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► **B** DECISION No 1/2010 OF THE EU-MONTENEGRO STABILISATION AND ASSOCIATION COUNCIL

of 14 June 2010

adopting its rules of procedure

(2010/390/EU)

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**DECISION No 1/2010 OF THE EU-MONTENEGRO
STABILISATION AND ASSOCIATION COUNCIL**

of 14 June 2010

adopting its rules of procedure

(2010/390/EU)

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, (hereinafter referred to as 'Agreement') and in particular Articles 119 and 120 thereof,

Whereas the Agreement entered into force on 1 May 2010,

HAS DECIDED AS FOLLOWS:

Article 1

Chairmanship

The Stabilisation and Association Council shall be presided over alternately for periods of 12 months by the President of the Foreign Affairs Council of the European Union, on behalf of the European Union and its Member States and the European Atomic Energy Community, and by a representative of the Government of Montenegro. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2010.

Article 2

Meetings

The Stabilisation and Association Council shall meet at ministerial level once a year. Special sessions of the Stabilisation and Association Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Stabilisation and Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Stabilisation and Association Council shall be jointly convened by the Secretaries of the Stabilisation and Association Council in agreement with the President.

Article 3

Representation

The members of the Stabilisation and Association Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the President of the name of his representative before the meeting at which he is to be so represented. The representative of a member of the Stabilisation and Association Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Stabilisation and Association Council may be accompanied by officials. Before each meeting, the President shall be

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informed of the intended composition of the delegation of each Party. A representative of the European Investment Bank shall attend the meetings of the Stabilisation and Association Council, as an observer, when matters which concern the Bank appear on the agenda. The Stabilisation and Association Council may invite non-members to attend its meetings in order to provide information on particular subjects.

*Article 5***Secretariat**

An official of the General Secretariat of the Council of the European Union and an official of the Mission of Montenegro to the European Union shall act jointly as Secretaries of the Stabilisation and Association Council.

*Article 6***Correspondence**

Correspondence addressed to the Stabilisation and Association Council shall be sent to the President of the Stabilisation and Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Stabilisation and Association Council and, where appropriate, circulated to other members of the Stabilisation and Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of the Member States and the Mission of Montenegro to the European Union.

Communications from the President of the Stabilisation and Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Stabilisation and Association Council at the addresses indicated in the second paragraph.

*Article 7***Publicity**

Unless otherwise decided, the meetings of the Stabilisation and Association Council shall not be public.

*Article 8***Agendas for meetings**

1. The President shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the President has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch

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of the agenda. The agenda shall be adopted by the Stabilisation and Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The President may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 9***Minutes**

Draft minutes of each meeting shall be drawn up by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Stabilisation and Association Council,
- statements requested for entry by a member of the Stabilisation and Association Council,
- the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Stabilisation and Association Council for approval. When approved, the minutes shall be signed by the President and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Association. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

*Article 10***Decisions and recommendations**

1. The Stabilisation and Association Council shall take its decisions and make recommendations by common agreement of the Parties. The Stabilisation and Association Council may take decisions or make recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Stabilisation and Association Council, within the meaning of Article 121 of the Stabilisation and Association Agreement, shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Stabilisation and Association Council shall be signed by the President and authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6 above. Each Party may decide on the publication of decisions and recommendations of the Stabilisation and Association Council in its respective official publication.

*Article 11***Languages**

The official languages of the Stabilisation and Association Council shall be the official languages of the two Parties. Unless otherwise decided, the Stabilisation and Association Council shall base its deliberations on documentation drawn up in these languages.

▼B*Article 12***Expenses**

The European Union and Montenegro shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Montenegro, which shall be borne by Montenegro. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 13***Stabilisation and Association Committee**

1. A Stabilisation and Association Committee is hereby established in order to assist the Stabilisation and Association Council in carrying out its duties. It shall be composed of representatives of the Council of the European Union and of representatives of the European Commission, on the one hand, and of representatives of the Government of Montenegro, on the other, normally at senior civil servant level.

2. The Stabilisation and Association Committee shall prepare the meetings and the deliberations of the Stabilisation and Association Council, implement the decisions of the Stabilisation and Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Stabilisation and Association Agreement. It shall consider any matter referred to it by the Stabilisation and Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Stabilisation and Association Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Stabilisation and Association Council.

