



GLOBAL GATEWAY BUSINESS ADVISORY GROUP

TERMS OF REFERENCE

1. BACKGROUND

On 1 December 2021, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy presented the Joint Communication on Global Gateway¹. It is the EU's contribution to narrowing the global investment gap, supporting global economic recovery and accompanying the twin green and digital transitions beyond European borders, and promoting the resilience of value chains globally. It intends to boost smart, clean and secure links in the digital, climate, energy, and transport sectors, and to strengthen education, research and health systems across the world. To ensure that the five investment priorities effectively deliver on sustainable long-term impact, Global Gateway will actively promote the consolidation of an investment and trade friendly environment in partner countries. An enabling environment will be key to mobilise increased infrastructure investment meeting high technical, competition, environmental, social and governance standards.

Global Gateway is delivered in a Team Europe approach. It mobilises all EU institutions, Member States, their Development Finance Institutions, Public Development Banks, the EIB, the EBRD and the private sector behind common priorities in order to reach scale and create tangible and visible impact on the ground. In this way Global Gateway has the ambition to mobilise up to EUR 300 billion until 2027. In the Enlargement and Neighbourhood countries, Global Gateway is being implemented through three regional Economic Investment Plans (EIP).

As announced in the Joint Communication, to support the full mobilisation of private sector actors and maximise the impact and effectiveness of Global Gateway investments, an informal Commission expert group, named Global Gateway Business Advisory Group (BAG), shall be set up. Through this expert group, the Global Gateway strategy will benefit from the business perspective for Global Gateway planning and implementation.

Through the Global Gateway strategy, the EU and its Member States consolidate their commitment to contributing decisively to the achievements of the Sustainable Development Goals and the mobilisation of resources from the private sector is an important element to close the financing gap.

2. SUBJECT MATTER

The group of experts Global Gateway Business Advisory Group ('the group') is set up.

¹ Join(2021)30, 1.12.2021: https://ec.europa.eu/info/sites/default/files/joint_communication_global_gateway.pdf

3. TASKS

The overall mission of the group will be to assist the European Commission to strengthen cooperation with the European private sector in a structured way as part of the Global Gateway strategy and implementation. In particular, the group will provide a forum to discuss and gather feedback on the strategic orientations of Global Gateway. It will gather input from private sector representatives on their priorities, activities, challenges and opportunities in sectors and regions covered by Global Gateway, as well as discuss the implementation of Global Gateway.

The group's specific tasks shall be:

- to analyse, advise and share business intelligence and opportunities and discuss barriers hindering a conducive business environment in Global Gateway sectors and regions/countries to better design support programmes and policy dialogues;
- to serve as a forum for exchange on strategic interests and geo-political business priorities in partner countries, taking into account the social, environmental and developmental agendas;
- to provide the Commission with feedback about planning and implementation of priorities in Global Gateway sectors and regions/countries, and in particular on the access and use of the EU instruments (e.g. guarantees, blending, technical assistance, multi-stakeholder partnerships).

4. MEMBERS

1. The group shall be composed of up to 60 members.
2. Members shall be organisations from the EU private sector, headquartered in the European Union and under EU control. Organisations shall include a mix from small to large companies². EU trade and business associations, as well as established EU business networks, can also apply for membership.
3. Member organisations shall be represented by their chief executive officer (CEO) or senior executive. For plenary meetings, members may be represented by another representative than the CEO or senior executive. The Commission's Directorate-General for International Partnerships ('DG INTPA'), in close cooperation with the Commission's Directorate-General for Neighbourhood & Enlargement Negotiations ('DG NEAR'), may refuse the nomination by an organisation of a representative if it considers this nomination inappropriate in the light of the requirements specified in the call for applications. In such case, the organisation concerned shall be asked to appoint another representative.
4. The European External Action Service ('EEAS') shall be a member of the group by direct invitation.

² EU companies/social enterprises, EU trade and business associations and established EU business networks ("members") eligible to this call for applications are: (1) headquartered in the EU and under the EU control with a specific contribution and adherence to the EU interest and values. Third countries' private sector stakeholders are not eligible for this call; and (2) In particular regarding EU companies and groups of companies, are eligible those whose number of employees and turnover or balance sheet total are higher than the ones of SMEs (as defined in the Commission Recommendation of 6 May (C(2003)1422); or small and medium-sized enterprises (SMEs) as defined in the Commission Recommendation of 6 May 2003 (C(2003)1422). Social enterprises are as defined in the communication on social business initiative COM(2011)682.

5. Member organisations who are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of DG INTPA, in close cooperation with DG NEAR, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union, or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.
6. In order to ensure continuity and the smooth functioning of the group, DG INTPA shall establish a reserve list of suitable candidates that may be used to appoint replacements. DG INTPA shall ask applicants for their consent before including their names on the reserve list.

5. OBSERVERS

1. European Financial Institutions, such as the European Investment Bank, the European Bank for Reconstruction and Development may be granted an observer status by direct invitation, in compliance with the Commission's horizontal rules on expert groups³ ('the horizontal rules').
2. The group shall include up to 10 observers.
3. Observers shall nominate their representatives.
4. Observers' representatives may be permitted by the chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and its sub-groups.

