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Legislation

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/1172

of 6 June 2019

on the signing, on behalf of the European Union, and provisional application of certain provisions of the Agreement between the European Union and the Principality of Liechtenstein on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (d) of the second subparagraph of Article 82(1) and point (a) of Article 87(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 10 June 2016 the Council authorised the Commission to open negotiations for the conclusion of an Agreement between the European Union and the Principality of Liechtenstein on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities ('the Agreement').
- (2) The negotiations were successfully concluded with the initialling of the Agreement on 24 May 2018.
- (3) The improvement of law enforcement information exchange for the purpose of maintaining security in the Union cannot be sufficiently achieved by the Member States in isolation, due to the nature of international crime, which is not confined to the Union borders. The possibility for all the Member States and the Principality of Liechtenstein to have reciprocal access to national databases regarding DNA analysis files, dactyloscopic identification systems and vehicle registration data is of central importance in fostering cross-border law enforcement cooperation.
- (4) Ireland is bound by Council Decision 2008/615/JHA ⁽¹⁾, Council Decision 2008/616/JHA ⁽²⁾ and the Annex thereto, and Council Framework Decision 2009/905/JHA ⁽³⁾, and is therefore taking part in the adoption and application of this Decision.
- (5) The United Kingdom is bound by Decision 2008/615/JHA, Decision 2008/616/JHA and the Annex thereto, and Framework Decision 2009/905/JHA, and is therefore taking part in the adoption and application of this Decision.

⁽¹⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

⁽²⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

⁽³⁾ Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities (OJ L 322, 9.12.2009, p. 14).

- (6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) The Agreement should be signed and the Declaration attached thereto should be approved. Certain provisions of the Agreement should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union and the Principality of Liechtenstein on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities is hereby authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The Declaration attached to the Agreement shall be approved on behalf of the Union.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 4

In accordance with Article 8(3) of the Agreement, Article 5(1) and (2) of the Agreement shall be applied on a provisional basis as from the signature of the Agreement ⁽⁴⁾, pending the completion of the procedures necessary for its entry into force.

Article 5

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 6 June 2019.

For the Council
The President
A. BIRCHALL

⁽⁴⁾ The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

between the European Union and the Principality of Liechtenstein on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities

THE EUROPEAN UNION,

of the one part, and

THE PRINCIPALITY OF LIECHTENSTEIN,

of the other part,

hereinafter jointly referred to as 'the Contracting Parties',

WISHING to improve police and judicial cooperation between the Member States of the European Union and the Principality of Liechtenstein, without prejudice to the rules protecting individual freedom,

CONSIDERING that current relationships between the Contracting Parties, in particular the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾, demonstrate close cooperation in the fight against crime,

POINTING OUT the Contracting Parties' common interest in ensuring that police cooperation between the Member States of the European Union and the Principality of Liechtenstein is carried out in a fast and efficient manner compatible with the basic principles of their national legal systems, and in compliance with the individual rights and principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950,

RECOGNISING that Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union ⁽²⁾ already lays down rules whereby the law enforcement authorities of the Member States of the European Union and the Principality of Liechtenstein may exchange existing information and intelligence expeditiously and effectively for the purpose of carrying out criminal investigations or criminal intelligence operations,

RECOGNISING that, in order to stimulate international cooperation in the area of law enforcement, it is of fundamental importance that precise information can be exchanged swiftly and efficiently,

RECOGNISING that the aim is to introduce procedures for promoting fast, efficient and inexpensive means of data exchange, and that, for the joint use of data, those procedures should be subject to accountability and should incorporate appropriate guarantees as to the accuracy and security of the data during transmission and storage as well as procedures for recording data exchange and restrictions on the use of information exchanged,

POINTING OUT that this Agreement therefore contains provisions which are based on the main provisions of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽³⁾ and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽⁴⁾, and the Annex thereto, and of Council Framework Decision 2009/905/JHA of 30 November 2009 on Accreditation of forensic service providers carrying out laboratory activities ⁽⁵⁾, and which are designed to improve the exchange of information whereby Member States of the European Union and the Principality of Liechtenstein grant one another access rights to their automated DNA analysis files, automated dactyloscopic identification systems and vehicle registration data,

⁽¹⁾ OJ EUL 160, 18.6.2011, p. 3.

⁽²⁾ OJ EUL 386, 29.12.2006, p. 89.

⁽³⁾ OJ EUL 210, 6.8.2008, p. 1.

⁽⁴⁾ OJ EUL 210, 6.8.2008, p. 12.

⁽⁵⁾ OJ EUL 322, 9.12.2009, p. 14.

POINTING OUT that, in the case of data from national DNA analysis files and automated dactyloscopic identification systems, a hit/no hit system should enable the searching State, in a second step, to request specific related personal data from the State administering the file and, where necessary, to request further information through mutual assistance procedures, including those adopted pursuant to Council Framework Decision 2006/960/JHA,

CONSIDERING that those provisions would considerably speed up existing procedures enabling Member States of the European Union and the Principality of Liechtenstein to find out whether another State has the information it needs and, if so, which State,

CONSIDERING that cross-border data comparison will open up a new dimension in crime fighting and that the information obtained by comparing data will open up new investigative approaches and thus play a crucial role in assisting States' law enforcement and judicial authorities,

CONSIDERING that the rules are based on networking States' national databases,

CONSIDERING that subject to certain conditions, States should be able to supply personal and non-personal data in order to improve the exchange of information with a view to preventing criminal offences and maintaining public order and security in connection with major events with a cross-border dimension,

RECOGNISING that, in addition to improving the exchange of information, there is a need to regulate other forms of closer cooperation between police authorities, in particular by means of joint security operations (e.g. joint patrols),

CONSIDERING that the hit/no hit system provides for a structure of comparing anonymous profiles, where additional personal data is exchanged only after a hit, the supply and receipt of which is governed by national law, including the legal assistance rules, and that this set-up guarantees an adequate system of data protection, it being understood that the supply of personal data to another State requires an adequate level of data protection on the part of the receiving State,

CONSIDERING that the Principality of Liechtenstein should bear the costs incurred by its own authorities in connection with the application of this Agreement,

RECOGNISING that, as the accreditation of forensic service providers carrying out laboratory activities is an important step towards a safer and more effective exchange of forensic information, certain provisions of Council Framework Decision 2009/905/JHA should be complied with by the Principality of Liechtenstein,

CONSIDERING that the processing of personal data, pursuant to this Agreement, by the authorities of the Principality of Liechtenstein for the purposes of the prevention, detection or investigation of terrorism and cross-border crime should be subject to a standard of protection of personal data under the national law of the Principality of Liechtenstein which complies with Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ⁽⁶⁾,

TAKING AS A BASIS the mutual confidence of the Member States of the European Union and the Principality of Liechtenstein in the structure and operation of their legal systems,

TAKING INTO ACCOUNT that, pursuant to the Agreement between the Swiss Confederation and the Principality of Liechtenstein referring to the cooperation in the framework of the Swiss information systems regarding dactyloscopic data and DNA profiles ⁽⁷⁾, both countries share the same database and information exchange systems regarding DNA and dactyloscopic data respectively,

RECOGNISING that the provisions of bilateral and multilateral agreements remain applicable for all matters not covered by this Agreement,

⁽⁶⁾ OJ EU L 119, 4.5.2016, p. 89.

⁽⁷⁾ Liechtenstein official compilation LGBL 2006 Nr. 75; Liechtenstein classified compilation LR 0.369.101.2.

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

Article 1

Subject matter and purpose

1. Subject to this Agreement, Articles 1 to 24, Article 25(1) and Articles 26 to 32 and 34 of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, shall be applicable in the bilateral relations between the Principality of Liechtenstein and each of the Member States.
2. Subject to this Agreement, Articles 1 to 19 and 21 of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto except point 1 of Chapter 4 thereof, shall be applicable in the bilateral relations between the Principality of Liechtenstein and each of the Member States.
3. The declarations made by Member States in accordance with Council Decisions 2008/615/JHA and 2008/616/JHA shall also be applicable in their bilateral relations with the Principality of Liechtenstein.
4. Subject to this Agreement, Articles 1 to 5 and Article 6(1) of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities shall be applicable in the bilateral relations between the Principality of Liechtenstein and each of the Member States.

Article 2

Definitions

For the purposes of this Agreement, the following definitions apply:

- (1) 'Contracting Parties' means the European Union and the Principality of Liechtenstein;
- (2) 'Member State' means a Member State of the European Union;
- (3) 'State' means a Member State or the Principality of Liechtenstein.

Article 3

Uniform application and interpretation

1. With a view to ensuring that the provisions referred to in Article 1 are applied and interpreted as uniformly as possible, the Contracting Parties shall keep under constant review the development of the case-law of the Court of Justice of the European Union and of the competent courts of the Principality of Liechtenstein relating to those provisions. To this end, a mechanism shall be set up to ensure the regular mutual exchange of such case-law.
2. The Principality of Liechtenstein shall be entitled to submit statements of case or written observations to the Court of Justice of the European Union in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 1.

Article 4

Dispute settlement

Any dispute between the Principality of Liechtenstein and a Member State regarding the interpretation or the application of this Agreement or of any of the provisions referred to in Article 1 and amendments thereto may be referred by a party to the dispute to a meeting of representatives of the governments of the Member States and of the Principality of Liechtenstein, with a view to its speedy settlement.

