links, software required, audio and video set up, etc.).

Who is entitled to attend?

Each LDAC member organisation is represented by one participant, with an additional representative being able to attend as an active observer provided it is technically possible or there is enough capacity depending on the platform and type of subscription chosen. Experts can also be invited in technical, academical or scientific capacity by request of the Secretariat/Bureau to inform the topics included in the agenda. The Secretariat will act as guarantor and will safeguard the openness and transparency of meetings, opening the latter to external observers, requesting them to register in advance owing to security reasons and with individual authentication to ensure the identity of attendees.

Quorum for adoption of decisions

The necessary quorum will be the same as for face-to-face meetings, in conformity with Article XXIV of the LDAC Articles of Association, i.e. simple majority (more than 50%) of the members of the relevant group who are present or represented by mandate or delegation.

The Secretariat will ensure there is **quorum** for the adoption of agreements/decisions, counting the number of members present or represented attending the meetings.

¹ The LDAC Bureau is made up of: Chairs and Vice Chairs of the General Assembly, Executive Committee and Working Groups together with the Secretariat.

² The list of platforms used in 2020 includes, but is not limited to, the following: Zoom Business, Voiceboxer, Google Meet Hangouts, Microsoft Teams, Interactio-Webex.



Voting procedure

Each member organisation will have 1 vote.

Voting may be carried out either by public or private ballot, depending on the decision adopted by the relevant group prior to the meeting, provided it is possible in the virtual platform chosen:

1. Public ballot by a “show of hands” by means of clicking on the icon (for, against or abstention) chosen to this end. In the absence of icon or in case of technical problems, an alternative method may be envisaged (e.g. voting in writing on the public chat indicated).
2. Secret ballot “in a ballot box” by means of a survey enabling one vote per participant and presenting results anonymously. This could be carried out using a virtual survey or by sending votes through the private chat to the Secretariat.

For the elections of all the LDAC positions/seats, the voting will be held by secret ballot. For the rest of topics, voting will be public unless decided to be done in private by request of members.

In the event that it is compatible and duly justified, voting via email by attendees a posteriori might be also considered for both options.

Functioning of Virtual Focus Groups (VFG):

Each Working Group will decide, at request of any members and prior discussion, approval and supervision by its Chairs and Vice-Chairs, to establish an ad hoc focus groups for specific topics in order to prepare draft advice and work documents that will be subsequently subject to discussion at the (face-to-face or virtual) plenary sessions of the working group meetings³. The Secretariat will be given a specific mandate to do the necessary logistics and organisational arrangements to organise such VFG including topics provided by the WG.

Terms of Reference (ToR) of VFG:

Each VFG may have a set of ToR, based on the following formula:

Following the consultation process initiated within the Working Group, a VFG will be set up and made up of those group members that have expressed an interest in doing so. A maximum of 10-12 participants is expected, preferably 1 member per organisation, to ensure work efficiency and that there is an exchange of ideas during discussion. The composition/membership of the VFG will ensure the adequate participation of all concerned representatives with an appropriate balance of interests and points of view for the participants.

The aim of the VFG is to prepare an LDAC draft document integrating all comments made or received and identifying diverging opinions, when necessary. This draft document will be subsequently submitted to the relevant Working Group and the LDAC Executive Committee for their approval. Insofar as possible, an ordinary consultation process will be set with a minimum of 2 weeks for the Working Group and 2 more weeks for the Executive Committee. In the case of consultations following the fast-track procedure, in line with provisions set forth in Article XXV of the Articles of Association⁴, a period of a

³ As approved at the Executive Committee held on 26 May 2020.

⁴ Art. XXV of the LDAC Articles of Association: “For certain specific issues or to decide on urgent recommendations, the chairperson may, through the Secretariat, make a quick consultation with all the Executive Committee members by e-mail or similar, the result of which will have the same validity as a normal decision. In quick consultations, a period to reply will be established which will be not less than eight calendar days, except for such justified cases in which a request is received from an external organisation (the European Commission and/or Member States) to shorten such period, with prior authorisation by the chairperson of the LDAC.



minimum of 8 calendar days will be set for consultation to both the Working Group and the Executive Committee.

In the event that during the consultation process for adoption of a fast track advice, there are major objections or comments involving a significant modification to the content of the proposed advice, the Secretariat, in joint agreement with the Chair and Vice Chair of the relevant Working Group, may call a Virtual Focus Group at the end of the consultation including all those members that have sent comments on its content in order to reach consensus on the final text. Both the Working Group and the Executive Committee will be informed about the outcome once the document has been agreed.

The adoption of such advice will be governed by the same rules as the ordinary decision-making procedure provided for in Article XXIV.

If the members of the Executive Committee reach an agreement and consent in writing, the procedure can be considered to be completed within those eight calendar days, and consequently, the recommendation may be sent to the European Commission”.