



2024/3080

5.12.2024

COMMISSION DECISION (EU) 2024/3080

of 4 December 2024

establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union, and in particular Article 17 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 249 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Whereas:

- (1) The Decision of 29 November 2000 establishing the Rules of Procedure ⁽¹⁾ of the Commission has been amended several times. A main revision took place in 2010 ⁽²⁾ by which the Commission adopted a Decision to which all the Articles of the Rules of Procedure were annexed. The last limited amendment dates back to 2020 ⁽³⁾. It is therefore necessary in the interests of clarity to replace the provisions in the Articles of the Decision of 2000 and its successive amendments and certain annexes.
- (2) In order to improve their accessibility and readability, the Articles of the Rules of Procedure C(2000) 3614 should be merged with the Rules giving effect ⁽⁴⁾ thereto into a single document.
- (3) Several Articles of the Rules of Procedure C(2000) 3614 require substantial revision in order to take into account the evolution of the way in which the Commission functions.
- (4) The principle of collegiality governs the functioning of the Commission. It ensues from Article 17 of the Treaty on European Union and is based on the equal participation of the Members of the Commission in the adoption of decisions. The principle of collegiality means, in particular, that decisions should be the subject of collective discussion and that all Members of the College should bear collective political responsibility for all adopted decisions.
- (5) The functioning of the Commission and its services is also based on the principle of good governance, which entails, in particular, a clear definition of roles and responsibilities, as well as the traceability of decisions taken by the Commission.
- (6) In accordance with Article 15(3), third subparagraph of the Treaty on the Functioning of the European Union, the Rules of Procedure should contain, in an Annex, provisions concerning the application of Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽⁵⁾.

⁽¹⁾ Rules of Procedure C(2000) 3614 of 29 November 2000 (OJ L 308 of 8.12.2000, p. 26, ELI: http://data.europa.eu/eli/proc_rules/2000/3614/oj).

⁽²⁾ Commission Decision C(2010) 1200 of 24 February 2010 amending its Rules of Procedure (OJ L 55 of 05.03.2010, p. 60, ELI: [http://data.europa.eu/eli/dec/2010/138\(1\)/oj](http://data.europa.eu/eli/dec/2010/138(1)/oj)).

⁽³⁾ Commission Decision C(2020) 3000 of 22 April 2020 amending its Rules of Procedure (OJ L 127I, 22.4.2020, p. 1, ELI: <http://data.europa.eu/eli/dec/2020/555/oj>).

⁽⁴⁾ Rules giving effect to the Rules of Procedure, annexed to Commission Decision C(2010) 1200 final of 24 February 2010 amending its Rules of Procedure.

⁽⁵⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.05.2001, p. 43, ELI: <http://data.europa.eu/eli/reg/2001/1049/oj>).

- (7) In order to ensure readability and agility, these Rules of Procedure no longer contain, as annexes, (i) the Code of Good Administrative Behaviour for staff of the European Commission in their relations with the public, (ii) the Commission provisions setting up the ARGUS General Rapid Alert System and (iii) the detailed rules for the application of Regulation (EC) No 1367/2006 of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters to Community institutions and bodies.
- (8) Pending the replacement of those annexes by corresponding autonomous decisions, they should temporarily remain applicable to avoid any legal vacuum. Therefore, Decision C(2000) 3614 should be amended by deleting its other provisions except those remaining annexes,

HAS ADOPTED THIS DECISION:

Chapter I

General provisions

Article 1

Subject-matter

This Decision lays down the rules governing the functioning of the European Commission.

Chapter II

Commission

Article 2

Collegiality

1. The Commission shall act as a College, pursuant to these Rules of Procedure. The College is composed of the President and the other Members of the Commission.
2. The Members of the Commission shall refrain from any behaviour likely to jeopardise, to any extent, the principle of collegiality.
3. All Members of the Commission shall participate on an equal footing in the decision-making process and bear collective responsibility for the decisions taken.
4. Each Member of the Commission shall respect, promote and support the positions adopted by the Commission, in particular throughout the different stages of the legislative procedure.
5. Any position diverging from the position originally adopted by the Commission shall be collegially approved before being presented by representatives of the Commission to the other institutions or bodies of the European Union as well as to Member States, third countries, international or regional organisations and other third parties.

*Article 3***President**

1. The President shall lay down the political guidelines within which the Commission is to work. The President shall steer the work of the Commission and represent it.
 2. The President shall decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body ⁽⁶⁾.
 3. The President shall structure and allocate responsibilities among the Members of the Commission without prejudice to Article 18(4) of the Treaty on European Union. The President may reshuffle the allocation of those responsibilities during the Commission's term of office ⁽⁷⁾.
- At the beginning of the term of office, the President shall send the Members of the Commission mission letters setting out their duties and the conditions for carrying them out in the fields of activity assigned to them.
4. The President shall appoint Vice-Presidents, other than the High Representative of the European Union for Foreign Affairs and Security Policy, from among the Members of the Commission ⁽⁸⁾.
 5. The President shall adopt a decision on the order of precedence of all the Members of the Commission. As regards the Members of the Commission other than the Vice-Presidents, that order shall be based on their seniority in the Commission or, in the event of equal seniority, on their age.
 6. The President may decide at any time to set up groups of Members of the Commission. The decision of the President shall determine the mandate, the composition, the duration and the working methods of the group, and shall appoint the Member(s) to lead the work of the group.
 7. If Members of the Commission are prevented from carrying out their duties, the President shall appoint replacements from among the other Members of the Commission and adopt the provisions implementing that decision.
 8. A Member of the Commission shall resign if the President so requests ⁽⁹⁾.
 9. The President shall ensure the proper application of the Code of Conduct for the Members of the Commission ⁽¹⁰⁾.

*Article 4***Members of the Commission**

1. The Members of the Commission shall perform their duties in complete independence, under the authority of the President. They shall neither seek nor take instructions from any government or other institution, body, office or entity ⁽¹¹⁾. They shall devote themselves fully to the performance of their duties in the Union interest.
2. Each Member of the Commission shall take responsibility for action in the field of activity assigned to them, without prejudice to the principle of collegiality.
3. The Members of the Commission shall act in accordance with the highest professional and ethical standards and in particular with the Code of Conduct for the Members of the Commission.

⁽⁶⁾ Treaty on European Union, Article 17(6)(b).

⁽⁷⁾ Treaty on the Functioning of the European Union, Article 248.

⁽⁸⁾ Treaty on European Union, Article 17(6)(c).

⁽⁹⁾ Treaty on European Union, Article 17(6).

⁽¹⁰⁾ Commission Decision C(2018) 700 of 31 January 2018 on a Code of Conduct for the Members of the European Commission (OJ C 65, 21.2.2018, p. 7).

⁽¹¹⁾ Treaty on European Union, Article 17(3).

4. The Members of the Commission shall have a cabinet, which shall assist them in carrying out their duties. The rules governing the composition and operation of the cabinets shall be laid down by a decision of the President.

Article 5

Priorities, work programme and budget

1. The Commission shall establish its priorities in line with the political guidelines laid down by the President. It shall reflect these priorities in its work programme and the draft general budget of the European Union, which it adopts each year.

2. Each year the President shall take stock of the current year and set out the Commission's priorities for the future in the State of the Union address in the European Parliament ⁽¹²⁾.

3. In order to clarify and organise the implementation of the priorities, the Commission shall attach to its work programme a list of the main initiatives it is planning to adopt during the year in question. The Commission may update its work programme during the course of the year.

4. At the President's initiative, the Commission shall hold orientation debates to clarify its policy lines as well as to discuss any politically sensitive and/or important subjects or general political developments.

5. The arrangements for validating the programming of Commission initiatives shall be set out by the President.

Chapter III

Decision-making procedures

Article 6

Types of decision-making procedure

1. The Commission shall adopt initiatives in one of the legal forms provided for in Article 288 of the Treaty on the Functioning of the European Union or any other initiative falling within its remit ('acts'):

- (a) by oral procedure, at the meetings of the Commission, in accordance with section 1 of this Chapter;
- (b) by written procedure, in accordance with section 2 of this Chapter;
- (c) by empowerment procedure, in accordance with section 3 of this Chapter;
- (d) by delegation procedure, in accordance with section 4 of this Chapter,

2. Any draft act adopted by the Commission under one of the procedures referred to in paragraph 1 shall be entered beforehand in the information technology system established for that purpose, unless the Secretary-General expressly decides otherwise.

⁽¹²⁾ Framework Agreement on relations between the European Parliament and the European Commission, Annex IV, point 5 (OJ L 304 20.11.2010, p. 47, ELI: http://data.europa.eu/eli/agree_interinstit/2010/1120/oj).

Section 1

Meetings of the Commission and oral procedure*Article 7***Meetings of the Commission**

1. Meetings of the Commission shall be convened by the President.
2. The Commission shall meet, as a general rule, once a week ('ordinary' meetings). It shall also meet whenever the President deems it necessary ('extraordinary' meetings).
3. In exceptional circumstances, if some or all of the Members of the Commission are prevented from attending a meeting of the Commission in person, the President may invite them to participate by means of telecommunication systems allowing for their identification and effective participation.
4. Acts may be adopted by oral procedure at ordinary meetings or extraordinary meetings. The rules for organising and running the meetings, as well as the procedural rules, are set out in Articles 8 to 16.
5. At the initiative of the President, the Commission may also hold orientation debates, seminars, informal meetings or working meetings on specific topics.

*Article 8***Setting the agenda**

1. The President shall set the agenda of each ordinary and extraordinary meeting of the Commission.
2. In order to facilitate the planning of the Commission's work and to take account of the Commission's communication strategy, the Secretary-General, under the authority of the President, shall establish the list of items that are planned for inclusion on the agenda of meetings of the Commission.
3. In addition to the recurring items which are automatically placed on the agenda of each meeting of the Commission, such as the approval of minutes, interinstitutional relations, coordination of external action or administrative and budgetary matters, the politically sensitive and/or important matters and draft acts, in particular those linked to the Commission's priorities, shall generally be included on the agenda.
4. In order to guarantee the effective exercise of collegiality, any items included on the agenda of a meeting of the Commission shall be carried over to a later meeting if:
 - (a) the relevant documents are not made available to the Members of the Commission within the time limits set out in Article 11(3), unless the President decides otherwise;
 - (b) one (or more) of the language versions required by Article 41(1), point (b) is (are) missing, unless the President decides to ask the Commission for approval 'in principle', accompanied by an ad hoc empowerment for the purpose of adopting the draft act once the language version(s) is (are) available.
5. The Commission may, on a proposal from the President, discuss a matter that does not appear on the agenda.

*Article 9***Conditions for the inclusion of items on the agenda**

1. Without prejudice to paragraph 4, the following information shall be available when any request is made to include on the agenda a draft act referred to in Article 8(3):
 - (a) the title of the draft act and a brief description of its objective;
 - (b) the reasons for presenting it and for its timing;
 - (c) its link with the political guidelines laid down by the President and the priorities set by the Commission and with the Commission's work programme and its communication strategy;
 - (d) the state of preparation of the file, including as regards better regulation requirements and the interservice consultation;
 - (e) the explicit agreement of the Member of the Commission responsible for the budget if the proposal has significant budgetary implications.
2. The conditions set out in paragraph 1 also apply to requests for inclusion on the agenda of draft acts of general application presented under miscellaneous administrative and budgetary matters.
3. Articles 29, 36 and 41 shall apply to requests for inclusion on the agenda of draft acts submitted under empowerment and delegation procedures.
4. Unless the President decides otherwise, paragraphs 1, 2 and 3 shall not apply to:
 - (a) discussion papers requested by the President to structure orientation debates;
 - (b) information notes from Members of the Commission who inform succinctly the Commission of matters under their responsibility, without asking it to adopt a position, and which commit only their authors and the inclusion of which on the agenda has been specifically authorised by the President.
5. Any request to include an item on the agenda of a meeting of the Commission shall be submitted by one (or more) Member(s) of the Commission to the President at least nine working days before the meeting of the Commission in question. In exceptional circumstances, the President may accept a late request for an item to be included in the agenda. The Secretary-General shall be informed of any request for inclusion in the agenda.