*Article 5***Amendments**

1. Where it is necessary to amend the provisions referred to in Article 1, the European Union shall inform the Principality of Liechtenstein at the earliest possible occasion and collect any comments it may have.
2. The Principality of Liechtenstein shall be notified by the European Union of any amendment of the provisions referred to in Article 1 as soon as the amendment is adopted.

The Principality of Liechtenstein shall decide independently whether to accept the content of the amendment and whether to implement it into its internal legal order. That decision shall be notified to the European Union within three months of the date of the notification referred to in the first subparagraph.

3. If the content of the amendment can be binding on the Principality of Liechtenstein only after the fulfilment of constitutional requirements, the Principality of Liechtenstein shall inform the European Union of this at the time of its notification. The Principality of Liechtenstein shall promptly inform the European Union in writing upon fulfilment of all constitutional requirements. Where a referendum is not required, notification shall take place as soon as the referendum deadline expires. If a referendum is required, the Principality of Liechtenstein shall have a maximum of eighteen months from the date of the notification by the European Union within which to make its notification. From the date laid down for the entry into force of the amendment for the Principality of Liechtenstein and until it has given notification that the constitutional requirements have been met, the Principality of Liechtenstein shall, where possible, apply the content of the amendment on a provisional basis.
4. If the Principality of Liechtenstein does not accept the content of the amendment, this Agreement shall be suspended. A meeting of the Contracting Parties shall be convened to examine all further possibilities with a view to continuing the good functioning of this Agreement, including the possibility of a recognition of equivalence of legislation. Suspension shall be terminated as soon as the Principality of Liechtenstein notifies its acceptance of the content of the amendment or if the Contracting Parties agree to reinstate the Agreement.
5. If, after a period of six months of suspension, the Contracting Parties have not agreed to reinstate the Agreement, it shall cease to apply.
6. Paragraphs 4 and 5 of this Article shall not apply to amendments relating to Chapters 3, 4 or 5 of Council Decision 2008/615/JHA or Article 17 of Council Decision 2008/616/JHA in respect of which the Principality of Liechtenstein has notified the European Union that it does not accept the amendment, stating the reasons for its objection. In such cases, and without prejudice to Article 10 of this Agreement, the relevant provisions in their version prior to the amendment shall continue to be applicable in the bilateral relations between the Principality of Liechtenstein and each of the Member States.

*Article 6***Review**

The Contracting Parties agree to carry out a common review of this Agreement no later than five years after its entry into force. The review shall in particular address the practical implementation, interpretation and development of the Agreement and shall also include issues such as the consequences of the development of the European Union relating to the subject matter of this Agreement.

*Article 7***Relationship with other instruments**

1. The Principality of Liechtenstein may continue to apply bilateral or multilateral agreements or arrangements on cross-border cooperation with Member States that are in force on the date on which this Agreement is concluded in so far as such agreements or arrangements are not incompatible with the objectives of this Agreement. The Principality of Liechtenstein shall notify the European Union of any such agreements or arrangements which will continue to apply.

2. The Principality of Liechtenstein may conclude or bring into force additional bilateral or multilateral agreements or arrangements on cross-border cooperation with Member States after this Agreement has entered into force in so far as such agreements or arrangements provide for the objectives of this Agreement to be extended or enlarged. The Principality of Liechtenstein shall notify the European Union of any such new agreements or arrangements within three months of their signing or, in the case of agreements or arrangements that were signed before the entry into force of this Agreement, within three months of their entry into force.

3. The agreements and arrangements referred to in paragraphs 1 and 2 shall not affect relations with Member States that are not parties thereto.

4. This Agreement shall be without prejudice to existing agreements on legal assistance or mutual recognition of court decisions.

Article 8

Notifications, declarations and entry into force

1. The Contracting Parties shall notify each other of the completion of the procedures required to express their consent to be bound by this Agreement.

2. The European Union may express its consent to be bound by this Agreement even if the decisions as regards the processing of personal data which are or have been supplied pursuant to Council Decision 2008/615/JHA have not yet been taken in respect of all the Member States.

3. Article 5(1) and (2) shall apply on a provisional basis as from the time of signature of this Agreement.

4. With respect to amendments to the provisions referred to in Article 1 adopted after the signature of this Agreement but before its entry into force, the period of three months referred to in the second subparagraph of Article 5(2) shall start to run from the date of entry into force of this Agreement.

5. When giving its notification pursuant to paragraph 1 or, if so provided, at any time thereafter, the Principality of Liechtenstein shall make the declarations referred to in Article 1(3).

6. This Agreement shall enter into force on the first day of the third month following the date of the last notification pursuant to paragraph 1.

7. The supply by Member States and the Principality of Liechtenstein of personal data under this Agreement shall not take place until the provisions of Chapter 6 of Council Decision 2008/615/JHA have been implemented in the national law of the States involved in such supply.

In order to verify whether this is the case for the Principality of Liechtenstein, an evaluation visit and a pilot run shall be carried out in respect of, and under conditions and arrangements acceptable to, the Principality of Liechtenstein, similar to those carried out in respect of Member States pursuant to Chapter 4 of the Annex to Council Decision 2008/616/JHA.

On the basis of an overall evaluation report and following the same steps as for the launching of automated data exchanges in Member States, the Council shall determine the date or dates as from which personal data may be supplied by Member States to the Principality of Liechtenstein pursuant to this Agreement.

8. The provisions of Directive (EU) 2016/680 of the European Parliament and of the Council shall be implemented and applied by the Principality of Liechtenstein. The Principality of Liechtenstein shall communicate to the European Commission the text of the main provisions adopted in the field covered by that Directive.

9. Articles 1 to 24, Article 25(1) and Articles 26 to 32 and 34 of Council Framework Decision 2009/905/JHA shall be implemented and applied by the Principality of Liechtenstein. The Principality of Liechtenstein shall communicate to the European Commission the text of the main provisions adopted in the field covered by that Council Framework Decision.

10. The competent authorities of the Principality of Liechtenstein shall not apply the provisions of Chapter 2 of Council Decision 2008/615/JHA until it has implemented and applied the measures referred to in paragraphs 8 and 9 of this Article.

Article 9

Accession of new Member States to the European Union

The accession of new Member States to the European Union shall create rights and obligations under this Agreement between those new Member States and the Principality of Liechtenstein.

Article 10

Termination

1. This Agreement may be terminated at any time by one of the Contracting Parties by depositing a notification of termination to the other Contracting Party.
2. Termination of this Agreement in accordance with paragraph 1 shall take effect six months after the deposit of the notification of termination.

This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

Съставено в Брюксел на двадесет и седми юни две хиляди и деветнадесета година.

Hecho en Bruselas, el veintisiete de junio de dos mil diecinueve.

V Bruselu dne dvacátého sedmého června dva tisíce devatenáct.

Udfærdiget i Bruxelles den syvogtyvende juni to tusind og nitten.

Geschehen zu Brüssel am siebenundzwanzigsten Juni zweitausendneunzehn.

Kahe tuhande üheksateistkümnenda aasta juunikuu kahekümne seitsmendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι επτά Ιουνίου δύο χιλιάδες δεκαεννέα.

Done at Brussels on the twenty-seventh day of June in the year two thousand and nineteen.

Fait à Bruxelles, le vingt-sept juin deux mille dix-neuf.

Sastavljeno u Bruxellesu dvadeset sedmog lipnja godine dvije tisuće devetnaeste.

Fatto a Bruxelles, addì ventisette giugno duemiladiciannove.

Briselē, divi tūkstoši deviņpadsmitā gada divdesmit septītajā jūnijā.

Priimta du tūkstančiai devynioliktų metų birželio dvidešimt septintą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenkilencedik év június havának huszonhetedik napján.

Magħmul fi Brussell, fis-sebgha u għoxrin jum ta' Ġunju fis-sena elfejn u dsatax.

Gedaan te Brussel, zevenentwintig juni tweeduizend negentien.

Sporządzono w Brukseli dnia dwudziestego siódmego czerwca roku dwa tysiące dziewiętnastego.

Feito em Bruxelas, em vinte e sete de junho de dois mil e dezanove.

Întocmit la Bruxelles la douăzeci și șapte iunie două mii nouăsprezece.

V Bruseli dvadsiateho siedmeho júna dvetisícdevätnásť.

V Bruslju, dne sedemindvajsetega junija leta dva tisoč devetnajst.

Tehty Brysselissä kahdentenäkymmenentenäseitsemäntenä päivänä kesäkuuta vuonna kaksituhattayhdeksäntoista.

Som skedde i Bryssel den tjugosjunde juni år tjugohundra nitton.

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Za Europsku uniju
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen

Lodovico
Murphy
J. Mouquet

За Княжество Лихтенщайн
Por el Principado de Liechtenstein
Za Lichtenštejnské knížectví
For Fyrstendømmet Liechtenstein
Für das Fürstentum Liechtenstein
Liechtensteini Vürstiriigi nimel
Για το Πριγκιπάτο του Λιχτενστάιν
For the Principality of Liechtenstein
Pour la Principauté de Liechtenstein
Za Kneževinu Lihtenštajn
Per il Principato del Liechtenstein
Lihtenšteinas Firstistes vārdā –
Lichtenšteino Kunigaikštystės vardu
A Liechtensteini Hercegség részéről
Għall-Prinċipat tal-Liechtenstein
Voor het Vorstendom Liechtenstein
W imieniu Księstwa Liechtensteinu
Pelo Principado do Listenstaine
Pentru Principatul Liechtenstein
Za Lichtenštajnské kniežatstvo
Za Kneževino Lihtenštajn
Liechtensteinin ruhtinaskunnan puolesta
För Furstendömet Liechtenstein

Declaration of the Contracting Parties at the occasion of the signature of the Agreement

The European Union and the Principality of Liechtenstein, Contracting Parties of the Agreement on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities (hereinafter referred to as 'the Agreement'), declare:

The implementation of the DNA, dactyloscopic and vehicle registration data exchange pursuant to the Agreement will require that the Principality of Liechtenstein set up bilateral connections for each of these data categories with each of the Member States.