3. In cases where the Stabilisation and Association Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Stabilisation and Association Committee. The consultation may continue in the Stabilisation and Association Council if the two Parties so agree.

4. The rules of procedure of the Stabilisation and Association Committee are annexed to this Decision.

▼M1*Article 14*

Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations

1. A Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations is hereby established, entrusted with the task of assisting the Stabilisation and Association Council with a view to promoting dialogue and cooperation between the social partners and

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other civil society organisations, in the European Union and Montenegro. Such dialogue and cooperation shall encompass all relevant aspects of relations between the European Union and Montenegro, as they arise in the context of the implementation of the Agreement. Such dialogue and cooperation shall be aimed in particular at:

- (a) preparing Montenegrin organisations of employers, the employed and other civil society organisations for activity in the framework of future membership of the European Union;
- (b) preparing Montenegrin organisations of employers, the employed and other civil society organisations for their participation in the work of the European Economic and Social Committee after the accession of Montenegro;
- (c) exchanging information on issues of mutual interest, in particular on up-to-date state of play on the accession process as well as preparation of Montenegrin organisations of employers, the employed and other civil society organisations for this process;
- (d) encouraging exchanges of experience and structured dialogue between (a) Montenegrin organisations of employers, the employed and other civil society organisations and (b) organisations of employers, the employed and other civil society organisations from Member States, including through networking in specific areas where direct contacts and cooperation might prove the most effective way of solving particular problems;
- (e) discussing any other relevant matters proposed by any side, as they arise in the context of implementation of the Agreement and in the framework of the pre-accession strategy.

2. The Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations shall comprise six representatives of the European Economic and Social Committee and six representatives of Montenegro's social partners and other civil society organisations. Observers can be invited to participate.

3. The Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations shall carry out its tasks on the basis of consultation by the Stabilisation and Association Council or, with regard to promoting dialogue between economic and social circles, on its own initiative.

4. The Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations may make recommendations to the Stabilisation and Association Council.

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5. Members shall be chosen to ensure that the Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations is as faithful a reflection as possible of the various social partners and other civil society organisations, in both the European Union and Montenegro. Official nominations of Montenegrin members shall be made by the government of Montenegro based on proposals from social partners and other civil society organisations. Those proposals shall be based on inclusive and transparent selection procedures among social partners and other civil society organisations.

6. The Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations shall be co-chaired by a member of the European Economic and Social Committee and a representative of Montenegro's social partners and other civil society organisations.

7. The Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations shall adopt its rules of procedure.

8. The European Economic and Social Committee, on the one hand, and the Montenegrin Government, on the other hand, shall each defray the expenses they incur by reason of the participation of their delegates in the meetings of the Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations and of its working groups with regard to staff, travel and subsistence expenditure.

9. Detailed arrangements on interpretation and translation costs shall be set out in the rules of procedure of the Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations. Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 15

Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities

1. A Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities is hereby established with the task of assisting the Stabilisation and Association Council with a view to promoting dialogue and cooperation between the local and regional authorities in the European Union and those in Montenegro. Such dialogue and cooperation shall be aimed in particular at:

- (a) preparing Montenegrin local and regional authorities for activity in the framework of future membership of the European Union;
- (b) preparing Montenegrin local and regional authorities for their participation in the work of the Committee of the Regions after the accession of Montenegro;

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- (c) exchanging information on current issues of mutual interest, in particular on up-to-date state of play concerning European regional policy and the accession process as well as preparation of Montenegrin local and regional authorities for these policies;
- (d) encouraging multilateral structured dialogue between (a) Montenegrin local and regional authorities and (b) local and regional authorities from the Member States, including through networking in specific areas where direct contacts and cooperation between Montenegrin local and regional authorities and the local and regional authorities from Member States might prove the most effective way of addressing specific topics of mutual interest;
- (e) providing regular exchange of information on inter-regional cooperation between Montenegrin local and regional authorities and local and regional authorities from Member States;
- (f) encouraging exchange of experience and knowledge in the field of regional policy and structural interventions, between (a) Montenegrin local and regional authorities and (b) local and regional authorities from Member States, in particular know-how and techniques concerning preparation of local and regional development plans or strategies and most efficient use of the pre-accession and Structural Funds;
- (g) assisting Montenegrin local and regional authorities by means of information exchange on the practical implementation of the principle of subsidiarity in all aspects of life on local and regional level;
- (h) discussing any other relevant matters proposed by any side, as they can arise in the context of implementation of the Agreement and in the framework of the Pre-accession strategy.