*Article 10***Preparation of agenda items**

1. Items included on the agenda of an ordinary or an extraordinary meeting of the Commission shall be prepared at the weekly meeting of the Heads of Cabinet chaired by the Secretary-General.
2. Special meetings of cabinet members shall be organised, at the President's initiative, for a preliminary discussion of specific matters or files. A member of the President's cabinet shall chair these meetings. They shall usually be held in the week prior to that of the meeting of the Commission.
3. The Interinstitutional Relations Group ⁽¹³⁾ shall examine the positions to be adopted by the Commission in interinstitutional matters, in particular files pending before the European Parliament and/or the Council.
4. The Group for External Coordination ⁽¹⁴⁾ shall examine the positions to be adopted by the Commission in the field of external relations and shall ensure consistency between the external and internal aspects of the Commission's work.

⁽¹³⁾ P(2024)5 of 1 December 2024, Communication from the President to the Commission on the working methods of the European Commission.

⁽¹⁴⁾ P(2024)5 of 1 December 2024, Communication from the President to the Commission on the working methods of the European Commission.

5. In principle, any matter on which an agreement has been reached at one of the preparatory meetings referred to in paragraphs 1 to 4 may not be reopened at a later stage.
6. If an agreement is reached on an agenda item at a weekly meeting of the Heads of Cabinet and that item is kept on the agenda, the act in question may be adopted without debate during the meeting of the Commission.
7. If an agreement is reached at the weekly meeting of the Heads of Cabinet or at the Commission meeting, the act in question may be adopted, on a proposal from the President, by finalisation written procedure, pursuant to Article 22.
8. In all the preparatory meetings referred to in paragraphs 1 to 4, cabinet members shall speak on behalf of the Member of the Commission whom they represent on the basis of a clear mandate.

Article 11

Making the agenda and other documents available

1. The Secretary-General shall make a draft agenda available to the Members of the Commission no later than the working day before the weekly meeting of the Heads of Cabinet.
2. At the latest on the day before ordinary or extraordinary meetings of the Commission, the Secretary-General shall make the agenda, as set by the President, available to the Members of the Commission. The agenda shall be made public in accordance with Article 63.
3. The documents required for the discussion of each of the agenda items shall be made available to the Members of the Commission no later than the working day prior to the weekly meeting of the Heads of Cabinet.

Unless a derogation is granted by the President on the basis of a duly reasoned written request, the documents intended for discussion at a special meeting of cabinet members shall be made available to the Members of the Commission at least 48 hours prior to the meeting. In the case of very long documents, the Secretary-General, in agreement with the President, may allow more time.

The documents shall be made available subject to the adoption procedure being initiated by the Secretary-General after verifying in particular the agreement of the Member of the Commission responsible and, where applicable, of the Members of the Commission who are jointly responsible or associated.

Article 12

Quorum and attendance of Members at meetings of the Commission

1. The number of Members whose presence is necessary for the Commission to take valid decisions at its ordinary and extraordinary meetings shall be equal to the majority of its Members.
2. In exceptional circumstances, if some or all Members of the Commission are prevented from attending a meeting of the Commission in person, the President may invite them to participate by means of telecommunication systems allowing for their identification and effective participation. They shall then be deemed to be present for the purposes of the quorum.
3. In accordance with the principle of collegiality, the Members of the Commission shall attend all ordinary and extraordinary meetings of the Commission in their entirety.
4. The President may release a Member of the Commission from the obligation to attend an ordinary or extraordinary meeting of the Commission, if justified by compelling circumstances, such as obligations with regard to other European Union institutions or related to the external representation of the European Union. In order to obtain such authorisation, the Member of the Commission concerned shall address a duly substantiated written request to the President in good time.
5. Absent Members cannot be replaced.

*Article 13***Decision-making**

1. The Commission's decisions shall be adopted on a proposal from one or more of its Members. They shall be adopted by a majority of its Members.
2. When a decision is to be voted on, at the initiative of the President or at the request of one or more of the Members of the Commission, the following rules shall apply:
 - (a) a vote on a draft act may concern, at the President's discretion: (i) the original draft act, or (ii) an amended draft act submitted either by the Member(s) of the Commission responsible or by the President;
 - (b) before proceeding to a vote, the President shall establish that the necessary quorum exists, as laid down in Article 12(1);
 - (c) each Member of the Commission shall have one vote, which may not be delegated;
 - (d) the draft act shall be adopted if the number of votes in favour is equal to or more than a majority of its Members;
 - (e) the outcome of the vote, declared by the President, and all the information relating to it, shall be recorded in the minutes of the Commission meeting, in accordance with the procedures laid down in Article 16(3); the same shall apply to any statements (such as explanations of vote) which Members of the Commission ask to be recorded;
 - (f) in certain exceptional circumstances the President may decide to hold a secret ballot.

*Article 14***Confidentiality of Commission meetings**

1. Meetings of the Commission shall not be public.
2. Discussions in the meetings shall be protected by the principle of confidentiality.

*Article 15***Attendance at Commission meetings**

1. The President shall decide which persons are allowed to attend the Commission's discussions at its ordinary or extraordinary meetings.
2. Unless the President decides otherwise, the following persons may attend the Commission meetings: the Secretary-General, the President's Head of Cabinet, the Director-General of the Legal Service, the Director-General of the Directorate-General for Communication, the Head of the Commission's Spokesperson's Service and the Director of the Secretariat-General's Directorate responsible for Decision-making and Collegiality.

Any of those persons who is unable to attend may be replaced by a representative.

3. The President may decide to invite any other person on a particular agenda item.
4. The President may, on their own initiative or at the request of a Member of the Commission, restrict the presence of members of Commission staff and other persons for all or part of a meeting.
5. The Secretary-General shall assist the President in order to ensure compliance with the rules set out in paragraphs 1 to 4.

*Article 16***Minutes of Commission meetings**

1. Minutes of all ordinary and extraordinary meetings of the Commission shall be drawn up by the Secretary-General.
2. The ordinary minutes ('PVO') shall give an account of the conduct of the meeting, the discussions and the adoption of acts, which is information that is to be made public.
3. The ordinary minutes may be accompanied by special minutes ('PVS'), which shall record the discussions and acts not covered by paragraph 2, the votes taken and the statements which Members of the Commission ask to have recorded in the minutes. The special minutes shall be classified.
4. The draft minutes (PVO and PVS) shall be submitted to the Commission for approval at a subsequent meeting. The approved minutes shall be authenticated by the handwritten or electronic signatures of the President and the Secretary-General.
5. The ordinary minutes shall be made public once they have been approved by the Commission, in accordance with Article 63(2).

*Section 2***Written procedure***Article 17***Decisions taken by written procedure**

1. The Commission's decisions shall be adopted by written procedure on a proposal from one or more of its Members.
2. A draft act originally placed on the agenda of a Commission meeting for adoption by oral procedure may be adopted by written procedure on a proposal from the President.
3. Any Member of the Commission may send the President a reasoned request for the draft act submitted for adoption by written procedure to be mentioned at a meeting of the Commission or placed on the agenda of a meeting of the Commission. The Secretary-General shall be informed of such requests.
4. All draft acts to be adopted by written procedure shall be made available to the Members of the Commission, indicating the expiry date for the written procedure.
5. In the course of a written procedure, in accordance with Articles 24 to 28 and Article 41, the original draft act, the time limit or any other aspect of the procedure may be amended. The written procedure may also be suspended or abandoned.
6. The act shall stand adopted on expiry of the time limit, provided that the draft act complies with all the required conditions of substance and form.
7. The Secretary-General shall ensure that the written procedure runs smoothly and establish that it has been completed.

*Article 18***Initiation of a written procedure**

1. The Secretary-General shall be responsible for initiating written procedures. To that end the Secretary-General shall verify that the required conditions of substance and form have been met, including the agreement of the responsible Member(s) of the Commission, the possible co-responsible or associated Member(s) and, where necessary, the agreement of the President.

2. Without prejudice to Article 22, the positive opinion of the Legal Service, taking into account its comments, if any, made in connection with its mission as described in Article 53(2), as well as the positive opinion of the other services consulted, is required before a written procedure is initiated. The opinions of the Legal Service and of the other services consulted may be express or tacit.

Article 19

Time limits for a written procedure

1. The Secretary-General shall set the expiry dates for written procedures.
2. The time limit for an ordinary written procedure shall be no less than five working days from the date on which the draft act was made available to the Members of the Commission.
3. However, the Secretary-General may set a shorter time limit, as provided for in Articles 20, 21 and 22.
4. The initial expiry date may be postponed by the Secretary-General during the procedure:
 - (a) at the request of the Member of the Commission responsible, or
 - (b) on the initiative of the Secretary-General, in particular if the draft act does not meet all the required conditions of substance or form.
5. The initial expiry date may also be brought forward by the Secretary-General during the procedure, at the request of the Member of the Commission responsible or on the initiative of the Secretary-General if required by special circumstances. If bringing the expiry date forward alters the type of written procedure, the prior agreement of the President shall be required.
6. The Secretary-General shall inform the Members of the Commission of any change to the expiry date.

Article 20

Expedited written procedure

1. The Member of the Commission responsible for a draft act may request an expedited written procedure. The request shall be duly justified by unforeseen and/or exceptional circumstances. It shall not be used as a means of making up for an administrative delay.
2. The President may authorise the Secretary-General to set the minimum time limit to three working days from the date when the draft act was made available to the Members of the Commission.

Article 21

Urgent written procedure

1. The Member of the Commission responsible for a draft act may request an urgent written procedure. The request shall be duly justified. It shall not be used as a means of making up for an administrative delay.
2. The President may authorise the Secretary-General to set the time limit to less than three working days from the date when the draft act was made available to the Members of the Commission in order to enable an urgent act to be adopted.
3. The urgent written procedure is used for the adoption of the Commission's communication on a Council position adopted under the ordinary legislative procedure.

*Article 22***Finalisation written procedure**

1. On a proposal from the President, any draft act which has been placed on the agenda of an ordinary or extraordinary meeting of the Commission for adoption by oral procedure may be adopted by finalisation written procedure if agreement has been reached on it at the weekly meeting of Heads of Cabinet and a positive opinion has been received on it from the Legal Service, or if agreement has been reached on it at the meeting of the Commission.

Where agreement is reached on the draft act at the Commission meeting, the finalisation written procedure may be initiated even in the absence of a positive opinion from the Legal Service and the other services consulted.

2. The time limit for the finalisation written procedure may be set at less than five working days. The expiry date shall be after the meeting of the Commission for which the draft act was originally placed on the agenda, and before the following Commission meeting.

3. The draft act shall be put on the list of politically sensitive and/or important written procedures, as mentioned in Article 28.