To enable and facilitate this work, the Principality of Liechtenstein will be provided with all the available documentation, software products and contact lists.

The Principality of Liechtenstein will have the opportunity to set up an informal partnership with Member States that have already implemented such data exchange, with a view to sharing experiences and getting practical and technical support. The details of such partnerships are to be arranged in direct contacts with the Member States concerned.

The Liechtenstein experts can contact at any time the Presidency of the Council, the European Commission or leading experts in these matters to obtain information, clarification or any other support. Similarly, the Commission will, whenever in preparation of proposals or communications it contacts representatives of the Member States, avail itself of the opportunity to contact also representatives of the Principality of Liechtenstein.

Liechtenstein experts may be invited to attend meetings where Member States' experts discuss within the Council technical aspects which are directly relevant to the proper application and development of the content of the aforementioned Council Decisions.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1173

of 2 July 2019

entering a name in the register of protected designations of origin and protected geographical indications ('Ayrshire New Potatoes'/'Ayrshire Earlies' (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the United Kingdom's application to register the name 'Ayrshire New Potatoes'/'Ayrshire Earlies' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Ayrshire New Potatoes'/'Ayrshire Earlies' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Ayrshire New Potatoes'/'Ayrshire Earlies' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. – Fruit, vegetables and cereals, fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 July 2019.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 94, 12.3.2019, p. 5.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1174**of 9 July 2019****establishing budgetary ceilings for 2019 applicable for certain direct support schemes provided for in Regulation (EU) No 1307/2013 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 ⁽¹⁾, and in particular Articles 22(1), 36(4), 42(2), 47(3), 49(2), 51(4) and 53(7) thereof,

Whereas:

- (1) For each Member State implementing the basic payment scheme provided for in Chapter 1 of Title III of Regulation (EU) No 1307/2013, the annual national ceiling referred to in Article 22(1) of that Regulation for 2019 has to be set by the Commission by deducting from the annual national ceiling set out in Annex II to that Regulation the ceilings fixed in accordance with Articles 42, 47, 49, 51 and 53 of that Regulation. In accordance with Article 22(2) of Regulation (EU) No 1307/2013 any increases applied by Member States pursuant to that provision are to be taken into account.
- (2) For each Member State implementing the single area payment scheme provided for in Chapter 1 of Title III of Regulation (EU) No 1307/2013, the annual national ceiling referred to in Article 36(4) of that Regulation for 2019 has to be set by the Commission by deducting from the annual national ceiling set out in Annex II to that Regulation the ceilings fixed in accordance with Articles 42, 47, 49, 51 and 53 of that Regulation. In accordance with the second subparagraph of Article 36(4) of Regulation (EU) No 1307/2013, when setting the annual national ceiling for the single area payment scheme, any increases applied by Member States pursuant to that provision are to be taken into account by the Commission.
- (3) For each Member State granting the redistributive payment provided for in Chapter 2 of Title III of Regulation (EU) No 1307/2013, the annual national ceiling referred to in Article 42(2) of that Regulation for 2019 has to be set by the Commission on the basis of the percentage notified by those Member States pursuant to Article 42(1) of that Regulation.
- (4) In relation to the payment for agricultural practices beneficial for the climate and the environment provided for in Chapter 3 of Title III of Regulation (EU) No 1307/2013 in 2019, the annual national ceilings referred to in Article 47(3) of that Regulation for 2019 have to be calculated in accordance with Article 47(1) of that Regulation and amounting to 30 % of the national ceiling of the relevant Member State as set out in Annex II to that Regulation.
- (5) For Member States granting the payment for areas with natural constraints provided for in Chapter 4 of Title III of Regulation (EU) No 1307/2013, the annual national ceilings referred to in Article 49(2) of that Regulation for 2019 have to be set by the Commission on the basis of the percentage notified by the relevant Member States pursuant to Article 49(1) of that Regulation.
- (6) In relation to the payment for young farmers provided for in Chapter 5 of Title III of Regulation (EU) No 1307/2013, the annual national ceilings referred to in Article 51(4) of that Regulation for 2019 have to be set by the Commission on the basis of the percentage notified by Member States pursuant to Article 51(1) of that Regulation and have not to be higher than 2 % of the annual ceiling set out in Annex II.

⁽¹⁾ OJ L 347, 20.12.2013, p. 608.

- (7) Where the total amount of the payment for young farmers applied for in 2019 in a Member State exceeds the ceiling set pursuant to Article 51(4) of Regulation (EU) No 1307/2013 for that Member State, the difference has to be financed by the Member State in accordance with Article 51(2) of that Regulation whilst respecting the maximum amount laid down in Article 51(1) of that Regulation. For the sake of clarity, it is appropriate to set this maximum amount for each Member State.
- (8) For each Member State granting voluntary coupled support provided for in Chapter 1 of Title IV of Regulation (EU) No 1307/2013 in 2019, the Commission has to set the annual national ceilings referred to in Article 53(7) of that Regulation for 2019 on the basis of the percentage notified by the relevant Member State pursuant to Article 54(1) of that Regulation.
- (9) Concerning the year 2019, the implementation of direct support schemes provided for in Regulation (EU) No 1307/2013 started on 1 January 2019. For the sake of consistency between the applicability of that Regulation for the claim year 2019 and the applicability of the corresponding budgetary ceilings, this Regulation should apply from the same date.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

1. The annual national ceilings for 2019 for the basic payment scheme referred to in Article 22(1) of Regulation (EU) No 1307/2013 are set out in point I of the Annex to this Regulation.
2. The annual national ceilings for 2019 for the single area payment scheme referred to in Article 36(4) of Regulation (EU) No 1307/2013 are set out in point II of the Annex to this Regulation.
3. The annual national ceilings for 2019 for the redistributive payment referred to in Article 42(2) of Regulation (EU) No 1307/2013 are set out in point III of the Annex to this Regulation.
4. The annual national ceilings for 2019 for the payment for agricultural practices beneficial for the climate and the environment referred to in Article 47(3) of Regulation (EU) No 1307/2013 are set out in point IV of the Annex to this Regulation.
5. The annual national ceilings for 2019 for the payment for areas with natural constraints referred to in Article 49(2) of Regulation (EU) No 1307/2013 are set out in point V of the Annex to this Regulation.
6. The annual national ceilings for 2019 for the payment for young farmers referred to in Article 51(4) of Regulation (EU) No 1307/2013 are set out in point VI of the Annex to this Regulation.
7. The maximum amounts for 2019 for the payment for young farmers referred to in Article 51(1) of Regulation (EU) No 1307/2013 are set out in point VII of the Annex to this Regulation.
8. The annual national ceilings for 2019 for voluntary coupled support referred to in Article 53(7) of Regulation (EU) No 1307/2013 are set out in point VIII of the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2019.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 July 2019.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

I. Annual national ceilings for the basic payment scheme referred to in Article 22(1) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Belgium	211 289
Denmark	531 810
Germany	2 988 165
Ireland	825 611
Greece	1 091 170
Spain	2 845 377
France	3 025 958
Croatia	143 257
Italy	2 155 184
Luxembourg	22 741
Malta	650
Netherlands	466 930
Austria	470 383
Portugal	279 562
Slovenia	75 223
Finland	262 840
Sweden	403 066
United Kingdom	2 092 657

II. Annual national ceilings for the single area payment scheme referred to in Article 36(4) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Bulgaria	378 884
Czech Republic	472 211
Estonia	93 655
Cyprus	29 672
Latvia	148 482
Lithuania	187 426
Hungary	733 206
Poland	1 576 884
Romania	987 609
Slovakia	253 038

III. Annual national ceilings for the redistributive payment referred to in Article 42(2) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Belgium	46 100
Bulgaria	55 900
Germany	335 480
France	687 718
Croatia	31 765
Lithuania	72 552
Poland	298 036
Portugal	23 050
Romania	101 799
United Kingdom	81 479

IV. Annual national ceilings for the payment for agricultural practices beneficial for the climate and the environment as referred to in Article 47(3) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Belgium	144 557
Bulgaria	238 888
Czech Republic	258 509
Denmark	245 627
Germany	1 437 770
Estonia	43 190
Ireland	363 320
Greece	550 385
Spain	1 468 030
France	2 063 154
Croatia	95 294
Italy	1 111 301
Cyprus	14 593
Latvia	84 046
Lithuania	145 104
Luxembourg	10 030
Hungary	402 860
Malta	1 573

(thousand EUR)

Calendar year	2019
Netherlands	201 261
Austria	207 521
Poland	1 035 154
Portugal	179 807
Romania	570 959
Slovenia	40 283
Slovakia	135 498
Finland	157 389
Sweden	209 930
United Kingdom	961 573

V. Annual national ceilings for payment for areas with natural constraints referred to in Article 49(2) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Denmark	2 857
Slovenia	2 122

