II

(Acts whose publication is not obligatory)

COMMISSION

RULES OF PROCEDURE OF THE COMMISSION

(C(1999) 4000)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 16 thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 218(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular, Article 131 thereof,

Having regard to the Treaty on the European Union, and in particular Articles 28(1) and 41(1) thereof,

HAS ADOPTED THESE RULES OF PROCEDURE:

CHAPTER I

THE COMMISSION

Article 1

The Commission shall act collectively in accordance with these Rules and in compliance with the political guidelines laid down by the President.

Article 2

In compliance with the political guidelines laid down by the President, the Commission shall establish its priorities and each year adopt its work programme.

Article 3

The President may assign to Members of the Commission special fields of activity with regard to which they are specifically responsible for the preparation of Commission work and the implementation of its decisions. He may also change these assignments at any time.

The President may set up working groups of Members of the Commission, whose chairpersons he will designate.

The President shall represent the Commission. He shall designate the Members of the Commission to assist him in this task.

Article 4

Commission decisions shall be taken:
(a) at meetings;
    or
(b) by written procedure in accordance with Article 12;
    or
(c) by delegation in accordance with Article 13.

Section 1

Commission meetings

Article 5

Meetings of the Commission shall be convened by the President.

The Commission shall, as a general rule, meet at least once a week. It shall hold additional meetings whenever necessary.

Members of the Commission shall be required to attend all meetings. The President shall judge whether Members may be released from this requirement in certain circumstances.

Article 6

The President shall adopt the agenda of each meeting, taking into account in particular the work programme provided for in Article 2.

Without prejudice to the prerogative of the President to adopt the agenda, any proposal involving significant expenditure must be presented in agreement with the Member of the Commission responsible for the budget.

If a Member of the Commission proposes the inclusion of an item on the agenda, the President shall, save in exceptional circumstances, be given nine days’ notice.

The agenda and the necessary working documents shall be circulated to the Members of the Commission within the time limit and in the working languages prescribed by the Commission in accordance with Article 23.

Where a Member of the Commission requests that an item be withdrawn from the agenda, the item shall, provided the President agrees, be held over for the next meeting.

The Commission may, on a proposal from the President, discuss any question which is not on the agenda or for which the necessary working documents have been distributed late. It may decide by majority vote not to discuss an item on the agenda.

Article 7

The number of Members present required to constitute a quorum shall be equal to a majority of the number of Members specified in the Treaty.

Article 8

The Commission shall take decisions on the basis of proposals from one or more of its Members.

A vote shall be taken if any Member so requests. The vote may be on a proposal as originally made or as amended by the Member or Members responsible or by the President.

Commission decisions shall be adopted if a majority of the number of Members specified in the Treaty vote in favour. This majority shall be required irrespective of the tenor and nature of the decision.
Article 9

Meetings of the Commission shall not be public. Discussions shall be confidential.

Article 10

Save as otherwise decided by the Commission, the Secretary-General shall attend meetings. Attendance of other persons shall be determined in accordance with the rules to give effect to these Rules of Procedure.

In the absence of a member of the Commission, his Chef de cabinet may attend the meeting and, at the invitation of the President, state the views of the absent Member.

The Commission may decide to hear any other person.

Article 11

Minutes shall be taken of all meetings of the Commission.

The draft minutes shall be submitted to the Commission for approval at a subsequent meeting. The approved minutes shall be authenticated by the signatures of the President and the Secretary-General.

Section II

Other decision-making procedures

Article 12

The agreement of the Commission to a proposal by one or more of its Members may be obtained by means of a written procedure, provided the Directorates-General directly involved are in agreement and the proposal has been endorsed by the Legal Service.

For this purpose, the text of the proposal shall be circulated in writing to all members of the Commission in the languages prescribed by the Commission in accordance with Article 23, with a time limit within which members must make known any reservations or amendments they wish to make.

Any Member of the Commission may, in the course of the written procedure, request that the proposal be discussed. He shall send a reasoned request to that effect to the President.

A proposal on which no Member of the Commission has made a reservation and maintained it up to the time limit set for a written procedure shall stand adopted by the Commission. Proposals adopted shall be recorded in a day note which shall be recorded in the minutes of the next meeting.

Article 13

The Commission may, provided the principle of collective responsibility is fully respected, empower one or more of its Members to take, on its behalf and under its responsibility, clearly defined management or administrative measures, including instruments preparatory to a decision to be taken by the Commission at a later time.

The Commission may also instruct one or more of its Members, with the agreement of the President, to adopt the definitive text of any instrument as defined in the first paragraph, or of any proposal to be presented to the other institutions the substance of which has already been determined in discussion.

Decisions adopted by delegation procedure shall be recorded in a day note which shall be recorded in the minutes of the next Commission meeting.

Powers conferred in this way may be subdelegated only as expressly provided in the enabling decision.

The provisions of the first, second and third paragraphs shall be without prejudice to the rules concerning delegation in respect of financial matters or the powers conferred on the appointing authority and the authority empowered to conclude contracts of employment.