*Article 23***Written procedure in the field of coordination and surveillance of economic and budgetary policies of the Member States, particularly in the euro area**

1. At the request of the Member of the Commission responsible for the draft act, the President may authorise the initiation of a written procedure in the field of coordination and surveillance of economic and budgetary policies of the Member States, particularly in the euro area.

2. Without prejudice to Article 25, any Member of the Commission wishing to suspend this procedure shall send the President a reasoned request following an impartial and objective assessment of the structure, reasoning or result of the proposed draft act.

3. If, following examination of the request, the President considers that the reasons given are not well-founded, the President may refuse to allow the suspension and may decide that the written procedure shall continue.

In that case, the Secretary-General shall ask the position of the other Members of the Commission to ensure, by analogy, the respect of the quorum referred to in Article 250 of the Treaty on the Functioning of the European Union.

4. At the end of the time limit set, if needed extended by the time necessary for the President to examine the request for suspension and for the Secretary-General to collect the position of the other members, the act shall be adopted by the Commission.

5. The President may also include the draft act on the agenda of a subsequent Commission meeting with a view to its adoption.

*Article 24***Amendment of a written procedure**

1. The Member of the Commission responsible for the draft act may, on their own initiative or at the request of another Member, amend the original draft act. The Member of the Commission may also ask the Secretary-General to amend the time limit in accordance with Article 19(4) and (5) or any other aspect of the ongoing procedure.

2. The Secretary-General shall inform the Members of the Commission of the amendments and, if applicable, make available an amended draft act accompanied, if necessary, by a new time limit.

*Article 25***Suspension of a written procedure**

1. Without prejudice to Article 23, any Member of the Commission may send the Secretary-General a reasoned request for suspension of an ongoing written procedure. The Secretary-General shall suspend the procedure and inform the Members of the Commission thereof.
2. The Secretary-General may also suspend the procedure on their own initiative if the Secretary-General finds that the draft act does not meet all the required conditions of substance or form. The Secretary-General shall inform the Members of the Commission thereof.

*Article 26***Reopening of a written procedure following suspension**

1. The Secretary-General shall reopen a written procedure when:
 - (a) the Member(s) of the Commission who requested the suspension send(s) the Secretary-General a request for the suspension to be lifted;
 - (b) the conditions of substance and form have been met.
2. The Secretary-General shall inform the Members of the Commission and, if applicable, make available to them an amended draft act. The Secretary-General shall set a new time limit if necessary.

*Article 27***Abandonment of a written procedure**

1. A written procedure shall be abandoned:
 - (a) at the request of the Member(s) of the Commission responsible;
 - (b) on the initiative of the Secretary-General when justified by the conditions of substance or form;
 - (c) when, at the request of a Member of the Commission, the President accepts that the draft act be placed on the agenda for a Commission meeting with a view to its adoption by oral procedure, in accordance with Article 17(3).
2. The Secretary-General shall inform the Members of the Commission that the written procedure has been abandoned on the basis of paragraph 1(a) or 1(b).

*Article 28***Information about written procedures**

1. Politically sensitive and/or important draft acts in the process of being adopted by written procedure and draft acts to be adopted by finalisation written procedure shall be brought to the attention of the Commission at its closest meeting.
2. Taking into account the proposals by the President and the Members responsible, the Secretary-General shall make available a list of the draft acts for the weekly meeting of Heads of Cabinet.
3. The list may be updated until the Commission meeting at which the draft acts in question are brought to the attention of the Commission.

Section 3

Empowerment procedure

Article 29

Granting of a general empowerment

1. The Commission may grant a general empowerment to one or more of its Members to adopt management or administrative acts of a routine and recurring nature on its behalf and under its responsibility.
2. The empowered Member of the Commission shall be accountable to the Commission for ensuring compliance with the conditions and rules for exercising the general empowerment.
3. The President shall submit to the Commission the draft decision to grant a general empowerment. The agreement of the Member(s) of the Commission concerned shall be obtained in advance. The decision granting the general empowerment shall be adopted by oral procedure or, where appropriate, by finalisation written procedure.
4. The Commission retains the right to exercise itself the powers it has granted. It may also give instructions to the Member(s) of the Commission exercising the general empowerment.
5. Paragraphs 1 and 2 shall be without prejudice to the rules on delegation in respect of financial matters, adopted in accordance with Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council (the Financial Regulation) ⁽¹⁵⁾, and to the powers conferred on the appointing authority and the authority empowered to conclude contracts of employment ⁽¹⁶⁾.

Article 30

Rules for the granting of a general empowerment

1. A decision to grant a general empowerment shall specify:
 - (a) the Member(s) of the Commission to whom the general empowerment is granted;
 - (b) the precise subject-matter and scope of the general empowerment and the conditions for exercising it;
 - (c) a clear justification as to why the measures to be taken by the empowered Member(s) of the Commission can be regarded as management or administrative acts;
 - (d) the rules for exercising the general empowerment, in particular as regards interservice consultation.
2. The requesting service shall send to the Secretary-General the preliminary draft decision to grant a general empowerment. The Secretary-General shall then carry out the interservice consultation and take the appropriate steps for the decision to be adopted by the Commission.

⁽¹⁵⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

⁽¹⁶⁾ Council Regulation No 31 (EEC), 11 (EAEC) of 14 June 1962 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385, ELI: [http://data.europa.eu/eli/reg/1962/31\(1\)](http://data.europa.eu/eli/reg/1962/31(1))) and Commission Decision C(2013) 3288 of 4 June 2013 on the exercise of powers conferred by the Staff Regulations on the appointing authority (AIPN) and by the Conditions of Employment of Other Servants on the authority empowered to conclude contracts of employment (AHCC).

*Article 31***Conditions and rules for exercising a general empowerment**

1. Before exercising a general empowerment, the empowered Member of the Commission shall determine, on their own initiative or on the basis of an analysis by the service responsible, whether, on grounds of a political assessment or other circumstances, the act should be adopted by oral or written procedure. If there is any doubt, the empowered Member of the Commission shall consult the President.
2. The positive opinion of the Legal Service, taking into account its comments, if any, made in virtue of its duties as described in Article 53(2), as well as the positive opinion of the other services consulted, shall be required before the adoption of acts by general empowerment. The opinions of the Legal Service and that of the other services consulted may be express or tacit.
3. The service responsible shall request, before the general empowerment is exercised, the agreement of the empowered Member(s) of the Commission and, if applicable, of any associated Members of the Commission.
4. The Secretariat-General shall verify that the required conditions of substance and form have been complied with before the draft act is submitted to the empowered Member of the Commission for adoption.
5. The empowered Member of the Commission shall adopt the act and certify that the conditions and rules governing the acts being adopted have been complied with.
6. The act shall stand adopted once the signature – handwritten or electronic – of the empowered Member of the Commission, as affixed for the purposes of adoption, has been recorded in the information technology system provided for that purpose.
7. If empowered Members of the Commission are prevented from exercising the general empowerment which has been granted to them, it may be exercised by another Member of the Commission.

*Article 32***Subdelegation of a general empowerment**

1. The Member of the Commission who has been granted a general empowerment may subdelegate all or part of their delegated powers to a Director-General or Head of Service, unless this is expressly prohibited in the general empowerment decision. The Member of the Commission may revoke the subdelegation at any time. The service responsible shall notify the Secretariat-General of the decision to subdelegate or revoke.
2. The Director-General or Head of Service shall act under the authority of the Member of the Commission to whom the empowerment has been granted. The empowered Member of the Commission shall remain accountable to the Commission for ensuring compliance with the conditions and rules for exercising the general empowerment.
3. The decision to subdelegate shall define the subject-matter and scope of the subdelegated powers, which shall in no case exceed those specified in the general empowerment decision.
4. Subdelegated powers cannot be delegated further, except in the cases referred to in Article 33.
5. The Director-General or Head of Service shall adopt the draft act and certify that the conditions and rules governing the acts being adopted have been complied with.
6. The act shall stand adopted once the signature – handwritten or electronic – of the Director-General or Head of Service, as affixed for the purposes of adoption, has been recorded in the information technology system provided for that purpose.

Article 33

Subdelegation for decisions awarding grants and contracts

1. The Director-General or Head of Service to whom powers have been granted by subdelegation under Article 32 may in turn decide to subdelegate certain decisions selecting projects and certain individual decisions awarding grants and public procurement contracts to a Deputy Director-General, a Director or, in agreement with the Member of the Commission responsible, a Head of Unit.
2. The Deputy Director-General, Director or Head of Unit shall act under the authority of the Director-General or Head of Service who has received the subdelegated powers. The empowered Member of the Commission shall remain accountable to the Commission for ensuring compliance with the conditions and rules for exercising the general empowerment.
3. Subdelegations shall apply for the adoption of certain decisions selecting projects and of individual decisions awarding grants and public procurement contracts where the basic act provides that the Commission shall adopt a decision either on its own or after consulting a committee⁽¹⁷⁾ and the committee has delivered a favourable opinion. Such decisions shall not be subject to interservice consultation.
4. The Deputy Director-General, Director or Head of Unit to whom powers have been granted by subdelegation shall adopt the draft act and certify that the conditions and rules governing the acts being adopted have been complied with.
5. The act shall stand adopted once the signature – handwritten or electronic – of the person who has received the subdelegated powers, as affixed for the purposes of adoption, has been recorded in the information technology system provided for that purpose.

Article 34

Register of general empowerments

The Secretariat-General shall keep a register of general empowerments, which shall be accessible on the Commission's intranet. When a general empowerment is subdelegated, it shall be recorded in the register.

Article 35

Ad hoc empowerment

1. The Commission may grant an ad hoc empowerment, limited in time, to one or more of its Members to adopt, in agreement with the President, certain one-off and specific measures, of which the Commission has determined the substance.
2. Ad hoc empowerments may be granted to formalise the results of the Commission's deliberations at its meetings, in particular by finalising and adopting an act which has previously been approved in principle at a meeting of the Commission once all the required language versions are available, as provided for in Article 8(4), point (b).
3. Any request by a Member of the Commission for an ad hoc empowerment shall be duly justified and placed on the agenda of a Commission meeting.
4. Ad hoc empowerments shall be exercised *mutatis mutandis* in accordance with the procedures described in Article 31(2) to (6) and always in agreement with the President and in close cooperation with the Secretariat-General.
5. Ad hoc empowerments may not be subdelegated.

⁽¹⁷⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

Section 4

Delegation procedure*Article 36***Granting of a direct delegation of powers**

1. The Commission may delegate powers directly to one (or more) Director(s)-General or Head(s) of Service to adopt management or administrative acts of a routine and recurring nature on its behalf and under its responsibility.
2. The Director-General or Head of Service to whom delegated powers have been granted shall be accountable to the Commission for ensuring compliance with the conditions and rules for exercising the direct delegation of powers.
3. The President shall submit to the Commission the draft decision to grant a direct delegation. The agreement of the Member(s) of the Commission concerned shall be obtained in advance. The decision granting the direct delegation shall be adopted by oral procedure or, where appropriate, by finalisation written procedure.
4. The Commission shall retain the right to exercise itself the powers it has granted. It may also give instructions to the Director-General or Head of Service exercising the direct delegation.
5. Except in the cases referred to in Article 39, powers that have been delegated directly to a Director-General or Head of Service may not be subdelegated further.
6. Paragraphs 1 and 2 shall be without prejudice to the rules on delegation in respect of financial matters, adopted in accordance with Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council (the Financial Regulation), and to the powers conferred on the appointing authority and the authority empowered to conclude contracts of employment.