VI. Annual national ceilings for the payment for young farmers referred to in Article 51(4) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Belgium	9 095
Bulgaria	3 176
Czech Republic	1 723
Denmark	14 328
Germany	47 926
Estonia	979
Ireland	24 221
Greece	36 692
Spain	97 869
France	68 772
Croatia	6 353
Italy	37 043
Cyprus	657

(thousand EUR)

Calendar year	2019
Latvia	5 603
Lithuania	6 046
Luxembourg	501
Hungary	5 371
Malta	21
Netherlands	13 417
Austria	13 835
Poland	34 505
Portugal	11 987
Romania	23 752
Slovenia	2 014
Slovakia	1 706
Finland	5 246
Sweden	10 497
United Kingdom	16 405

VII. Maximum amounts for the payment for young farmers referred to in Article 51(1) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Belgium	9 637
Bulgaria	15 926
Czech Republic	17 234
Denmark	16 375
Germany	95 851
Estonia	2 879
Ireland	24 221
Greece	36 692
Spain	97 869
France	137 544
Croatia	6 353
Italy	74 087
Cyprus	973

(thousand EUR)

Calendar year	2019
Latvia	5 603
Lithuania	9 674
Luxembourg	669
Hungary	26 857
Malta	105
Netherlands	13 417
Austria	13 835
Poland	69 010
Portugal	11 987
Romania	38 064
Slovenia	2 686
Slovakia	9 033
Finland	10 493
Sweden	13 995
United Kingdom	64 105

VIII. Annual national ceilings for voluntary coupled support referred to in Article 53(7) of Regulation (EU) No 1307/2013

(thousand EUR)

Calendar year	2019
Belgium	80 935
Bulgaria	119 444
Czech Republic	129 255
Denmark	24 135
Estonia	6 142
Ireland	3 000
Greece	182 056
Spain	584 919
France	1 031 577
Croatia	47 647
Italy	478 600
Cyprus	3 891
Latvia	42 023

(thousand EUR)

Calendar year	2019
Lithuania	72 552
Luxembourg	160
Hungary	201 430
Malta	3 000
Netherlands	3 350
Austria	14 526
Poland	505 933
Portugal	117 535
Romania	259 043
Slovenia	17 456
Slovakia	67 740
Finland	102 828
Sweden	90 970
United Kingdom	53 129

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2019/1175

of 9 July 2019

on recognition of the 'Roundtable on Sustainable Palm Oil RED' voluntary scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽¹⁾, and in particular the second subparagraph of Article 7c(4) thereof,

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽²⁾, and in particular the second subparagraph of Article 18(4) thereof,

Whereas:

- (1) Articles 7b and 7c of, and Annex IV to, Directive 98/70/EC and Articles 17 and 18 of, and Annex V to, Directive 2009/28/EC lay down similar sustainability criteria for biofuels and bioliquids, and similar procedures for verifying that biofuels and bioliquids comply with those criteria.
- (2) Where biofuels and bioliquids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC, Member States should require economic operators to show that biofuels and bioliquids comply with the sustainability criteria set out in Article 17(2) to (5) of that Directive.
- (3) The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) of Directive 2009/28/EC, and/or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3), (4) and (5), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. Where an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State should not require the supplier to provide further evidence of compliance with the sustainability criteria.
- (4) The request for recognition that the 'Roundtable on Sustainable Palm Oil RED' voluntary scheme demonstrates that consignments of biofuel comply with the sustainability criteria set out in Directives 98/70/EC and 2009/28/EC was submitted to the Commission on 24 April 2018. The scheme that is based in Menara UOA Bangsar, No 5, Jalan Bangsar Utama 1, 59000 Kuala Lumpur, Malaysia covers palm oil based products and the entire chain of custody. The recognised scheme documents should be made available at the transparency platform established under Directive 2009/28/EC.
- (5) In assessing the 'Roundtable on Sustainable Palm Oil RED' voluntary scheme, the Commission found that it covers adequately the sustainability criteria set out in Directives 98/70/EC and 2009/28/EC, as well as applies a mass balance methodology in accordance with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.
- (6) The assessment of the 'Roundtable on Sustainable Palm Oil RED' voluntary scheme found that it meets adequate standards of reliability, transparency and independent auditing and also complies with the methodological requirements set out in Annex IV to Directive 98/70/EC and in Annex V to Directive 2009/28/EC.

⁽¹⁾ OJ L 350, 28.12.1998, p. 58.

⁽²⁾ OJ L 140, 5.6.2009, p. 16.

- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

HAS ADOPTED THIS DECISION:

Article 1

The 'Roundtable on Sustainable Palm Oil RED' voluntary scheme ('the scheme'), submitted for recognition to the Commission on 24 April 2018, demonstrates that consignments of biofuels and bioliquids produced in accordance with the standards for the production of biofuels and bioliquids set in the scheme comply with the sustainability criteria laid down in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC.

The scheme also contains accurate data for the purposes of Article 17(2) of Directive 2009/28/EC and Article 7b(2) of Directive 98/70/EC.

Article 2

In the event that the contents of the scheme, as submitted for recognition to the Commission on 24 April 2018, change in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establishing whether the scheme still adequately covers the sustainability criteria for which it is recognised.

Article 3

The Commission may repeal this Decision, inter alia, under the following circumstances:

- (a) if it has been clearly demonstrated that the scheme has not implemented elements considered to be decisive for this Decision or if severe and structural breach of those elements has taken place;
- (b) if the scheme fails to submit annual reports to the Commission pursuant to Article 7c(6) of Directive 98/70/EC and Article 18(6) of Directive 2009/28/EC;
- (c) if the scheme fails to implement standards of independent auditing specified in implementing acts referred to in the third subparagraph of Article 7c(5) of Directive 98/70/EC and the third subparagraph of Article 18(5) of Directive 2009/28/EC or improvements to other elements of the scheme considered to be decisive for a continued recognition.

Article 4

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

It shall apply until 30 June 2021.

Done at Brussels, 9 July 2019.

For the Commission

The President

Jean-Claude JUNCKER

RULES OF PROCEDURE

RULES OF PROCEDURE OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

March 2019

PART ONE

FOUNDATION TEXTS

Preliminary remarks

1. The Economic and Social Committee was set up by the Treaties establishing the European Economic Community and the European Atomic Energy Community, which were signed in Rome on 25 March 1957 and entered into force on 1 January 1958.

Since then, these two treaties have been amended several times.

2. When the codified version of these Rules of Procedure came into force on 15 March 2019, the foundation texts which concern the European Economic and Social Committee were contained in the Treaty on European Union (Article 13) and the Treaty on the Functioning of the European Union (Articles 300 to 304) as respectively amended and established by the Treaty of Lisbon, which was signed on 13 December 2007 and came into force on 1 December 2009.

N.B.: Any questions or comments regarding the text of these Rules of Procedure or their Implementing Provisions and their application should be sent to the EESC registry (UniteGreffCESE@eesc.europa.eu)

THE TREATY ON EUROPEAN UNION

Article 13

1. The Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions.

The Union's institutions shall be:

- the European Parliament,
- the European Council,
- the Council,
- the European Commission (hereinafter referred to as 'the Commission'),
- the Court of Justice of the European Union,
- the European Central Bank,
- the Court of Auditors.

2. Each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. The institutions shall practice mutual sincere cooperation.

3. The provisions relating to the European Central Bank and the Court of Auditors and detailed provisions on the other institutions are set out in the Treaty on the Functioning of the European Union.
4. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.

THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

CHAPTER 3 – THE UNION'S ADVISORY BODIES

Article 300

1. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.
2. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socio-economic, civic, professional and cultural areas.
3. The Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.
4. The members of the Economic and Social Committee and of the Committee of the Regions shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.
5. The rules referred to in paragraphs 2 and 3 governing the nature of the composition of the Committees shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt decisions to that end.

SECTION 1

THE ECONOMIC AND SOCIAL COMMITTEE

Article 301

The number of members of the Economic and Social Committee shall not exceed 350.

The Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

The Council shall determine the allowances of members of the Committee.

Article 302

1. The members of the Committee shall be appointed for five years. The Council shall adopt the list of members drawn up in accordance with the proposals made by each Member State. The term of office of the members of the Committee shall be renewable.
2. The Council shall act after consulting the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social sectors and of civil society to which the Union's activities are of concern.

Article 303

The Committee shall elect its chairman and officers from among its members for a term of two and a half years.

It shall adopt its Rules of Procedure.

The Committee shall be convened by its chairman at the request of the European Parliament, the Council or of the Commission. It may also meet on its own initiative.

Article 304

The Committee shall be consulted by the European Parliament, by the Council or by the Commission where the Treaties so provide. The Committee may be consulted by these institutions in all cases in which they consider it appropriate. It may issue an opinion on its own initiative in cases in which it considers such action appropriate.

The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time limit, the absence of an opinion shall not prevent further action.

The opinion of the Committee, together with a record of the proceedings, shall be forwarded to the European Parliament, to the Council and to the Commission.

PROTOCOL NO 7 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION – CHAPTER IV (EXTRACT)

Article 10

Representatives of Member States taking part in the work of the institutions of the Union, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Union.