2. The Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities shall comprise eight representatives of the Committee of the Regions, on the one hand, and eight elected representatives of the local and regional authorities of Montenegro, on the other hand. An equal number of alternate members shall be appointed.

3. The Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities shall carry out its activities on the basis of consultation by the Stabilisation and Association Council or, as concerns the promotion of the dialogue between the local and regional authorities, on its own initiative.

4. The Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities may make recommendations to the Stabilisation and Association Council.

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5. Members shall be chosen to ensure that the Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities is as faithful a reflection as possible of the various levels of local and regional authorities in both the European Union and Montenegro. Official nominations of Montenegrin members shall be made by the government of Montenegro based on proposals from organisations representing local and regional authorities in Montenegro. Those proposals shall be based on inclusive and transparent selection procedures among representatives holding local or regional electoral mandates.
6. The Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities shall adopt its rules of procedure.
7. The Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities shall be co-chaired by a member of the Committee of the Regions and a representative of the local and regional authorities of Montenegro.
8. The Committee of the Regions, on the one hand, and the Government of Montenegro, on the other hand, shall each defray the expenses incurred by reason of the participation of their delegates and supporting staff in the meetings of the Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities, in particular with regard to travel and subsistence expenditure.
9. Detailed arrangements on interpretation and translation costs shall be set out in the rules of procedure of the Joint Consultative Committee between the Committee of the Regions and Montenegrin local and regional authorities. Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

*ANNEX***Rules of Procedure of the Stabilisation and Association Committee***Article 1***Chairmanship**

The Stabilisation and Association Committee shall be presided over alternately for periods of 12 months by a representative of the European Commission, on behalf of the European Union and its Member States and the European Atomic Energy Community, and by a representative of the Government of Montenegro. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2010.

*Article 2***Meetings**

The Stabilisation and Association Committee shall meet when circumstances require, with the agreement of both Parties. Each meeting of the Stabilisation and Association Committee shall be held at a time and place agreed by both Parties. Meetings of the Stabilisation and Association Committee shall be convened by the Chairman.

*Article 3***Delegations**

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the European Commission and an official of the Montenegrin Government shall act jointly as Secretaries of the Stabilisation and Association Committee. All communications to and from the Chairman of the Stabilisation and Association Committee provided for in this Decision shall be forwarded to the Secretaries of the Stabilisation and Association Committee and to the Secretaries and the President of the Stabilisation and Association Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Stabilisation and Association Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting

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documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda. The Stabilisation and Association Committee may ask experts to attend its meetings in order to provide information on particular subjects. The agenda shall be adopted by the Stabilisation and Association Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Stabilisation and Association Committee. When approved by the Stabilisation and Association Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Decisions and recommendations**

In the specific cases where the Stabilisation and Association Committee is empowered by the Stabilisation and Association Council under Article 122 of the Stabilisation and Association Agreement to take decisions/make recommendations, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, the date of their adoption and a description of their subject matter. Decisions and recommendations shall be made by common agreement between the Parties. The Stabilisation and Association Committee may take decisions or make recommendations by written procedure if both Parties so agree. The decisions and recommendations of the Stabilisation and Association Committee shall be signed by the President and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of these rules of procedure. Each Party may decide on the publication of the decisions and recommendations of this Stabilisation and Association Committee in its respective official publication.

*Article 9***Expenses**

The European Union and Montenegro shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Montenegro, which shall be borne by Montenegro. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 10***Subcommittees and special groups**

The Stabilisation and Association Committee may create subcommittees or special groups to work under the authority of the Stabilisation and Association Committee, to which they shall report after each of their meetings. The Stabilisation and Association Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. These subcommittees and groups shall not have any decision-making powers.