*Article 37***Rules for the granting of a direct delegation**

1. A decision to grant a direct delegation shall specify:
 - (a) the Director-General or Head of Service to whom the powers are directly delegated;
 - (b) the precise subject-matter and scope of the direct delegation and the conditions for exercising it;
 - (c) a clear justification as to why the measures to be taken by the Director-General or Head of Service to whom the powers are delegated can be regarded as management or administrative acts;
 - (d) the rules for exercising the direct delegation, in particular as regards interservice consultation.
2. The requesting service shall send the preliminary draft decision granting the direct delegation to the Secretary-General. The Secretary-General shall then carry out the interservice consultation and take the appropriate steps for the decision to be adopted by the Commission.

*Article 38***Conditions and rules for exercising a direct delegation**

1. Before exercising a direct delegation, the Director-General or Head of Service to whom the powers are delegated shall determine whether, on grounds of a political assessment or other circumstances, the act should be adopted by oral or written procedure. If there is any doubt, the Director-General or Head of Service shall consult the Member of the Commission to whom the field of activity has been assigned.

2. The positive opinion of the Legal Service, taking into account its comments, if any, made in virtue of its duties as described in Article 53(2), as well as the positive opinion of the other services consulted, shall be required before the adoption of acts by direct delegation. The opinions of the Legal Service and those of the other services consulted may be express or tacit.
3. The Director-General or Head of Service to whom the powers are delegated shall adopt the draft act and certify that the conditions and rules governing the acts being adopted have been complied with.
4. The act shall stand adopted once the signature – handwritten or electronic – of the Director-General or Head of Service, as affixed for the purposes of adoption, has been recorded in the information technology system provided for that purpose.
5. If the Director-General or Head of Service to whom a direct delegation has been granted is prevented from exercising it, it may be exercised by the official designated in accordance with Article 52.

Article 39

Subdelegation for decisions awarding grants and contracts

1. The Director-General or Head of Service to whom delegated powers have been granted under Article 36 may in turn decide to subdelegate certain decisions selecting projects and certain individual decisions awarding grants and public procurement contracts to a Deputy Director-General, a Director or, in agreement with the Member of the Commission responsible, a Head of Unit.
2. The subdelegated Deputy Director-General, Director or Head of Unit shall act under the authority of the Director-General or Head of Service to whom delegated powers have been granted. The Director-General or Head of Service shall remain accountable to the Commission for ensuring compliance with the conditions and rules for exercising the direct delegation.
3. Subdelegations shall apply for the adoption of certain decisions selecting projects and of individual decisions awarding grants and public procurement contracts where the basic act provides that the Commission is to adopt a decision either on its own or after consulting a committee ⁽¹⁸⁾ and the committee has delivered a favourable opinion. Such decisions shall not be subject to interservice consultation.
4. The Deputy Director-General, Director or Head of Unit to whom powers have been granted by subdelegation shall adopt the draft act and certify that the conditions and rules governing the acts being adopted have been complied with.
5. The act shall stand adopted once the signature – handwritten or electronic – of the Deputy Director-General, Director or Head of Unit, as affixed for the purposes of adoption, has been recorded in the information technology system provided for that purpose.

Article 40

Register of direct delegations

The Secretariat-General shall keep a register of direct delegations, which shall be accessible on the Commission's intranet.

⁽¹⁸⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

Section 5

Provisions common to all decision-making procedures

Article 41

Language rules for the decision-making procedures

1. All draft acts to be adopted by oral procedure, by written procedure, by the exercise of a general or ad hoc empowerment, or by the exercise of a direct delegation shall be available, as appropriate, in:
 - (a) the language(s) stipulated by the President, taking account of the minimum requirements of the Members of the Commission;
 - (b) the language(s) required for publication of the act in the *Official Journal of the European Union* or for its notification to the addressee(s) so that it can enter into force or take effect.
2. All draft acts to be discussed at a Commission meeting shall be made available to the Members of the Commission in the languages required under paragraph 1.
3. All draft acts to be adopted by written procedure shall be made available to the Members of the Commission, when the procedure is initiated, in the language(s) required under paragraph 1(a), and, before expiry of the procedure, in the language(s) required under paragraph 1(b). If the condition set out in paragraph 1(b) is not met, the Secretary-General shall extend the time limit or suspend the written procedure.
4. Where the Legal Service carries out a legal-linguistic revision of a draft act, all the necessary language versions shall be available in good time.
5. In the case of draft acts to be adopted by oral or by written procedure, the President shall assess any specific and/or exceptional situation in which some of the language versions required under paragraph 1(a) cannot be made available for duly substantiated reasons. In the case of draft acts to be adopted by the oral procedure in particular, depending on the circumstances, the President may decide to carry over the item concerned to the agenda of a later meeting.
6. In the case of draft acts to be adopted by the exercise of a general or ad hoc empowerment or by the exercise of a direct delegation, the act can be adopted only once the language version(s) referred to in paragraph 1(b) is(are) available.
7. Where an act adopted is to be officially transmitted to the other Union institutions and/or published in the *Official Journal of the European Union*, the text shall be available in all the official languages.

Article 42

Information concerning adopted acts

The Commission shall take note of the acts adopted by written procedure, empowerment procedure and delegation procedure, which shall be recorded in day notes. The day notes shall be referred to in the minutes of the next Commission meeting.

A summary note shall be drawn up at each Commission meeting. It shall list acts adopted autonomously by the Commission by oral procedure. It shall also refer to the day notes of acts adopted by written procedure.

Article 43

Authentication of adopted acts

1. Non-legislative acts adopted autonomously by the Commission shall be authenticated on or after their adoption and, if necessary, before their notification to their addressee(s) or their publication in the *Official Journal of the European Union*.

2. The acts referred to in paragraph 1 shall be authenticated as follows:
 - (a) for those that are adopted by the oral procedure:
 - (i) by the handwritten or electronic signature of the Secretary-General on the summary note drawn up during the Commission meeting at which they were adopted and which lists those acts;
 - (ii) when the President makes use of telecommunication systems under the conditions laid down in Article 12(2), and when circumstances prevent the signing of the summary note, the express written agreement of the Secretary-General may exceptionally replace its signature and shall then be attached to that note;
 - (b) for those that are adopted by the written procedure, by the handwritten or electronic signature of the Secretary-General on the day note referred to in Article 42 in which they are recorded;
 - (c) for those that are adopted by empowerment procedure, by the handwritten or electronic signature of the empowered Member of the Commission on the adoption sheet and the record thereof; these acts shall be recorded in the corresponding day note referred to in Article 42;
 - (d) for those that are adopted by delegation procedure (including by subdelegation), by the handwritten or electronic signature of the Director-General, Deputy Director-General, Director or Head of Unit to whom powers have been delegated or subdelegated on the adoption sheet and the record thereof; these acts shall be recorded in the corresponding day note referred to in Article 42.
3. The acts referred to in paragraph 2 shall be attached, including in electronic format where applicable, in the authentic language(s), to the summary notes or day notes referred to in that paragraph in such a way that they cannot be separated from them.

Article 44

Signature of adopted acts

1. Non-legislative acts adopted by the Commission by the oral procedure and by the written procedure in the form of regulations, directives or decisions, when the latter do not specify to whom they are addressed, shall be deemed to have been signed by the President of the Commission within the meaning of Article 297(2) of the Treaty on the Functioning of the European Union when the President affixes their signature to the summary note referred to in Article 42.
2. Where the President makes use of Article 7(3) and where the circumstances prevent the summary note from being signed, their express written consent may exceptionally replace their signature and shall be attached to that note.
3. Non-legislative acts adopted by the Commission by the oral procedure or by the written procedure in the form of decisions, when the latter specify to whom they are addressed, shall be deemed to have been signed by the Member of the Commission to whom the field of activity has been assigned when the Secretary-General affixes the signature referred to respectively in Article 43(2), points (a) and (b).
4. Acts referred to in paragraph 1 and adopted by the written procedure, which require publication in order to enter into force so urgently that it is not possible to wait for the signature of the summary note at the next Commission meeting, shall be deemed to have been signed by the President within the meaning of Article 297(2) of the Treaty on the Functioning of the European Union when the Secretary-General affixes the signature referred to in Article 43(2), point (b).
5. The signature of the acts adopted by the empowerment procedure, by the delegation procedure or by subdelegation in one of the forms laid down in Article 297(2) of the Treaty on the Functioning of the European Union, shall be delegated, as the case may be, to the Member of the Commission thus empowered or to the Director-General, Deputy Director-General, Director or Head of Unit to whom powers have been delegated or subdelegated. This signature shall be affixed in accordance with the rules laid down in Article 43(2), points (c) and (d).

Chapter IV

Commission services and interservice cooperation

Section 1

Services*Article 45***Structure and role of services**

1. The Commission shall establish an organisational structure composed of a number of Directorates-General and other Commission services, as well as offices whose mandate is to perform administrative and support tasks (equivalent services). They form together a single administrative service and share collective responsibility for the coherence of all policies. In principle, Directorates-General, other services and equivalent services shall be divided into directorates, and directorates into units.
2. The mission of all services shall be to assist the Commission in the preparation and performance of its tasks, and in the achievement of its priorities.

*Article 46***Ethics and good administrative behaviour**

The staff of the Commission shall comply with the highest professional and ethical rules. They shall act in accordance with the rules laid down in the Staff Regulations ⁽¹⁹⁾ and the Code of Good Administrative Behaviour.

*Article 47***Creation of specific functions and structures**

1. In order to carry out particular tasks and to meet specific needs which cannot be handled in an optimal manner by a service established by the Commission, the President may set up specific functions or structures, such as task forces that pool expertise from various services.
2. The President shall determine their mandate, composition, duration, the Member of the Commission responsible, the level at which the function of head of the structure concerned is established and the administrative attachment of the function or specific structure.

A Commission decision may lay down the terms of implementation, in particular with respect to the resources and functioning of the specific function or structure concerned.

*Article 48***Business continuity and standby duty**

1. The Members of the Commission and the services of the Commission shall ensure that they take all appropriate measures to ensure continuity of service, in compliance with the provisions adopted for that purpose by the Commission or the President.
2. In the event of a general disruption affecting the services of the Commission, the President may activate the Commission's business continuity plan.

⁽¹⁹⁾ Council Regulation No 31 (EEC), 11 (EAEC) of 14 June 1962 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385, ELI: [http://data.europa.eu/eli/reg/1962/31\(1\)/oj](http://data.europa.eu/eli/reg/1962/31(1)/oj)).

3. In the event of a disruption limited to certain services, the Directors-General or Heads of Service concerned may activate the business continuity plans established for that purpose.
4. The Members of the Commission shall assure permanence at certain times of year so that essential functions of the Commission such as internal coordination, decision-making, representation and communication are fulfilled.
5. Commission staff shall likewise support corporate standby arrangements throughout the year in order to ensure continuity of service and provide uninterrupted assistance to the Commission in the preparation and performance of its tasks.

Article 49

Crisis management

On the basis of the rules regarding the Commission's system for the management of cross-border crises ⁽²⁰⁾, the services shall coordinate and rapidly exchange information in the event of a crisis, or an exceptional or unforeseeable event affecting several policy areas, having a cross-border impact or affecting the functioning of the Union institutions.