COUNCIL DECISION (EU) 2015/1157 OF 14 JULY 2015 DETERMINING THE COMPOSITION OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EXTRACT)

Article 1

The number of members of the European Economic and Social Committee shall be as follows:

Belgium	12
Bulgaria	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	6
Ireland	9
Greece	12
Spain	21
France	24
Croatia	9
Italy	24
Cyprus	5
Latvia	7
Lithuania	9
Luxembourg	5
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Romania	15
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24

PART TWO

RULES OF PROCEDURE

CODIFIED VERSION OF THE RULES OF PROCEDURE OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (CAME INTO FORCE ON 15 MARCH 2019)

REMARKS

A. This edition combines:

- The Rules of Procedure of the European Economic and Social Committee adopted at the plenary session of 17 and 18 July 2002 (OJ L 268 of 4 October 2002), which entered into force on 1 August 2002, in accordance with Rule 78 thereof;
 - the changes resulting from the following:
 1. amendments of 27 February 2003 of the Rules of Procedure of the European Economic and Social Committee (OJ L 258 of 10 October 2003);
 2. amendments of 31 March 2004 to the Rules of Procedure of the European Economic and Social Committee (OJ L 310 of 7 October 2004);
 3. amendments of 5 July 2006 to the Rules of Procedure of the European Economic and Social Committee (OJ L 93 of 3 April 2007);
 4. amendments of 12 March 2008 to the Rules of Procedure of the European Economic and Social Committee (OJ L 159 of 20 June 2009);
 5. amendments of 14 July 2010 to the Rules of Procedure of the European Economic and Social Committee;
 6. amendments of 20 February 2019 to the Rules of Procedure of the European Economic and Social Committee;
 - the Code of Conduct of the members of the European Economic and Social Committee, appended to the Rules of Procedure of the European Economic and Social Committee, in accordance with the decision of the Committee assembly of 20 February 2019.
- B. This edition has been produced by the general secretariat of the European Economic and Social Committee and incorporates the various amendments approved by the Committee assembly.
- C. The Implementing Provisions of the Rules of Procedure, which have been adopted by the Committee bureau in accordance with Article 86(3), are presented separately.

PREAMBLE

1. The European Economic and Social Committee represents the various economic and social components of organised civil society. It is an institutional consultative body established by the 1957 Treaty of Rome.
2. The Committee's consultative role enables its members, and hence the organisations they represent, to participate in the European Union decision-making process. With views occasionally being diametrically opposed, the Committee's discussions often require real negotiations involving not only the usual social partners, i.e. employers (group I) and wage-earners (group II) but also all the other socio-occupational interests represented (group III). This expertise, these discussions and negotiations and the search for convergence may improve the quality and credibility of the European Union decision-making process, inasmuch as they make it more comprehensible and acceptable for Europe's citizens and increase the transparency which is so vital for democracy.
3. Within the European institutional set-up, the EESC fulfils a specific role: it is the prime forum in which the organisations of civil society in the European Union can have their views represented and discussed, and it is especially well placed to act as an intermediary between organised civil society and the European Union institutions.
4. As a chamber for debating and for drawing up opinions, the EESC helps to strengthen the democratic credentials of the process of building the European Union, including the promotion of relations between the EU and socio-economic groupings in third countries. In so doing it helps to promote genuine identification with Europe.
5. To carry out its missions successfully, on 17 July 2002, the EESC adopted its Rules of Procedure, in accordance with the second paragraph of Article 260 of the Treaty establishing the European Community ⁽¹⁾.
6. On 20 February 2019, the EESC's plenary assembly adopted the latest version of these Rules of Procedure.

⁽¹⁾ These Rules were subsequently amended on 27 February 2003, 31 March 2004, 5 July 2006 and 14 July 2010.

TITLE I

ORGANISATION OF THE COMMITTEE

CHAPTER I

INSTALLATION OF THE COMMITTEE IN OFFICE*Rule 1*

1. The Committee shall hold office for terms of five years.
2. The first meeting of the Committee following each five-yearly renewal shall be convened by the oldest member, if possible not later than one month after the members of the Committee have been notified of their appointment by the Council.
3. The members of the Committee shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Union. In the performance of their duties and on journeys to and from the place of meetings, members shall enjoy the privileges and immunities established in the Protocol on the privileges and immunities of the European Union. Specifically, they shall enjoy freedom of movement, personal inviolability and immunity. Members shall respect the Committee's dignity and shall not damage its reputation.
4. In the performance of their duties, the members of the Committee shall respect dignity at the workplace. They shall refrain from any form of harassment and condemn this practice. The members of the Committee shall undertake to respect, and sign, the Code of Conduct which is appended to these Rules of Procedure.

The members of the Committee shall not be elected as office holders of one of the Committee's bodies, be appointed as rapporteur or participate in an official mission if they have not signed the declaration relating to the Code of Conduct.

5. The Committee shall ensure compliance with the principle of gender equality and non-discrimination, as defined by European Union law, in all its policies. The Committee shall ensure that the proportion of women in all bodies of the Committee is greater than that in the assembly. The bureau shall assess developments regarding the gender balance and, if necessary, adopt specific recommendations. At the end of each half term of office, a report shall be presented to the bureau to evaluate such developments.

Rule 2

1. The Committee shall consist of the following bodies: the assembly, the bureau, the president and the sections.
2. The Committee shall be divided into three groups, the composition and role of which are set out in Rule 30.
3. The members of the Committee shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Union. During the performance of their duties and on journeys to and from the place of meetings, members shall enjoy the privileges and immunities established in the Protocol on the privileges and immunities of the European Union. Specifically, they shall enjoy freedom of movement, personal inviolability and immunity.

Rule 3

1. The Committee recognises and adopts the following European Union symbols:
 - a) the flag representing a circle of twelve gold stars on a blue background;
 - b) the anthem taken from the 'Ode to Joy' from Beethoven's Ninth Symphony;
 - c) the motto 'United in diversity'.
2. The Committee shall celebrate Europe Day on 9 May.
3. The flag shall be displayed in the buildings of the Committee and to mark official occasions.
4. The anthem shall be played at the opening of every inaugural session at the beginning of a term of office and at other formal sessions, e.g. when welcoming heads of state or government, or new members following an enlargement.

CHAPTER II

BUREAU*Rule 4*

1. The election of the bureau members shall comply with the principle of observing an overall and geographical balance between the groups, with at least one, and a maximum of three, representatives from each Member State. The groups shall negotiate and draft a proposal for bureau membership which shall be submitted to the assembly.

The bureau of the Committee shall comprise:

- a) the president, the two vice-presidents;
 - b) the three group presidents, elected as provided for in Rule 30;
 - c) the section presidents;
 - d) a variable number of members, totalling no more than the number of Member States.
2. The president shall be elected in turn from among the members of the three groups.
 3. The president and vice-presidents may not be re-elected. For the two and a half years immediately following the expiry of his term of office the president may not be a member of the bureau as a vice-president or as the president of a group or section.
 4. The vice presidents shall be elected from among the members of the two groups to which the president does not belong.

Rule 5

1. At its first meeting, held in pursuance of Rule 1, the Committee, with the interim president in the chair, shall elect from among its members a president, two vice-presidents, the presidents of the sections and the other members of the bureau other than the group presidents for a term of two and a half years, commencing on the date of the installation of the Committee in office.
2. Only matters pertaining to these elections may be discussed under the chairmanship of the oldest member.

Rule 6

The meeting at which the bureau of the Committee is elected for the last two and a half years of a five-year period shall be convened by the outgoing Committee president. It shall be held at the beginning of the session of the month in which the term of office of the first bureau expires. The chair shall be taken by the outgoing president.

Rule 7

1. The Committee may set up an election panel, drawn from its members and consisting of one representative per Member State, to receive candidatures and to submit a list of candidates to the assembly, taking due account of the provisions of Rule 4.
2. The Committee, acting in accordance with the provisions of this Rule, shall decide on the list or lists of candidates for the presidency and the bureau.
3. The Committee shall elect the members of the bureau other than the presidents of the groups, holding more than one ballot if necessary, according to the procedure for voting by list.
4. Only complete lists of candidates conforming to the provisions of Rule 4 and accompanied by a declaration of acceptance from each candidate may be admitted to the vote.
5. Those candidates on the list which obtains the highest number and at least one-quarter of the valid votes cast shall be declared elected as members of the bureau.
6. The assembly shall then elect the president and the vice-presidents of the Committee by a simple majority.
7. The Committee shall then elect the presidents of the sections by a simple majority.
8. Lastly, the Committee shall vote on the bureau as a whole. At least two-thirds of the total number of valid votes must be cast in favour.

Rule 8

If a bureau member is unable to discharge the duties attaching to his post or in the cases provided for in Rule 75(2), such a member shall be replaced for the remainder of his term of office in accordance with Rule 7. Replacement shall be subject to a vote by the assembly on the basis of a proposal from the group concerned.

Rule 9

1. Meetings of the bureau shall be convened by the president, acting either *ex officio* or at the request of ten members.
2. Minutes of each bureau meeting shall be drawn up. These minutes shall be submitted to the bureau for approval.