Section III

Preparation and implementation of Commission decisions

Article 14

Members of the Commission may each appoint personal staff to assist them in their work and in preparing Commission decisions.

A member of the Commission to whom an area of responsibility is assigned shall give instructions to the relevant departments.

Article 15

The Secretary-General shall assist the President in preparing the proceedings and meetings of the Commission. He shall also assist the chairperson of the working groups set up under the second paragraph of Article 3.

He shall ensure that decision-making procedures are properly implemented and that effect is given to the decisions referred to in Article 4.

He shall ensure the necessary coordination between departments in the preparatory stages and shall see that the rules for submission of documents are complied with.
He shall take the necessary steps to ensure that Commission instruments are officially notified to those concerned and are published in the Official Journal of the European Communities and that documents of the Commission and its departments are transmitted to the other institutions of the European Communities.

He shall be responsible for official relations with the other institutions of the European Communities, subject to any decisions by the Commission to exercise any function itself or to assign it to its Members or departments. He shall monitor the proceedings of the other institutions of the European Communities and keep the Commission informed.

**Article 16**

Instruments adopted by the Commission in the course of a meeting shall be attached, in the authentic language or languages, in such a way that they cannot be separated, to a summary note prepared at the end of the meeting at which they were adopted. They shall be authenticated by the signatures of the President and the Secretary-General on the last page of the summary note.

Instruments adopted by written procedure shall be attached in the authentic language or languages, in such a way that they cannot be separated, to the day note referred to in Article 12. These instruments shall be authenticated by the signature of the Secretary-General on the last page of the day note.

Instruments adopted by delegation procedure shall be attached in the authentic language or languages, in such a way that they cannot be separated, to the day note referred to in Article 13. They shall be authenticated by the signature of the Secretary-General on the last page of the day note.

For the purposes of these Rules, ‘instruments’ means any instrument as referred to in Article 14 of the ECSC Treaty, Article 249 of the EC Treaty and Article 161 of the Euratom Treaty.

For the purposes of these Rules, ‘authentic language or languages’ means the official languages of the Communities in the case of instruments of general application and the language or languages of those to whom they are addressed in other cases.

**CHAPTER II**

**COMMISSION DEPARTMENTS**

**Article 17**

A number of Directorates-General and equivalent departments forming a single administrative service shall assist the Commission in the performance of its tasks.

The Directorates-General and equivalent departments shall normally be divided into directorates, and directorates into units.

**Article 18**

The Commission may, in special cases, set up temporary structures to deal with particular matters and shall determine their responsibilities and method of operation.

**Article 19**

In order to ensure the effectiveness of Commission action, departments shall work in close cooperation and in coordinated fashion in the preparation or implementation of Commission decisions.

Before submitting a document to the Commission, the departments responsible shall, in sufficient time, consult other departments which are associated or concerned by virtue of their powers or responsibilities or the nature of the subject, and shall inform the Secretariat-General where it is not consulted. The Legal Service shall be consulted on all drafts or proposals for legal instruments and on all documents which may have legal implications. The Directorates-General responsible for the budgets, personnel and administration shall be consulted on all documents which may have implications concerning the budget and finances or personnel and administration respectively. The Directorate-General responsible for financial control shall likewise be consulted, as need be.

The department responsible shall endeavour to frame a proposal that has the agreement of the departments consulted. In the event of a disagreement it shall append to its proposal the differing views expressed by these departments, without prejudice to Article 12.

**CHAPTER III**

**DEPUTISING**

**Article 20**

If the President is prevented from exercising his functions, they shall be exercised by one of the Vice-Presidents or Members chosen in the order laid down by the Commission.

**Article 21**

Where the Secretary-General is prevented from exercising his functions, they shall be exercised by the Deputy Secretary-General or, where this is not possible, by an official designated by the Commission.
Article 22
Where a Director-General is prevented from exercising his functions, they shall be exercised by the most senior Deputy Director-General present, and in the event of equal seniority, by the one who is eldest, or, where this position does not exist, by an official designated by the Commission. If no such replacement is designated, the most senior subordinate present in the highest category and grade shall deputize, and in the event of equal seniority, the one who is eldest.

A Deputy Head of Unit, where the position exists, shall deputize for the Head of Unit.

Where any other superior is prevented from exercising his duties, the Director-General shall designate an official in agreement with the Member of the Commission responsible. If no replacement is designated, the most senior subordinate present in the highest category and grade shall deputize, and in the event of equal seniority, the one who is eldest.

FINAL PROVISIONS

Article 23
The Commission shall, as necessary, lay down rules to give effect to these Rules of Procedure.

Article 24
The Rules of Procedure of 17 February 1993, as amended by Decision 95/148/EC, Euratom, ECSC, are repealed.

Article 25
These Rules of Procedure shall enter into force on 18 September 1999.

Article 26
These Rules of Procedure shall be published in the Official Journal of the European Communities.

Done at Brussels, 18 September 1999.

For the Commission
The President
Romano PRODI