Article 50

Secretary-General

1. The Secretary-General shall assist the President so that, in the context of the political guidelines laid down by the President, the Commission achieves the priorities that it has set. The Secretary-General shall ensure that draft acts are consistent with these priorities. The Secretary-General shall inform the President in a timely manner of any draft acts which, because of their importance or content, warrant the President's particular attention.
2. The Secretary-General shall assist the President in preparing the proceedings and conducting the meetings of the Commission. The Secretary-General shall also assist the Members of the Commission who direct the work of groups of Members, as referred to in Article 3(6), in preparing and conducting their meetings. The Secretary-General shall provide the secretariat of these groups.
3. The Secretary-General shall contribute to ensuring overall policy coherence. To this end, the Secretary-General shall carry out planning and coordination tasks both before and after Commission decisions, in particular by means of interservice meetings and meetings between the cabinets and the services concerned.
4. The Secretary-General shall ensure the smooth running of the decision-making process. In particular, the Secretary-General shall take the necessary steps to ensure that Commission acts are notified to those concerned and/or published in the *Official Journal of the European Union*. The Secretary-General shall also ensure that acts are transmitted to other European Union institutions and bodies, and to the national parliaments.
5. The Secretary-General shall ensure that the coordination instruments within the Commission function properly, and comment where necessary on any matter relating to interservice coordination.
6. Under the authority of the President, the Secretary-General may take mediation or arbitration measures in the event of disagreement between services.
7. The Secretary-General shall help to ensure the Commission's compliance with the provisions on better regulation, relying in particular on the work of the Regulatory Scrutiny Board.
8. The Secretary-General shall help to ensure that the Commission works collegially. The Secretary-General shall ensure compliance with procedures and monitor the quality of the draft acts submitted to the Commission.

⁽²⁰⁾ See the rules setting up the ARGUS General Rapid Alert System annexed to Decision C(2000) 3614.

9. The Secretary-General shall also help to ensure that draft acts comply with the Commission's external obligations and interinstitutional commitments.
10. Under the authority of the President, the Secretary-General shall ensure that information notes meet the requirements set out in Article 9(4), point (b) before making them available to the Commission, regardless of whether they have been placed on the agenda.
11. The Secretary-General shall coordinate and ensure the overall coherence of official relations with the other European Union institutions and bodies, and with the national parliaments.
12. The Secretary-General shall inform the Commission of the state of play in internal and interinstitutional procedures.

Article 51

Directors-General and Heads of Service

1. The Directors-General and Heads of Service shall assist the President and the other Members of the Commission under whose authority they are placed to achieve the priorities set by the Commission, develop the policies which have been entrusted to them and implement these policies effectively.
2. The Directors-General and Heads of Service shall advise the President and the other Members of the Commission on the matters for which they are responsible and shall be entrusted with the sound management and organisation of the work of the services under their authority, in accordance with the rules and standards laid down by the Commission with a view to ensuring inter alia that it can comply with its legal and financial obligations.
3. The Directors-General and Heads of Service shall shape the organisational structures of their services on the basis of the organisation charts adopted by the Commission. They shall be responsible for allocating human and financial resources within their services.
4. The Directors-General and Heads of Service shall be responsible for implementing the part of the general budget of the European Union allocated to them in accordance with the financial rules in force.
5. The Directors-General and Heads of Service shall draw up annual management plans setting out the results to be obtained each year and identifying the means of doing so in order to contribute to achieving the objectives laid down in the multiannual strategic plan, in line with the Commission's priorities.

The Directors-General and Heads of Service shall also produce annual activity reports that describe the progress made each year in delivering on the strategic objectives, and that certify the legality and regularity of the financial transactions carried out under their responsibility.

The Directors-General and Heads of Service shall identify and assess the risks relating to the achievement of their objectives. If necessary, they shall put in place appropriate measures to limit these risks.

6. The Directors-General and Heads of Service shall also carry out any other support, management or administrative task not falling within the responsibility of the College with the purpose of managing or administering the services on a day-to-day basis in order to assist the Commission in the preparation and execution of its mission as well as in the implementation of its priorities.

Article 52

Deputising for hierarchical superiors

1. When a post holder is prevented from exercising their functions, or when the post is vacant:
 - (a) the functions of the Secretary-General, the Director-General or Head of Service shall be exercised by the official designated by the Commission;

- (b) the functions of any other hierarchical superior shall be exercised by the official designated by the Director-General or Head of Service.
2. If no replacement has been designated, those functions shall be exercised:
- (a) when the hierarchical position in question is provided by a deputy, by that deputy;
 - (b) when the hierarchical position in question has several deputies, by the deputy present with the highest grade and, in the event of equal grade, the deputy with the greatest seniority in the grade and, in the event of equal seniority, the one who is the eldest;
 - (c) when there is no post of deputy, when it is not occupied or when the deputy is prevented from exercising their duties, by the subordinate official present in the highest function group with the highest grade and, in the event of equal grade, the subordinate official with the greatest seniority in the grade and, in the event of equal seniority, the one who is eldest.

Article 53

Legal Service

1. The Legal Service shall provide legal advice to the Commission.
2. The Legal Service shall ensure independent and objective review of legality, checking compatibility with European Union law, including the Charter of Fundamental Rights, and international law, of all draft proposals for legal acts, all draft acts to be adopted by the Commission and any other document that may have legal implications. It shall oversee the form of acts and provide legal-linguistic revision where applicable.
3. The Legal Service shall have exclusive competence to represent the Commission before all courts and arbitration bodies.

Section 2

Interservice cooperation

Article 54

Coordination and informal consultation between services

1. Interservice coordination shall reflect the principle of collegiality governing the Commission's decision-making process. It shall contribute to compliance with the political guidelines laid down by the President and the priorities set by the Commission and shall ensure the consistency of acts and the effectiveness of the Commission's action, in accordance with the better regulation policy.
2. The service responsible shall liaise with the services concerned by the field of activity or nature of the draft act. They shall, from the outset, work in close cooperation and in a coordinated fashion in the preparation of that draft.
3. The services shall also cooperate within interservice coordination groups or other appropriate structures that may prepare important, complex or cross-cutting proposals, including to carry out the related evaluations, fitness checks, public consultations and impact assessments.
4. Interservice coordination shall be carried out before and after the formal interservice consultation referred to in Article 55. It shall continue after the adoption of the acts by the Commission, in particular during the interinstitutional process, and when implementing Union legislation.
5. The service responsible shall ensure the quality of the drafting and form of draft acts or positions examined in the Interinstitutional Relations Group and the Group for External Coordination.

6. Without prejudice to Article 2(4), the services shall obtain the agreement of the Legal Service, the Secretariat-General, and any other concerned services before representatives of the Commission present a position of the Commission, as well as 'non-papers' and any other form of contribution prepared by one or more Commission services, vis-à-vis national authorities, Union institutions, international organisations or third countries.

Article 55

Formal interservice consultation

1. When a draft act is at a sufficiently advanced stage of preparation, the service responsible shall formally consult the services with a legitimate interest on account of the nature, subject-matter or impact of the draft act.
2. The formal interservice consultation procedure shall also apply to Commission staff working documents.
3. Notwithstanding the procedures laid down by the President, all politically sensitive and/or important draft acts shall be agreed by the Member(s) of the Commission responsible before the launch of the formal interservice consultation.

Article 56

Consultation of the Secretariat-General

1. The Secretariat-General shall be consulted on all draft acts to be adopted by the Commission by the oral procedure, with the exception of those presented under miscellaneous administrative and budgetary matters of individual scope, as well as on draft acts that, regardless of the type of decision-making procedure used:
 - (a) are politically sensitive and/or important;
 - (b) feature in the Commission's annual work programme, including draft acts mentioned in the annexes thereto;
 - (c) involve institutional aspects;
 - (d) are subject to an evaluation, fitness check, public consultation or impact assessment.
2. The Secretariat-General shall be consulted on all positions that may commit the Commission vis-à-vis other Union institutions and bodies, third countries or international or regional organisations, and for all joint initiatives by the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy.
3. The Secretariat-General shall be consulted on Commission staff working documents.

Article 57

Consultation of the Legal Service

1. The Legal Service shall be consulted on all draft acts, Commission staff working documents and all documents that may have legal implications.
2. However, draft acts of a recurrent nature shall not require consultation of the Legal Service. Such exemptions shall require the prior formal agreement of the Legal Service.

Article 58

Consultation of other services

1. The consultation of any service having a legitimate interest shall be required in accordance with Article 55(1).

2. The consultation of the Directorate-General for Budget shall be required for all draft acts or documents which may have an impact on the budget and finances, including contingent liabilities, or on the interpretation and application of the general EU financial rules.

3. The consultation of the Directorate-General for Human Resources and Security shall be required for all draft acts or Commission staff working documents that may have an impact on staff and administration.

Article 59

Time limits for the formal interservice consultation

1. The services consulted shall be given at least ten working days, starting from the date on which the documents are made available, in which to submit their opinions, with or without comments.

2. In exceptional cases, an additional period may be agreed between the services concerned.

3. The positive opinions of the Legal Service and of the other services consulted may be express or tacit.

If a service consulted has not reacted within the time limit, it shall be deemed to have given its positive opinion (tacit agreement).

4. The service responsible may request a shorter time limit under the conditions set out in Article 60 relating to fast-track consultations, and in Article 61 relating to specific interservice consultations.

Article 60

Fast-track consultation

1. In exceptional cases, and on duly justified grounds of urgency, the service responsible may ask the Secretariat-General for a fast-track interservice consultation, allowing the consultation to be completed within a shorter time limit than the one described in Article 59(1). This fast-track consultation may take place during a meeting or in writing.

The service responsible shall send its duly substantiated request to make use of the fast-track consultation to the Secretariat-General, indicating the format – by meeting or in writing – which it considers most appropriate. Such a request shall not be aimed at making up for any administrative delay. The Secretariat-General shall decide whether the fast-track consultation is appropriate and shall inform the President. The agreement on the texts by the Member(s) responsible before the launch of the consultation, as set out in Article 55(3), shall remain applicable.

When the Secretariat-General considers that the request to use the fast-track consultation is justified, it shall determine whether it should take place in a meeting or in writing.

2. When the fast-track consultation takes place during a meeting, the documents shall be made available to the services consulted at least 48 hours before the meeting ⁽²¹⁾ except when otherwise provided for by the Secretariat-General.

The services consulted shall express their opinions during the meeting or in writing before the meeting.

The Secretariat-General shall chair the meeting and record the results and the opinions expressed by the services consulted in the minutes of the meeting.

The end of the meeting marks the end of the consultation.

⁽²¹⁾ This 48-hour period does not include public holidays, Saturdays or Sundays.

3. When the fast-track consultation takes place in writing, the time limit for the services consulted to submit their opinions shall be fixed by common agreement between the Secretariat-General and the service responsible and may not be less than 48 hours, except when otherwise provided for by the Secretariat-General.

The services consulted shall express their opinion in writing within that period. Failure by a service consulted to reply within the fixed time limit shall be deemed to constitute a positive opinion (tacit agreement).

Article 61

Specific interservice consultations

1. For consultations of a recurrent nature, the Secretariat-General may authorise, at the request of the service responsible, the creation of a type of interservice consultation known as 'specific', the rules for which shall differ, in particular in relation to the time limit and the services consulted, from those of the consultation referred to in Article 55.

2. Once a specific consultation has been authorised, it shall systematically apply to consultations on all draft acts falling within its scope.

Article 62

Result of interservice consultations

1. Once the interservice consultation is over, the service responsible shall revise the draft act and/or staff working document, taking into account the comments received.

2. The service responsible shall make the revised draft act and/or staff working document available to the services consulted, in good time. It shall inform them of the reasons for any failure to take their comments into account, before initiating the adoption procedure.