3. The bureau shall lay down its own procedural rules.
4. It shall lay down the organisation and working procedures of the Committee. It shall adopt provisions for implementing the Rules of Procedure after consulting the groups.
5. The bureau and the president shall exercise the budgetary and financial powers provided for in the Financial Regulation applicable to the general budget of the Union and the Committee's Rules of Procedure.
6. The bureau shall determine the implementing arrangements regarding the travel and subsistence expenses of members, their alternates, appointed in accordance with Rule 21, delegates and their alternates appointed in accordance with Rule 27, and of the experts appointed in accordance with Rule 26, in compliance with the budget and financial procedures.
7. The bureau shall have political responsibility for the general management of the Committee. In particular, it shall ensure that the activities of the Committee, its bodies and its staff are in keeping with its institutional aims.
8. The bureau shall be responsible for ensuring that in carrying out the tasks entrusted to it by the Treaty, the Committee makes good use of the human, budgetary and technical resources available to it. The bureau shall, for instance, take part in the budgetary procedure and in the organisation of the secretariat.
9. The bureau may set up ad hoc groups, drawn from among its members, to examine any questions falling within its competence. Other members may also be involved in the work of these groups, except when issues concerning the appointment of permanent staff are discussed.
10. Every six months the bureau shall examine, on the basis of a report drawn up for this purpose, the action taken on opinions delivered by the Committee.
11. At the request of a member or of the secretary-general, the bureau shall clarify the interpretation of the Rules of Procedure and its Implementing Provisions. Its findings shall be binding subject to the right of appeal to the assembly to make a final decision.
12. At the time of the Committee's five-yearly renewal, the outgoing bureau shall discharge current business until the first meeting of the new Committee. In exceptional cases, it may make an outgoing member responsible for the implementation of specific tasks, or tasks subject to time limits, that require a particular level of expertise.

Rule 10

Within the framework of interinstitutional cooperation, the bureau may instruct the president to conclude cooperation agreements with the institutions and other bodies of the European Union.

Rule 11

1. A commission for financial and budgetary affairs (CAF) shall be set up to advise the president and bureau and to prepare all draft decisions of a financial and budgetary or organisational nature to be adopted by the bureau.
2. The commission for financial and budgetary affairs shall be chaired by one of the two Committee vice-presidents.

It shall have twelve members, appointed by the bureau on a proposal from the groups.

3. The commission for financial and budgetary affairs shall draw up a draft Committee budget, that it shall submit to the bureau for approval, and shall ensure that the budget is properly implemented and accounted for.

The commission for financial and budgetary affairs shall advise on:

- any matter of importance which may compromise the sound management of appropriations or prevent attainment of the objectives set, in particular regarding forecasts on the utilisation of appropriations;
 - the implementation of the current budget, transfer of appropriations, impacts relating to the establishment plan, administrative appropriations and operations concerning buildings-related projects; it shall in particular provide an assessment of the state of play and suggest future steps;
 - the supervision of the discharge process, working closely with the secretary-general and the European Parliament rapporteur.
4. The Committee's budget shall comply with the principles of unity, budget accuracy, annuality, equilibrium, unit of account, universality, specification, sound financial management and transparency.

5. For specified additional matters, the bureau may delegate other powers to the commission for financial and budgetary affairs.
6. The commission for financial and budgetary affairs shall adopt its decisions according to its own procedural rules which should include the following provisions:
 - a) proposals which it adopts unanimously shall be submitted to the bureau for approval without debate;
 - b) proposals which it adopts by simple majority or refusals of such proposals shall be justified in order that they may be examined subsequently by the bureau.
7. The commission for financial and budgetary affairs shall submit an annual report to the bureau.
8. The president of the commission for financial and budgetary affairs shall chair the delegation responsible for negotiations with the European Union budgetary authority and shall report thereon to the bureau.
9. The secretariat shall provide the commission for financial and budgetary affairs with all the information necessary for it to carry out its task of advising the bureau and the Committee president.

Rule 12

1. A communication commission (COCOM) shall be set up, responsible for guiding and monitoring the Committee's communication strategy. Its duties shall include advising the bureau and the Committee president.
2. The communication commission shall be chaired by one of the two Committee vice-presidents. It shall have twelve members, appointed by the bureau on a proposal from the groups.
3. The communication commission shall coordinate the activities of the structures responsible for communication, for relations with the press and media and for culture, and ensure that such activities are consistent with the approved strategy and programmes.
4. Each year the communication commission shall submit an annual activity report to the bureau including the implementation of its duties, together with a work programme for the year ahead.

CHAPTER III

PRESIDENCY AND THE PRESIDENT

Rule 13

1. The presidency shall comprise the president and the two vice-presidents.
2. The Committee presidency shall meet with the group presidents to prepare the work of the bureau and the assembly. The section presidents may be invited to take part in these meetings.
3. In order to define the Committee's programme of work and assess its progress, the Committee presidency shall meet at least twice a year with the presidents of the groups and sections.

Rule 14

1. The president shall direct all the work of the Committee and its internal bodies, in accordance with the Treaty and with these Rules of Procedure. He shall have all the powers necessary to direct the deliberations of the Committee and ensure that they proceed smoothly.
2. The president shall involve the vice-presidents in his activities on a permanent basis; he may delegate to them specific tasks or responsibilities falling within his remit.
3. The president may entrust specific tasks to the secretary-general for a limited period.
4. The president shall represent the Committee. He may delegate this authority of representation to a vice-president or, if appropriate, to a member.
5. The president shall report to the Committee on action and measures taken on its behalf between plenary sessions. These reports shall not be followed by a debate.
6. After his election, the president shall present his work programme for his term of office to the plenary session. He shall also present a review of achievements at the end of his term.

These two presentations may be debated by the assembly.

Rule 15

The two vice-presidents shall be respectively president of the commission for administrative and financial affairs and president of the communication commission and shall perform these tasks under the authority of the Committee president.

Rule 16

1. The enlarged presidency shall comprise the president and the two vice-presidents of the Committee and the group presidents.

2. The role of the enlarged presidency shall be to:

- a) prepare and facilitate the work of the bureau and the assembly;
- b) facilitate the necessary decisions in the event of pressing time constraints or extraordinary circumstances.

To this end the section and consultative commission presidents, as well as other persons, may be invited to take part in its meetings.

3. The enlarged presidency shall meet at least twice a year with the presidents of the sections and consultative commissions to prepare the Committee's programme of work and assess its implementation.

*CHAPTER IV**SECTIONS**Rule 17*

1. The Committee shall comprise six sections. Other sections may be set up by the plenary assembly on a proposal from the bureau, in the fields covered by the Treaties.

2. The Committee shall set up its sections at the inaugural session following each five-yearly renewal.

3. The list of sections and their terms of reference may be re-examined at the time of each five-yearly renewal.

Rule 18

1. The number of members of the sections shall be decided by the Committee on a proposal from its bureau.

2. Apart from the president, every member of the Committee must be a member of at least one section.

3. No member may belong to more than two sections, except if he comes from a Member State where the number of members is nine or less. However, no member may belong to more than three sections.

4. The members of the sections shall be appointed by the Committee. Appointments shall be for two and a half years and shall be renewable.

5. The procedure laid down for the appointment of section members shall also be followed for the replacement of such members.

Rule 19

1. The bureau of a section, elected for a term of two and a half years, shall comprise twelve members including a president and three vice-presidents, one from each group.

2. Elections of section presidents and of other members of section bureaux shall be conducted by the Committee.

3. Section presidents and other members of section bureaux may be re-elected.

4. The presidency of three sections shall be rotated between the groups every two and a half years. The same group may not hold the presidency of any section for a period exceeding five consecutive years.

Rule 20

1. It shall be the task of the sections to adopt opinions or information reports on questions referred to them in accordance with Rule 37 of these Rules of Procedure.

2. The sections may set up from among their members a study group or drafting group or appoint a rapporteur working alone to deal with the questions referred to them.

3. The appointment of rapporteurs and, where appropriate, co-rapporteurs, and the composition of study and drafting groups shall be decided on the basis of proposals from the groups.
4. In order that study groups may be set up quickly and in the event of agreement between the three group presidents on the proposed appointment of rapporteurs and, where appropriate, co-rapporteurs, and on the composition of study or drafting groups, the section presidents shall take the steps required to ensure that work can begin.
5. The rapporteur, with the help of his expert, where appropriate, shall be responsible for monitoring action taken on an opinion after its adoption at the plenary session. He shall be assisted in this task by the secretariat of the section concerned. The section shall be informed of the findings of such monitoring.
6. Study groups may not become permanent bodies, save in exceptional cases for which the Committee bureau's prior authorisation is required for the same two-and-a-half-year period.

Rule 21

1. Any member of the Committee unable to attend a preparatory meeting may arrange to be represented by his alternate.
2. Alternates shall have no voting rights.
3. However, should a member be president of a section or study group, member of the section bureau or rapporteur, he may not be represented by his alternate in the performance of these duties.
4. The name and capacity of the alternate selected shall be communicated to the bureau of the Committee for its approval.
5. During the preparatory work the alternate shall carry out the same duties as the member whom he replaces and shall be subject to the same rules as regards travel and subsistence expenses.

CHAPTER V

SUBCOMMITTEES AND RAPPORTEUR-GENERAL

Rule 22

1. On the initiative of the bureau, the Committee may, in exceptional cases, set up subcommittees drawn from its members to produce, for submission initially to the bureau and then to the assembly, draft opinions or information reports on strictly horizontal general matters.
2. In the periods between plenary sessions the bureau may set up subcommittees, subject to subsequent confirmation by the Committee. In no case may a subcommittee be set up for more than one matter. A subcommittee shall be automatically dissolved as soon as the draft opinion or information report which it has prepared is voted on by the Committee.
3. Subcommittees set up for questions coming within the purview of two or more sections shall be made up of members of those sections.
4. The rules governing sections shall be applicable, *mutatis mutandis*, to subcommittees.

Rule 23

In the event of referrals covering topics of secondary interest or of an urgent nature, the Committee may appoint a rapporteur-general, who shall address the plenary assembly alone and without first addressing the section.