6. SELECTION PROCESS

1. The selection of the group's corporate members shall be carried out via a public call for applications, to be published in the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. The call for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.
2. Registration in the Transparency Register⁴ is required in order for organisations to be appointed as members.
3. Organisations that apply to become members of the group shall specify in their application the sector(s) and geographical zone(s) in which they operate. Sectors are: (i) climate and energy, (ii) digital, (iii) transport, (iv) health, and (v) education and/or research. Geographical zones are Central Asia, East, South and South-East Asia, Eastern Partnership region, Latin America and the Caribbean, Middle East and North Africa, sub-Saharan Africa, Pacific, and Western Balkans.

³ C(2016) 3301.

⁴ [Transparency Register \(europa.eu\)](https://ec.europa.eu/transparency-register).

4. Members of the group shall be appointed by the Directors-General of DG INTPA and DG NEAR, after consultation with associated Commission services (outlined under section 8.2 below), from applicants with competence in the areas referred to in point 3 and who have responded to the call for applications.
5. Members shall be appointed for three years. They shall remain in office until replaced or until the end of their term of office. Their term of office may be renewed.
6. When defining the composition of the group, the Commission shall aim at ensuring, as far as possible, a high level of expertise, as well as sectoral, geographical and company size balance, while taking into account the specific tasks of the group, the type of expertise required, as well as the relevance of the applications received.

7. CHAIR

1. The group shall be chaired by a representative of the European Commission. Two sets of meetings are planned: i) annual high-level meetings, to which the President of the Commission or another member of the College will participate; ii) plenary meetings, aimed at preparing the high-level meetings, chaired by the Commission at the appropriate level.

8. OPERATION

1. The group shall act at the request of DG INTPA, in close cooperation with DG NEAR, in compliance with the horizontal rules⁵.
2. Directorate-General for International Partnerships (DG INTPA) will engage in close coordination with Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) to select and appoint members and observers of the group and stir the group's activities. As associated Commission services, the Directorate-General Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), and the Directorate-General for Trade (DG TRADE) will be systematically consulted regarding the group's activities. Depending on the topics discussed, other relevant Directorates-Generals shall be associated with the work, such as DG AGRI, DG CLIMA, DG CNECT, DG MOVE, DG EAC, DG ENER, DG SANTE, and DG RTD.
3. The EEAS will be systematically consulted regarding the group's activities.
4. The group is expected to meet about once a year at high-level with the business representatives and observers and about twice a year for plenary meetings.
5. Plenary meetings will consist of all the members, observers and representatives of the European Commission. Key conclusions discussed at plenary level will be shared and discussed during the annual high-level meeting.
6. The annual high-level meeting will be formed by 10 business representatives, two observers, and the President of the Commission and another member of the College.
7. Ahead of each annual high-level meeting, the group members will propose 10 members (represented by CEOs or senior executives) to DG INTPA and the group observers will suggest two observers to DG INTPA to take part in the annual high-

⁵ C(2016) 3301, Article 13.1.

level meeting. DG INTPA will then decide on the composition of the annual high-level meeting.

8. Each annual high-level meeting will lead to a short outcome paper drafted by the group, with the support of the secretariat, under the responsibility of the chair and will be transmitted to the Global Gateway Board⁶ for information.
9. Meetings of the group shall, in principle, be held in-person, in Brussels and whenever possible on Commission premises. Meetings may also be held virtually or in a hybrid mode.
10. DG INTPA shall provide secretarial services. Officials from other Commission departments and from the EEAS with an interest in the proceedings may attend meetings of the group and sub-groups.
11. In agreement with DG INTPA, the group may, by simple majority of its members, decide that deliberations shall be public.
12. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
13. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.
14. Where relevant, a coordination will take place between the group and other consultative bodies of the European Commission, with the approval of DG INTPA in close cooperation with DG NEAR.

9. SUB-GROUPS

1. DG INTPA, in close cooperation with DG NEAR, may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG INTPA, in close cooperation with DG NEAR, after consultation of associated Commission services. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members and observers of the sub-groups shall all be members or observers of the group.

⁶ The Global Gateway Board (level of the President of the Commission and Member States Ministers of Foreign Affairs) will provide strategic guidance on implementation of Global Gateway initiatives. The Board will identify opportunities to showcase the impact of Global Gateway initiatives. The European Parliament will be invited as an observer, as well as, on an ad hoc basis, representatives of European financial institutions such as the EIB, the EBRD and Member States' national development banks.

10. INVITED EXPERTS

1. DG INTPA may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.
2. In particular, experts from the Development Finance Institutions (DFIs) will be invited to participate on an ad-hoc basis due to their specific expertise and the role they play in supporting investments in partner countries, when topics of such relevance are discussed.

11. RULES OF PROCEDURE

On a proposal by DG INTPA, to be drawn up in close cooperation with DG NEAR, the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules⁷. Sub-groups shall operate in compliance with the group's rules of procedure.

12. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443⁸ and 2015/444⁹. Should they fail to respect these obligations, the Commission may take all appropriate measures.

13. TRANSPARENCY

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As regards the group and sub-groups composition, the following data shall be published on the Register of expert groups:
 - (a) the name of members; the interest represented by member organisations shall be disclosed;
 - (b) the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions shall be made available on the Register of expert groups. In particular, DG INTPA shall publish the agenda and other relevant background documents in due time ahead of the meeting followed by the timely publication of its minutes. Exceptions to publication shall only be possible where it is deemed that disclosure of a

⁷ See Article 17 of the horizontal rules.

⁸ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁹ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) 1049/2001¹⁰.

14. MEETING EXPENSES

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall not be reimbursed by the Commission. On a case-by-case basis, if required, expenses could be reimbursed for Small and Medium-sized Enterprises (SMEs) representatives. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Done in Brussels, on 2 March 2023.

¹⁰ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.