3. The positive opinion of the Legal Service, taking into account its comments, if any, made in virtue of its duties as described in Article 53(2), as well as the positive opinion of the other services consulted shall be required before a draft implementing act is submitted for a vote to the representatives of Member States in committees established to monitor the exercise of the implementing powers conferred on the Commission.

Chapter V

Transparency, data protection and security

Article 63

Transparency

1. The Commission shall make available to citizens the legislative proposals it submits to the European Parliament and/or the Council, accompanied by the impact assessments and the Regulatory Scrutiny Board opinions, as well as information on expert groups and committees, public consultations and beneficiaries of Union funds.

2. The Commission shall provide in its register of documents the agendas of Commission meetings, the tentative agendas for forthcoming meetings, the approved ordinary minutes of the Commission meetings and the acts published in the *Official Journal of the European Union*.

*Article 64***Transparency Register**

In order to ensure the transparency of its relations with interest representatives, the Commission shall observe the rules and principles of the public transparency register agreed with the other institutions ⁽²²⁾.

*Article 65***Public access to Commission documents**

1. In accordance with Article 15(3) of the Treaty on the Functioning of the European Union and Article 42 of the Charter of Fundamental Rights of the European Union, any citizen of the European Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to Commission documents, regardless of the medium. This access is subject to the conditions laid down in Regulation (EC) No 1049/2001 ⁽²³⁾.

2. The Commission's Detailed rules for the application of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents adopted on the basis of Article 15(3) of the Treaty on the Functioning of the European Union and Article 18(1) of Regulation (EC) No 1049/2001, and as set out in the Annex to these Rules of Procedure, shall apply.

*Article 66***Document management**

1. Document management shall be carried out in an efficient manner to enable the Commission to trace its actions at any time in order to comply, among other things, with its legal obligations, in particular as regards data protection, public access to documents and the security of information.

2. The Commission services shall comply with the internal rules on registration, filing, storage and transfer of documents to the Historical Archives.

*Article 67***Security and confidentiality**

1. Without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council, the Members of the Commission and all Commission staff shall have a general obligation to respect the confidentiality of the discussions, information and documents that come to their attention ⁽²⁴⁾.

2. Within the Commission, persons, assets and information shall be afforded appropriate levels of protection commensurate with identified risks ⁽²⁵⁾. Classified European Union information shall also be given appropriate protection ⁽²⁶⁾.

⁽²²⁾ Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register (OJ L 207, 11.6.2021, p. 1, ELI : http://data.europa.eu/eli/agree_interinstit/2021/611/oj).

⁽²³⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.05.2001, p. 43, ELI : <http://data.europa.eu/eli/reg/2001/1049/oj>).

⁽²⁴⁾ See Article 339 of the Treaty on the Functioning of the European Union, Article 5(2) of Decision C (2018) 700 on a Code of Conduct for the Members of the European Commission and Article 17 of the Staff Regulations of Officials of the European Union, applicable by analogy to other servants of the European Union.

⁽²⁵⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.03.2015, p. 41, ELI : <http://data.europa.eu/eli/dec/2015/443/oj>).

⁽²⁶⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.03.2015, p. 53, ELI : <http://data.europa.eu/eli/dec/2015/444/oj>).

3. Classified information at the level of CONFIDENTIEL UE/EU CONFIDENTIAL or higher can only be accessed by staff who have obtained a security clearance from the national authorities of their country of origin.

Article 68

Protection of personal data

1. Personal data shall be processed by the Commission in accordance with Article 8 of the Charter of Fundamental Rights of the European Union and Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽²⁷⁾ as well as other European Union rules on data protection ⁽²⁸⁾.
2. The Data Protection Officer of the Commission, acting independently, shall ensure that the Union rules on data protection are applied within the Commission.

Chapter VI

Final provisions

Article 69

Additional measures

1. The Commission may adopt internal decisions and give administrative instructions to services to supplement these Rules of Procedure and/or to take into account technological developments.
2. The President may adopt any decision relating to the Commission's functioning and internal organisation, including, at the start of its term of office, the Commission's working methods.

Article 70

Amendments to Commission Decision C(2000) 3614

Articles 1 to 28 of Commission Decision C(2000) 3614 of 29 November 2000 ⁽²⁹⁾, the annex to that Decision containing the detailed rules for the application of Regulation (EC) No 1049/2001 of the European Parliament, the annex to that Decision laying down the Code of Good Administrative Behaviour for staff of the European Commission in their relations with the public and the Rules giving effect to the Rules of Procedure annexed to Commission Decision C(2010) 1200 final ⁽³⁰⁾ are deleted.

⁽²⁷⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data shall apply to the processing of personal data within the framework of these Rules of Procedure (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

⁽²⁸⁾ Among them, Commission Decision (EU) 2020/969 of 3 July 2020 laying down implementing rules concerning the Data Protection Officer, restrictions of data subjects' rights and the application of Regulation (EU) 2018/1725 of the European Parliament and of the Council, and repealing Commission Decision 2008/597/EC (OJ L 213, 6.7.2020, p. 12, ELI: <http://data.europa.eu/eli/dec/2020/969/oj>).

⁽²⁹⁾ Rules of Procedure of the Commission (OJ L 308 of 8.12.2000, p. 26, ELI: http://data.europa.eu/eli/proc_rules/2000/3614/oj).

⁽³⁰⁾ Commission Decision of 24 February 2010 amending its Rules of Procedure (OJ L 55, 5.3.2010, p. 60).

Article 71

Entry into force

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 4 December 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Detailed rules for the application of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents

Whereas:

- (1) The Commission is to take its decisions as openly and as closely as possible to the citizen, and to ensure that its proceedings are transparent. This enables citizens to participate and guarantees that the administration enjoys legitimacy and is accountable to the citizens, in the line with the democratic principles of the Union.
- (2) In accordance with Article 15(3), third subparagraph of the Treaty on the Functioning of the European Union and Article 18(1) of Regulation (EC) No 1049/2001 ⁽¹⁾, each institution of the Union is to elaborate in its own Rules of Procedure specific provisions regarding access to its documents.
- (3) The Commission has put in place a digital system for handling applications for access to documents, the Electronic Access to European Commission Documents ('EASE'), designed to streamline the management of access to documents applications, emphasising the overarching goal of making documents as widely as possible accessible to the public.

*Article 1***Purpose and scope**

Citizens of the Union and natural or legal persons residing or having their registered office in a Member State enjoy a right of access to Commission documents under Article 15(3) of the Treaty on the Functioning of the European Union, Article 42 of the Charter of Fundamental Rights of the European Union and Article 2(1) of Regulation (EC) No 1049/2001 in accordance with these detailed Rules.

*Article 2***Definitions**

For the purposes of this Decision, the following definitions shall apply:

- (1) 'applicant' means any citizens of the Union and natural or legal persons residing or having their registered office in a Member State submitting an application for access to documents pursuant to Regulation (EC) No 1049/2001;
- (2) 'document' refers to the definition of 'document' as provided in Article 3(a) of Regulation (EC) No 1049/2001;
- (3) 'document drawn up by the Commission' means a document that has been approved as ready for transmission by the person who is empowered to take responsibility for its content in accordance with the rules and regulations applying to the underlying business process. This person does not have to be the person charged with the practical task of drafting or typing but is instead the person or administrative entity responsible for the content in accordance with the procedural requirements and internal rules of the European Commission for the business process concerned;
- (4) 'document received by the Commission' means a document that has been intentionally delivered to the European Commission by the (external) sender;
- (5) 'document held by the Commission' means:
 - (a) any document registered pursuant to Article 7 of Commission Decision 2021/2121 of 6 July 2020 on records management and archives ⁽²⁾ (hereafter 'Commission Decision 2021/2121'); and

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43, ELI: <http://data.europa.eu/eli/reg/2001/1049/oj>).

⁽²⁾ OJ L 430, 2.12.2021, p. 30, ELI: <http://data.europa.eu/eli/dec/2021/2121/oj>.

- (b) any other document created in an information technology application controlled and owned by the Commission and stored on a corporate device or on a corporate cloud service, except for documents stored in personal folders for purely personal use outside professional activity;
- (6) 'business process' means a pre-defined workflow with clearly defined steps deriving from the procedural requirements or internal rules, and descriptions of the outcome from each step.

Article 3

Documents directly accessible to the public

1. The Commission shall provide direct public access to legislative proposals as of their adoption. They shall be accompanied by the impact assessment and the Regulatory Scrutiny Board opinion.
2. The Commission shall provide direct public access to the following documents, *inter alia*, by publishing them in a timely manner in dedicated websites:
 - (a) agendas for Commission meetings, and tentative agendas for forthcoming meetings;
 - (b) approved ordinary minutes of Commission meetings;
 - (c) State of the Union addresses; Commission work programmes, Strategic Foresight reports, Strategic Plans, Management Plans, Annual Burden Survey, the Opinions on the Fit for Future Platform and Annual Activity reports;
 - (d) European Semester Country-specific recommendations, guidance documents to Member States and Scoreboard related to the Recovery and Resilience Facility;
 - (e) decisions related to the European Citizens Initiative;
 - (f) reasoned opinions of the national Parliaments and replies of the Commission on the compliance of a draft legislative act with the principle of subsidiarity pursuant to Articles 6 and 7 of Protocol (No 2) to the Treaty on European Union and the Treaty of the Functioning of the European Union;
 - (g) the aggregated mission expenses of Members of the Commission;
 - (h) minutes of meetings held between Members of the Commission, their members of Cabinet, Commission managers with interest representatives.

Article 4

Rules for providing access to documents accessible upon request

1. Applications for access to any document not falling under Article 3 shall be assessed applying the exceptions to access set out in Article 4(1) to (3) of Regulation (EC) No 1049/2001.
2. There is a presumption that access to the following documents, *inter alia*, undermines interests protected by Article 4(1) to (3) of Regulation (EC) No 1049/2001:
 - (a) documents being part of pre-infringement and on-going infringement proceedings;
 - (b) documents being part of on-going court proceedings;
 - (c) opinions of the Legal Service;
 - (d) documents being part of State aid cases;

- (e) documents being part of competition cases (including merger control procedures and cartel investigations, as well as documents sent to the Commission by national competition authorities), trade defence cases, foreign subsidy cases, foreign direct investment cases, financial market supervision and resolution cases, procedures under the Digital Markets Act ⁽³⁾ and Digital Services Act ⁽⁴⁾ and comparable administrative procedures;
- (f) documents being part of on-going administrative authorisation proceedings;
- (g) documents being part of the European Anti-Fraud Office ('OLAF') investigations;
- (h) bids and grant applications submitted by tenderers or grant applicants in public procurement procedures;
- (i) competitions for the recruitment of staff;
- (j) documents being part of investigations of the Investigation and Disciplinary Office of the Commission; and
- (k) documents being part of the personal file of staff members.

No access to those documents shall therefore be granted, unless the applicant demonstrates an overriding public interest in providing access prevailing over the interests protected by Article 4(2) to 4(3) of Regulation (EC) No 1049/2001.

Proceedings are on-going until the act closing the proceedings can no longer be contested before the Union courts or a national court.

Parties to the proceedings under points (e) to (k) have the right to access the file pursuant to Article 41(2)(b) of the Charter of Fundamental Rights and the applicable sector-specific legislation.