CHAPTER VI

OBSERVATORIES - HEARINGS - EXPERTS

Rule 24

1. The Committee may set up observatories when the nature, extent and complexity of the subject to be dealt with calls for particular flexibility in the working methods, procedures and instruments to be used.
2. An observatory shall be set up by a decision of the plenary assembly, ratifying a decision taken earlier by the bureau on a proposal from a group or from a section.

3. The decision to set up an observatory shall define the object, structure, composition and duration in each case.
4. The observatories may draw up an annual information document on the application of the horizontal clauses in the Treaty (the social clause, environmental clause and consumer protection clause) and their impact on the policies of the European Union. This report may be forwarded to the European Parliament, the Council and the Commission, if the assembly so decides.
5. Each observatory shall work under the oversight and supervision of a section.

Rule 25

If an issue under discussion is of sufficient importance, the various bodies and working units of the Committee may invite guest speakers from outside the Committee to a hearing. If the presence of guest speakers involves additional costs, the body or unit concerned must seek prior authorisation from the Committee bureau and submit a programme giving reasons why it considers that certain aspects call for outside assistance.

Rule 26

1. Where necessary for preparing certain tasks, the group presidents may appoint experts on a proposal from the rapporteurs and/or co-rapporteurs.
2. The group presidents may also appoint group experts.
3. Experts taking part in preparatory work shall be subject to the same conditions as those laid down for members as regards travel and subsistence expenses.
4. When their presence is useful, experts of rapporteurs and co-rapporteurs may, on a proposal from the rapporteur or co-rapporteur, attend section or consultative commission meetings during which the opinions or information reports for the preparation of which they were appointed will be examined.

The president of the section or consultative commission concerned must give his prior approval.

5. Experts do not represent the Committee and shall not be authorised to speak on its behalf.
6. Committee members may not be appointed experts.

Their alternates may be appointed, subject to temporary suspension of their tenure of office as alternate.

Consultative commission delegates may only serve as experts for the group which has appointed them or for a rapporteur belonging to that group.

CHAPTER VII

CONSULTATIVE COMMISSIONS

Rule 27

1. The Committee shall have the option of setting up consultative commissions. These shall be made up of members of the Committee and of delegates from areas of civil society that the Committee wishes to involve in its work.
2. Such commissions shall be set up by a decision of the plenary assembly which shall confirm a decision taken by the bureau. The decision setting up such commissions shall define their object, their structure, their composition, their duration and their rules.
3. In accordance with paragraphs 1 and 2 of this Rule, a consultative commission on industrial change (CCMI) may be set up, made up of members of the Committee and delegates from organisations representing the various economic and social sectors as well as civil society organisations concerned by industrial change. The president of the commission shall be a member of the Committee bureau, to which he shall report every two and a half years on the activity of the CCMI. He shall be chosen from among the members of the bureau referred to in Rule 4(1)(d) of these Rules of Procedure. Delegates and alternates participating in preparatory work shall be subject to the same rules as members as regards travel and subsistence expenses.

CHAPTER VIII

DIALOGUE WITH ECONOMIC AND SOCIAL ORGANISATIONS IN EU AND NON-EU STATES*Rule 28*

1. The Committee, on the initiative of the bureau, may maintain structured relations with economic and social councils and similar institutions and with civil society organisations of an economic and social nature in the European Union and non EU countries.
2. In the same way, it shall undertake actions designed to foster the establishment of economic and social councils or similar institutions in countries which do not yet have them.

Rule 29

1. The Committee, on a proposal from the bureau, may appoint delegations to maintain relations with the various economic and social components of organised civil society in states or associations of states outside the European Union.
2. Cooperation between the Committee and partners from organised civil society in the candidate countries shall take the form of joint consultative committees if these have been formed by the Association Councils. Otherwise it shall take place in contact groups.
3. The joint consultative committees and contact groups shall draw up joint information reports and declarations, which may be forwarded by the Committee to the relevant institutions and to the actors concerned.

CHAPTER IX

GROUPS*Rule 30*

1. The Committee shall be made up of three groups of members representing respectively employers, employees and the various other economic and social components of organised civil society.
2. The groups shall elect their presidents and vice-presidents. They shall participate in the preparation, organisation and coordination of the business of the Committee and its constituent bodies, and help supply them with information. Each group shall be provided with a secretariat.
3. The groups shall propose to the assembly candidates for election as president and vice-presidents, in accordance with Rule 7(6) and respecting the principle of equality between men and women as defined by the institutions of the European Union.
4. The group presidents shall be members of the Committee bureau in accordance with Rule 4(1)(b).
5. The group presidents shall assist the Committee presidency in the formulation of policy and, where appropriate, in the monitoring of expenditure.
6. The group presidents shall meet with the Committee presidency to assist in preparing the work of the bureau and the assembly.
7. The groups shall make proposals to the assembly for the election of section presidents under Rule 7(7) and of section bureaux under Rule 19.
8. The groups shall make proposals for membership of the commission for 11(1).
9. The groups shall make proposals for the membership of observatories and consultative commissions to be set up by the assembly under Rules 24 and 27 respectively.
10. The groups shall make proposals for the membership of delegations and joint consultative committees to be set up in accordance with Rule 29(1) and (2) respectively.
11. The groups shall make proposals for rapporteurs and for the composition of study and drafting groups to be appointed or set up by the sections under Rule 20(3).

12. In applying paragraphs (7) to (11) of this Rule, the groups shall take account of the representation within the Committee of the Member States, the various components of economic and social activity, terms of reference and the criteria of good management.

13. Members may, on a voluntary basis, join one of the groups subject to the approval of their eligibility by the members of that group. No member shall belong to more than one group at the same time.

14. The general secretariat shall provide members not belonging to a group with the material and technical support required for the performance of their duties. Their participation in study groups and other internal bodies shall be the subject of a decision by the president after consultation of the groups.

CHAPTER X

CATEGORIES

Rule 31

1. Members of the Committee may, on a voluntary basis, form categories representing the various economic and social interests of organised civil society in the European Union.

2. A category may be made up of members from the three groups within the Committee. No Committee member shall belong to more than one category at the same time.

3. The creation of a category shall be subject to approval being granted by the bureau, who shall inform the assembly.

4. The bureau's decision approving the creation of a category shall define its object, structure, composition, duration and procedural rules.

This decision may subsequently be amended or revoked by the bureau.

The minimum number of members required to form a category shall be ten.

TITLE II

PROCEDURE OF THE COMMITTEE

CHAPTER I

CONSULTATION OF THE COMMITTEE

Rule 32

1. The Committee shall be convened by its president to adopt opinions requested by the European Parliament, the Council or the Commission.

2. It shall be convened by its president, on a proposal from its bureau and with the agreement of the majority of its members, to deliver, on its own initiative, opinions on any question pertaining to the European Union, its policies and their possible developments.

Rule 33

1. Requests for opinions referred to in Rule 32(1) shall be addressed to the president. The president, in consultation with the bureau, shall organise the work of the Committee, taking account as far as possible of the time limits set in the request for an opinion.

2. The bureau shall determine the order of priority of opinions, allocating them among categories.

3. The sections shall draw up a proposal for allocating opinions among the three categories below. They shall give a provisional indication of the size of the study group. After discussions between the Committee presidency and the group presidents, the proposal shall be submitted to the bureau for a decision. In special cases, the presidents of the groups may propose that the size of the study group be modified. At its next meeting the bureau shall confirm this new proposal and lay down the final size of the study group.

The three categories shall be defined according to the following criteria:

Category A (referrals on topics identified as a priority). This category includes:

- all requests for exploratory opinions (European Parliament, future Council presidencies, Commission);
- all adopted proposals for own-initiative opinions;
- certain mandatory or optional referrals.

Such referrals shall be handled by study groups of various sizes (6, 9, 12, 15, 18, 21 or 24 members) and possessing appropriate resources.

Category B (mandatory or optional referrals covering topics of secondary interest or of an urgent nature).

Such referrals shall normally be handled by a rapporteur working alone or a rapporteur-general. In exceptional cases, following a decision by the bureau, a category B referral may be handled by a three-member drafting group (category B +). The number of meetings and working languages shall be decided by the bureau.

Category C (mandatory or optional referrals of a purely technical nature).

Such referrals shall be dealt with in a standard opinion, which the bureau shall submit to the assembly. This procedure shall not involve either the appointment of a rapporteur or examination by a section, but simply the adoption or rejection of the opinion at the plenary session. When such items come up at the plenary session, the assembly shall first of all be asked whether it is in favour of or against them being handled according to the above-mentioned procedure, and then to vote for or against the adoption of the standard opinion.

4. For urgent matters, the provisions of Rule 63 of these Rules shall apply.

Rule 34

The Committee may, on a proposal from the bureau, decide to prepare an information report with a view to examining any question pertaining to the policies of the European Union and their possible developments.

Rule 35

The Committee may, following a proposal from a section, a group or a third of its members, issue resolutions on a current topic, which shall be adopted by the assembly in accordance with Rule 61(2). Draft resolutions shall be given priority on the agenda for the plenary session.

Rule 36

1. The bureau may govern activities directly or indirectly linked to its consultative function by general decisions and authorise such activities by specific decisions. This applies in particular to:

- the establishment, composition and management by the Committee of forums, platforms or other thematic consultation structures, and the format for the participation of the Committee and its members in the consultation structures set up by the institutions of the Union or in which such institutions take part;
- the preparation or commission of studies and their publication;
- the organisation of working visits and events away from headquarters;
- the evaluation of policies, decided by the bureau or requested by Union institutions, in particular in the form of opinions or information reports as defined in these Rules of Procedure; 'evaluation of policies' shall be understood as ex post evaluations, concerning policies or laws which are already being implemented. They shall express the assessments and requests of the organisations represented on the Committee ⁽²⁾.