Article 5

Rules for the registration of documents and the deletion of unregistered content

1. Any content that constitutes important information that is not short-lived shall be registered pursuant to Article 7 of Commission Decision 2021/2121.
2. The following content does not meet that definition:
 - (a) content that, if not kept, would have no negative administrative or legal effect for the European Commission;
 - (b) content circulated as part of an informal, preliminary exchange of views between European Commission staff;
 - (c) exchanges on short-lived matters (such as exchanges regarding practical meeting arrangements);
 - (d) information on one's personal situation, unless it documents or implements the procedures established by the Staff Regulations;
 - (e) informal, preliminary exchanges of views between European Commission staff with a view to determining the position of the administrative entity responsible for the document's content;
 - (f) iterations of a preliminary document (e.g. a draft legislative proposal or policy communication or a draft impact assessment); and
 - (g) early versions of documents being prepared in collaborative spaces, i.e. versions that do not reflect the outcome or document of the collaborative work on the platform.
3. Unregistered emails are automatically deleted from mailboxes after 6 months.

⁽³⁾ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (OJ L 265, 12.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/1925/oj>).

⁽⁴⁾ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>).

4. Text messaging applications on corporate mobile phones shall not be used for important information that is not short-lived, unless where this is strictly required in the interest of the service. Text messaging applications shall comply with the Commission's information technology security recommendations for the automatic disappearance of messages.

Article 6

Measures facilitating access to documents

The coverage of the Register of Commission Documents created in accordance with Article 11 of Regulation (EC) No 1049/2001 shall be extended gradually. A link to the Register shall be available on the EUROPA website.

The Commission shall maintain the competition cases register, the register of delegated and implementing acts and the comitology register.

Article 7

No creation of new documents

The application for access shall be refused where its fulfilment would require the creation of a new document, including where it would involve the compilation of information from several documents or the extraction of information which requires a substantial investment.

Article 8

Digital system for handling applications for access to documents

1. EASE shall consist of two parts:
 - (a) a public portal enabling citizens to request Commission document(s) (the 'EASE Portal'); and
 - (b) an internal IT system for Commission staff to handle applications.
2. The EASE Portal shall provide information to the public regarding the manner in which applications are to be submitted and regarding the applicants' procedural rights under Regulation (EC) No 1049/2001.
3. A help page in all official languages shall inform the public how documents can be obtained.
4. If documents are voluminous or difficult to handle, the applicant may be invited to consult the documents on the spot. This consultation shall be free.

Article 9

General rules of procedure

1. Applicants may submit applications for access to documents through the EASE Portal. Alternatively, applicants may send applications by post or e-mail to the Secretariat-General or to the relevant Directorate-General or service.
2. Applicants shall provide their name and surname, when submitting the application. If the applicant does not provide their name or surname or provides false information, the application will not be processed.
3. Applications submitted via the EASE Portal, by post or by e-mail shall indicate the country of residence and the postal address. In the absence of communication of a postal address, such applications will not be processed.

4. Replies and decisions of the Commission to applications submitted via the EASE Portal shall be deemed to be notified when the applicant opens the reply on the Portal. If the applicant does not open the reply or decision within 15 working days after the Secretariat-General, Directorate-General or service sent it, the reply or decision shall be deemed to be notified on the 16th working day as of the date when it was sent.

5. Replies and decisions to applications submitted outside of the EASE Portal shall be sent by e-mail, except when an applicant specifically requested a hard copy version, or submitted their application by letter, or when the Secretariat-General, Directorate-General or service has a particular reason to send a reply or decision by registered mail. Any communication of a reply or decision by e-mail shall include an explicit request for an acknowledgment of receipt from the applicants. Should applicants fail to acknowledge receipt after five working days, a reminder shall be sent, except where the applicant has already publicly acknowledged receipt of the reply or decision. Where an electronically transmitted reply or decision has not been acknowledged, a notification by registered mail shall take place.

6. The temporal and material scope of the application shall be clearly defined. If an application is imprecise, as referred to in Article 6(2) of Regulation (EC) No 1049/2001, the applicant shall be invited to provide additional information making it possible to identify the documents requested. The deadline for the reply shall start to run once the information, enabling the scope of the application to be defined and the documents to be identified, is received.

The 'cut-off' date, or date up until when documents are identified, shall be defined as the date of registration of the initial application.

7. The service in charge shall assist the applicant, for example by providing information on the use of public registers of documents. If within seven working days from sending the clarification request, the applicant has not provided additional information enabling the requested documents to be identified, the application shall be considered as withdrawn and the applicant will be informed accordingly.

8. Requests for information, other than environmental information, fall outside the scope of Regulation (EC) No 1049/2001 and shall be handled by the competent service of the Commission under its Code of Good Administrative Behaviour. After informing the applicant, the competent service of the Commission may requalify an application submitted under Regulation (EC) No 1049/2001 as a request for information and handle it accordingly, unless the applicant expressly objects to and provides grounds against such a requalification.

9. In accordance with Article 6(3) of Regulation (EC) No 1049/2001, the service in charge may confer informally with the applicant with a view to finding a fair solution enabling the service in charge to deal with voluminous or wide-scope applications within the statutory time limits. The fair solution can concern only the number and content of the documents requested, not the time limits laid down in Articles 7 and 8 of Regulation (EC) No 1049/2001. Those time limits may not be disregarded in order to provide deferred replies in batches, even as per the applicant's request. Where a fair solution cannot be reached, the service in charge may unilaterally reduce the scope of the application, after having genuinely studied all alternative options and explained in detail in its decision the reasons why those various options would involve an unreasonable workload or be less favourable to the applicant.

10. In accordance with Article 2 of Regulation 1/58 ⁽⁵⁾, the Secretariat-General, the Directorate-General or service shall reply to applications for access to documents in the language of the application, provided it was written in one of the official Union languages. Exceptionally, having obtained the express prior agreement of the applicant, the Directorate-General or service may reply in another language than the one used in the application for access in order to ensure the swiftest processing of the application.

⁽⁵⁾ Regulation No 1 Determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p.385, ELI: [http://data.europa.eu/eli/reg/1958/1\(1\)/oj](http://data.europa.eu/eli/reg/1958/1(1)/oj)).

11. Whereas the Commission strives to issue a maximum number of documents in all official languages of the Union, where the requested linguistic version of a document does not exist, the Secretariat-General, the Directorate-General or service is not required to create it. It shall provide the applicant with the existing official linguistic version. Where there are several official linguistic versions other than the requested one, the Secretariat-General, the Directorate-General or service shall invite the applicant to indicate its preferred existing alternative.

12. Following the full or partial refusal of access to documents, the applicant has the right to file a new application for access to the same document(s) at a later stage. This new application will be handled as a new initial application, provided that there have been relevant changes in the legal and/or factual circumstances warranting possible wider access since the first initial reply or confirmatory decision was adopted. Otherwise, the earlier initial or confirmatory decision shall be confirmed with reference to the fact that the factual and legal circumstances have not changed.

13. In accordance with its Code of Good Administrative Behaviour, the Commission may reserve the right to discontinue further exchanges of correspondence which can reasonably be regarded as repetitive.

14. In exceptional circumstances, the relevant Directorate-General or service shall refuse to handle an application for access to documents where it is made in clear abuse of the right of access to documents. The refusal shall state the reasons substantiating this conclusion, including, where applicable, the reasons that led to conclude that the objective of the applicant was to paralyse the proper functioning of the institution and that the workload relating to the disclosure of the documents requested is unreasonable and disproportionate as compared to the objectives set by Regulation (EC) No 1049/2001.

Article 10

Treatment of initial applications

1. The relevant Directorate-General or service searches for the documents requested by the applicant among the documents held by the Commission.

2. All documents falling within the scope of the initial application shall be identified. Where access is refused, the reply shall provide at least a clear list by categories of documents, with enough detail so as to allow the applicant to contest the refusal, unless such identification would put at risk the interests protected by the exceptions to access to documents. Where access is partially granted or granted in full, the reply shall indicate the documents by title and unique identification number.

In the case of complex and/or bulky applications, the deadline to reply within fifteen working days may be extended by fifteen working days. Any extension of the time limit shall be justified and communicated in a timely manner to the applicant.

3. The initial reply shall include a comprehensive assessment of both the material scope and the temporal scope of the application. The initial reply shall ensure the accurate categorisation or identification of all documents falling within the scope of the initial application. In doing so, the Directorate-General or service shall nevertheless ensure that no information protected under Article 4 of Regulation (EC) No 1049/2001 is disclosed. The initial reply shall inform the applicant of their right to submit, within fifteen working days from receipt of the reply, a confirmatory application to the Secretariat-General of the Commission.

4. Initial replies granting full access to the requested document(s) or wide partial access subject to the redaction solely of non-requested personal data, shall be signed at the level of the Director. In all other cases, replies shall be signed by the Director-General or Head of Service of the Directorate-General or service concerned.

Article 11

Treatment of confirmatory applications

1. The power to take decisions on confirmatory applications is delegated to the Secretary-General. The decision shall be taken by the Secretary-General after agreement of the Legal Service.
2. The applicant may, within 15 working days of receiving the initial reply, make a confirmatory application asking the Commission to reconsider its position.
3. The Secretariat-General shall perform a full administrative review of the initial reply of the Directorate-General or service responsible. However, any document(s) produced or received by the Commission after registration of the initial application will not fall into the scope of the confirmatory review in order to safeguard the two-step review process provided for in Regulation (EC) No 1049/2001.
4. The scope of an initial application cannot be extended at confirmatory stage.

Where the applicant expressly requests the review of the initial reply in relation to selected documents totally or partially refused, the scope of the confirmatory review shall be circumscribed accordingly.

Where the scope of the confirmatory application is larger or different from the scope at initial level, the applicant shall be invited to submit a new initial application pursuant to Article 6 of Regulation (EC) No 1049/2001.

5. The Directorate-General or service which was responsible for handling the initial application shall assist the Secretariat-General in the preparation of the confirmatory decision.

The Directorate-General's or service's contribution shall contain all necessary elements to enable the Secretariat-General to swiftly understand the context and the main issues at stake. It shall include a full assessment regarding all arguments of the applicant presented at confirmatory stage. The contribution shall also include the original version of the documents to which access was partially or fully refused. The contribution shall be sent without delay.

The Secretariat-General may request the Directorate-General or service to perform any other necessary steps to ensure the quality and legal soundness of the treatment of the confirmatory application.

Where the applicant claims that documents falling within the scope of their application have not been identified in the initial reply, the Directorate-General or service shall undertake a renewed search for documents and, if applicable, provide the Secretariat-General with a note signed by its Director-General or Head of Service attesting to the lack of any existing relevant documents in its possession.

If, while handling a confirmatory application, the Secretariat-General becomes aware that documents existing prior to the date of registration of the initial application and falling within its scope were not identified in the initial reply, the Commission shall register *ex officio* a new separate initial application, in order to guarantee a swifter handling of the confirmatory application in relation to the documents already identified within the scope of the initial reply, as well as to allow the applicant to eventually introduce a confirmatory application asking the institution to reconsider its position in relation to the disclosure of the newly identified documents.

6. The confirmatory decision shall inform the applicants of their right to bring an action before the General Court or to lodge a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.
7. Anonymised confirmatory decisions adopted under Regulation (EC) No 1049/2001 are in principle published on the EASE Portal.

Article 12

Consultations on third-party documents

1. As regards third-party documents, the Commission shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 of Article 4 of Regulation (EC) No 1049/2001 is applicable, without prejudice to paragraphs 2 and 3 of the present Article.

For the purposes of this Article, a 'third party' shall be the entity other than the Commission which is the author of the document held by the Commission.

If specific circumstances justify, the competent service may consult also the entity which submitted the document to the Commission but is not the author of the requested document.

2. If the Commission considers that it is clear that access to the third-party document(s) must be refused under one of the exceptions provided for in Article 4 of Regulation (EC) No 1049/2001, access to the document(s) shall be refused without consultation of the third party.

3. The Commission shall grant access to the third-party document(s) without consulting the third party, where:

- (a) the document requested has already been disclosed either by its author or under Regulation (EC) No 1049/2001 or similar provisions;
- (b) it is clear that the disclosure, or partial disclosure, of its contents would not affect one of the interests referred to in Article 4 of Regulation (EC) No 1049/2001.

4. The third party consulted in accordance with paragraph 1 shall be given a deadline for reply which shall not be shorter than five working days. The given deadline must be such as to enable the Secretariat-General, the Directorate-General or service to comply with the deadlines for reply set out in Article 7 and 8 of Regulation (EC) No 1049/2001. In the absence of an answer from the third party within the deadline, or if the third party is untraceable or not identifiable, the Secretariat-General, the Directorate-General or service shall decide whether the exceptions in Article 4 of Regulation (EC) No 1049/2001 apply, taking into account the legitimate interests of the third party on the basis of the information at the Commission's disposal.

5. The consultation of Member States as regards documents originating from them shall be carried out through their Permanent Representations to the European Union.

6. Where the Member State objects to the public disclosure of its document(s) invoking exceptions laid down in Article 4(1) to (3) of Regulation (EC) No 1049/2001, a *prima facie* assessment by the Commission of those objections and of the reasons underpinning the Member State's position in that regard shall be sufficient. The reply or decision shall refer to the Member State's reasoning in order to enable the applicant to understand the grounds and origins of the refusal. In the absence of reasons for objection submitted by the Member State concerned, the Commission may decide that one, several or none of the exceptions apply.

7. If the Secretariat-General, the Directorate-General or service intends to give access to a document against the explicit objection of the third party or Member State, it shall notify the third party or Member State of its intention to disclose the document. The third party or Member State shall be informed of the remedies available to oppose disclosure, namely an action for annulment before the General Court and a request for interim measures before the President of the General Court. Access to the relevant document may only be given after a period of ten working days, starting to run from the acknowledgement of receipt of the notification by the third party or Member State.

8. Where a Member State receives an application for access to a document originating from the Commission, it may, for the purposes of the consultation referred to in Article 5 of Regulation (EC) No 1049/2001, contact the Secretariat-General, which shall be responsible for determining the Directorate-General or service responsible for the document within the Commission.

Article 13

Erga omnes effect of a decision to give public access following an application

Documents disclosed by the Commission under Regulation (EC) No 1049/2001 shall become available to the public at large (*erga omnes* effect).

Because of that *erga omnes* effect of Regulation (EC) No 1049/2001, the Commission cannot:

- (a) refuse to provide access to a document legally released under that Regulation to other applicants; and/or
- (b) grant a narrower access to a document previously disclosed under that Regulation.

Documents disclosed under Regulation (EC) No 1049/2001 shall be published on the EASE Portal, or in a similar online platform. The Commission may establish specific modalities of access to such platforms. The Commission does not assume any responsibility from the reuse of the disclosed documents subject to third-party intellectual property rights. The Commission may fulfil its obligation of granting access by informing the applicant how to obtain a document that it has previously released.

The Commission may reply to a large number of applications for the same document(s) or on the same specific subject, especially when they are phrased in similar terms, via a single disclosure. Every applicant shall be informed of said publication and of the relevant means of redress.

Article 14

Personal data

1. Where a document to which public access has been requested contains personal data within the meaning of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁶⁾ (hereafter 'Regulation (EU) 2018/1725'), the handling of such personal data shall be in compliance with Article 8 of the Charter of Fundamental Rights of the European Union and the provisions of that Regulation.

2. When appearing in documents subject to an application under Regulation (EC) No 1049/2001, the identity and function of Commission staff members at Director level or above, Members of the Commission and members of their Cabinet, where mentioned in the context of their professional duties, shall be disclosed, unless there is any reason to assume that the data subject's legitimate interests might be prejudiced.

The identity and function of the following natural persons shall also be disclosed, where mentioned in the context of their professional duties, unless there is any reason to assume that the data subject's legitimate interests might be prejudiced:

- (a) public figures acting in their public capacity, such as Head of State, President, Minister, senior State officials, Head of regional administration, Ambassador, Member of Parliament, Permanent Representative, Member of the European Parliament, Secretary General or equivalent and above of other Union institutions and bodies, or international inter-governmental organisations, as well as Principal Church officials;
- (b) Presidents, Directors General, Chief Executive Officers, Chief Operating Officers or equivalent legal representative of legal persons such as companies, consortiums, non-governmental organisations, including think tanks, associations.

3. Where a document contains personal data which has already been made public lawfully, the Commission shall merely transmit the document to the applicant or refer the applicant to the public link where the document is available.

⁽⁶⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

4. When applicants request access to documents containing their own personal data, those requests shall be handled under Article 17 of Regulation (EU) 2018/1725, unless the applicants specifically request that such requests be handled under Regulation (EC) No 1049/2001. In the latter case, the applicant shall be informed that in order to protect the data subject's legitimate interests, the requested documents shall be disclosed to the public without their personal data, unless the necessity and proportionality test under Article 9 of Regulation (EU) 2018/1725 is complied with.

5. Any request of a third party consulted under Article 4(4) and (5) of Regulation (EC) No 1049/2001 to know the identity of the applicant would entail a transmission of personal data and shall be refused under the provisions of Regulation (EU) 2018/1725.

Article 15

Implementation of the judgments of the Court of Justice of the European Union and recommendations of the European Ombudsman

1. In case of annulment of its confirmatory decision by the Court, the Commission shall adopt a new confirmatory decision implementing that judgement.

2. Where the European Ombudsman has made a proposal for a solution or recommendation, the Commission may upon assessment of the arguments provided by the European Ombudsman decide to grant further or full access to documents in the framework of the Commission's reply to the proposal or recommendation.

Both the documents thus disclosed and the Commission's reply to the European Ombudsman shall be published on the EASE Portal.

Article 16

Special rules applicable to the applications for access to documents concerning the activities of OLAF, the Supervisory Committee and the Controller of procedural guarantees

1. As regards initial replies, by way of derogation from Article 10(4) of these Rules, if the application concerns documents relating to the administrative investigations of the European Anti-Fraud Office (OLAF) referred to in Article 1 of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁷⁾ (hereafter 'Regulation (EU, Euratom) No 883/2013') and in Article 2(1) and (2) of Commission Decision 1999/352/EC, ECSC, Euratom establishing OLAF ⁽⁸⁾ (hereafter 'Decision 1999/352/EC, ECSC, Euratom'), the initial reply shall be signed by the OLAF Director who has been designated for this purpose at OLAF by the Director-General of OLAF.

This same rule shall apply to documents related to staff matters for which the Director-General of OLAF acts as appointing authority.

If the application concerns documents which relate to the activities of the Supervisory Committee referred to in Article 15 of Regulation (EU, Euratom) No 883/2013, and which do not originate from OLAF, the initial reply shall be signed by the Head of the Secretariat of the Supervisory Committee after having consulted the Supervisory Committee.

⁽⁷⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/883/oj>).

⁽⁸⁾ Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-fraud Office (OLAF) (OJ L 136, 31.5.1999, p. 20, ELI: <http://data.europa.eu/eli/dec/1999/352/oj>).

The Secretariat of the Supervisory Committee shall consult OLAF if the documents related to the activities of the Supervisory Committee reveal information regarding specific investigative steps taken in an OLAF investigation, or their outcome, in such a manner that the OLAF investigation can be identified by the public, including the informant or the person concerned by the investigation. The case number of the investigation shall not be considered as such information. The Secretariat of the Supervisory Committee and OLAF shall endeavour to find a solution that ensures a speedy treatment of the application. The Head of Secretariat of the Supervisory Committee shall take into account OLAF's opinion.

If the application concerns documents which relate to the activities of the Controller of procedural guarantees referred to in Article 9a and 9b of Regulation (EU, Euratom) No 883/2013 and which do not originate from OLAF, the initial reply shall be signed by the Controller of procedural guarantees.

The Controller of procedural guarantees shall consult OLAF if the documents related to the activities of the Controller of procedural guarantees reveal information regarding specific investigative steps taken or their outcome in an identifiable OLAF investigation. The case number of the investigation shall not be considered as such information. The Controller and OLAF shall endeavour to find a solution that ensures a speedy treatment of the application. The Controller shall take into account OLAF's opinion.

2. As regards confirmatory decisions, by way of derogation from Article 11(1) of these Rules, when the confirmatory application concerns documents relating to administrative investigations of the European Anti-Fraud Office (OLAF) referred to in Article 1 of Regulation (EU, Euratom) No 883/2013 and Article 2(1) and (2) of Decision 1999/352/EC, ECSC, Euratom, the power to take decisions on confirmatory applications is delegated to the Director-General of OLAF. The Director-General of OLAF shall take the decision after agreement of the Legal Service. The same shall apply to confirmatory applications related to documents on staff matters for which the Director-General of OLAF acts as appointing authority.

The power to take decisions on confirmatory applications is delegated to the Secretary-General when the confirmatory applications concern initial replies issued by the Head of the Secretariat of the Supervisory Committee or by the Controller of procedural guarantees. The Secretary-General shall consult OLAF if the documents reveal information regarding specific investigative steps taken in an OLAF investigation, or their outcome, in such a manner that the OLAF investigation can be identified by the public, including the informant or the person concerned by the investigation.

Article 17

Principle of sincere cooperation

Applications for access to documents submitted by national authorities or bodies, including judicial authorities, shall be dealt in accordance with the principle of sincere cooperation provided under Article 4(3) of the Treaty on European Union.

In the case of express request of the national authorities, the Commission shall handle their application under Regulation (EC) No 1049/2001.

Article 18

Implementation of the Withdrawal Agreement

In accordance with Article 122 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽⁹⁾, all references to Member States and their authorities in Regulation (EC) No 1049/2001 and the present Rules are to be understood as including the United Kingdom and its authorities in respect to documents drawn up by or obtained by the Commission before or after the end of the transition period in connection with activities of the Union pursuant to the said Agreement.

⁽⁹⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7, ELI: http://data.europa.eu/eli/treaty/withd_2020/sign).

*Article 19***Treatment of applications for access to classified documents**

Where an application for access concerns a sensitive document as defined in Article 9(1) of Regulation (EC) No 1049/2001, or another document classified in accordance with the relevant security rules, it shall be handled by officials entitled to acquaint themselves with this document in accordance with the applicable Commission security rules.

Reasons shall be given on the basis of the exceptions listed in Article 4 of Regulation (EC) No 1049/2001 for any decision refusing access to all or part of a classified document. Where access to the requested document cannot be refused on the basis of those exceptions, the Directorate-General or service handling the application shall ensure that the document is declassified before sending it to the applicant.

The agreement of the originating authority shall be required if access is to be given to a classified document.

*Article 20***Internal organisation**

All Directorates-General and services shall designate a dedicated member of staff with a solid legal background as an 'access-to-documents' coordinator who will ensure the proper implementation of Regulation (EC) No 1049/2001 within the respective Directorate-General or service, including the respect of time-limits and consistency of the replies.

The Secretariat-General shall ensure coordination and uniform implementation of these Rules by Directorates-General and services. To that end, it shall provide them with all necessary advice, guidelines and trainings.