2. In providing its own ex-post assessments (information reports), the EESC shall transmit the views of organised civil society on the impact of Union policies. Ex-post evaluation shall be qualitative and targeted. This evaluation exercise shall take account of social, economic and environmental impacts.

3. Members' participation in external bodies shall be decided by the bureau, regularly monitored and evaluated. Members' representation in external bodies shall be balanced and on a rotational basis.

CHAPTER II

ORGANISATION OF WORK

A. WORK OF THE SECTIONS

Rule 37

1. When an opinion or information report is to be produced, the Committee bureau, in accordance with Rule 9(4), shall designate the section which is to be responsible for preparing the work in question. Where the matter for consideration is clearly within the purview of a given section, the president shall designate that section and inform the bureau of his decision.

⁽²⁾ The complete definition in keeping with the bureau decision of 19 January 2016 will be set out in the Implementing Provisions of these Rules of Procedure.

2. Where a section that has been designated to prepare an opinion wishes to hear the views of the Consultative Commission on Industrial Change (CCMI) or where the CCMI wishes to set out its views on an opinion allocated to a section, the Committee bureau may authorise the CCMI to draw up a supplementary opinion on one or more of the issues covered by the referral. The bureau may also take this decision on its own initiative. The bureau shall organise the Committee's work in such a way that the CCMI is able to prepare its opinion in good time to be taken into consideration by the section.

The section alone shall be responsible for reporting to the Committee. It shall however append to its opinion the supplementary opinion drawn up by the CCMI.

3. The president of the section concerned shall be notified by the Committee president of the decision and of the time limit for the completion of the section's work.

4. The Committee president shall inform the members of the Committee of the referral to the section and of the date on which the subject is to be dealt with by the plenary session.

Rule 38

The Committee president, in agreement with the bureau, may authorise a section to hold a joint meeting with a European Parliament committee, or a Committee of the Regions commission.

Rule 39

Sections to which a question has been referred in accordance with these Rules shall be convened by their president.

Rule 40

1. Meetings of the sections shall be prepared by the section presidents in consultation with the section bureau.
2. Meetings shall be chaired by the section president or, in his absence, by one of the vice-presidents.

Rule 41

1. A quorum shall exist at section meetings if over half of the full members are present or represented.
2. If there is not a quorum, the president shall close the meeting and convene a further meeting to be held at a time which he considers appropriate, but during the course of the same day; at that further meeting a quorum shall exist irrespective of the number of members present or represented.

Rule 42

The sections shall adopt opinions with reference to the draft opinion submitted by the rapporteur and, where appropriate, the co-rapporteur.

Rule 43

1. Section opinions shall contain only texts adopted by the section in accordance with the procedure laid down in Rule 61 of these Rules of Procedure.
2. The text of proposed amendments which have been rejected, together with the result of the voting thereon, shall be appended to the opinion if the amendments received at least one-quarter of the votes cast.

Rule 44

Section opinions, together with all the documents appended thereto in accordance with Rule 43, shall be sent by the president of the section to the president of the Committee and shall be laid before the Committee by its bureau as soon as possible. These documents shall be made available to the members of the Committee in good time.

Rule 45

Concise minutes of each section meeting shall be drawn up and submitted to the section for approval.

Rule 46

The president, in agreement with the bureau or where appropriate the assembly, may refer a question back to a section if he considers that the procedure laid down in these Rules of Procedure for drawing up opinions has not been adhered to or that further study is necessary.

Rule 47

1. Without prejudice to Rule 20(2), the preparatory work of the sections shall be carried out, in principle, within a study group.
2. The rapporteur, assisted by his expert and, where appropriate, by one or more co-rapporteurs, shall study the question referred, take account of the views expressed and, on this basis, draw up the draft opinion, which shall be sent to the president of the section.
3. There shall be no voting at study group meetings.

B. PROCEEDINGS OF THE PLENARY SESSIONS*Rule 48*

The assembly, comprising all the members of the Committee, shall meet in plenary session.

Rule 49

1. Sessions shall be prepared by the president in consultation with the bureau. The bureau shall meet before each session, and where appropriate during a session, to organise the proceedings.
2. The bureau may set a time limit for the general discussion of each opinion at the session.

Rule 50

1. The draft agenda drawn up by the bureau on a proposal from the Committee presidency in collaboration with the group presidents shall be sent by the Committee president to all members and to the European Parliament, the Council and the Commission at least fifteen days before the opening of the relevant session.
2. The draft agenda shall be submitted to the assembly for approval at the opening of each session. Once the agenda has been adopted, the items must be examined during the sitting for which they are scheduled. The documents necessary for the Committee's deliberations shall be made available to the members in accordance with Rule 44.

Rule 51

1. A quorum shall exist at session sittings if more than half of the members of the Committee are present or represented.
2. If there is not a quorum, the president shall close the sitting and convene a further sitting to be held at a time he considers appropriate but during the same session; at that further sitting there shall be a quorum whatever the number of members present or represented.

Rule 52

When the agenda is submitted for adoption, the inclusion of any topical item shall be announced, where appropriate, by the president.

Rule 53

The Committee may amend the draft agenda for the purpose of examining draft resolutions submitted in accordance with the procedure referred to in Rule 35.

Rule 54

1. The president shall open session sittings, preside over discussions and ensure that these Rules are observed. The president shall be assisted by the vice-presidents.
2. If the president is absent, the vice-presidents shall deputise. If the vice-presidents are absent, the oldest member of the bureau shall deputise.

3. The Committee shall base its deliberations on the work of the section competent to report to the assembly on the questions concerned.

4. Where a text has been adopted by a section with less than five votes against, the bureau may propose that it be included on the plenary session agenda among the items to be voted on without a discussion.

This procedure shall not apply if:

- at least twenty-five members signify their objection,
- an amendment is tabled for discussion during the plenary session, or
- the section concerned decides that the text should be discussed at the plenary session.

5. If a text fails to secure a majority of votes in the assembly, the president may, with the consent of the assembly, refer the text back to the competent section for re-examination or appoint a rapporteur-general, who shall submit a new draft text at the same or another session.

Rule 55

1. Proposals for amendments must be drawn up in writing, signed by the proposers and lodged with the secretariat before the opening of the relevant session.

2. In the interests of efficient organisation of the proceedings of the assembly, the bureau shall fix the arrangements for the lodging of proposals for amendments.

3. The Committee shall, however, allow proposals for amendments to be lodged up to the opening of the relevant session sitting, provided such proposals are signed by at least twenty-five members.

4. Proposals for amendments must specify the part of the text to which they refer and be supported by a brief explanatory statement. Amendments that are repetitive in their form and content shall be examined together.

5. As a general rule, for each amendment the assembly shall hear only the proposer, a member who is against the proposed amendment and the rapporteur.

6. When a proposal for an amendment is examined, the rapporteur may put forward compromise proposals orally with the agreement of the proposer of the amendment. In such cases the Committee shall only vote on these compromise proposals.

7. Where appropriate, the president of the Committee, in consultation with the president and the rapporteur of the competent section, may propose to the Committee that any amendments be dealt with in such a way as to ensure that the final text is consistent.

Rule 56

1. Any amendment or set of amendments which aim to set out a generally divergent view to an opinion presented by a section or consultative commission shall be described as a counter-opinion. A counter-opinion must be short and concise and constitute a self-sufficient document: it must contain conclusions and explanations.

2. The groups may ask the bureau to describe one or more amendments as a counter-opinion.

3. The bureau shall take its decision after hearing the views of the president of the section or consultative commission concerned.

4. The bureau may decide, having described one or more amendments as a counter-opinion, to refer the opinion, together with the counter-opinion, back to the section or consultative commission for further study, should the time limit set for adopting the opinion allow.

5. Where an amendment was not presented in sufficient time to allow the bureau to take a decision on whether to describe it as a counter-opinion, this decision, as well as any decision to refer the matter back to the body concerned, shall be taken by the assembly on a proposal from the enlarged presidency and following consultation with the president of the body concerned.

6. If, in the situation mentioned in paragraph 5 of this Rule, the matter is not referred back to the body concerned or the proposed text is not considered to be a counter-opinion, the plenary shall vote on the submitted amendments in the same way as for group amendments.

7. If the counter-opinion obtains a majority of the votes in the plenary, it shall be adopted.

In order to decide whether the original text should be appended to the adopted opinion, a new vote shall take place. The original text is appended to the new text if it obtains at least one quarter of the votes cast.

8. If the counter-opinion does not obtain a majority but obtains at least one quarter of the votes cast, it shall be appended to the original opinion.

Rule 57

1. The president, either on his own initiative or at the request of a member, may invite the Committee to decide on a limitation of speaking time or the number of speakers, the adjournment of a sitting or the closure of a discussion. Once a discussion has been declared closed, no member may speak except to explain his vote; such explanations of voting shall be made after the relevant vote has been taken and shall not exceed the speaking time allotted by the president.

2. A member may at any time request and be given precedence to speak during a discussion for the purpose of submitting a procedural motion.

Rule 58

1. Minutes of each plenary session shall be drawn up and submitted to the Committee for its approval.
2. The final version of such minutes shall be signed by the president and the secretary-general of the Committee.

Rule 59

1. Opinions of the Committee shall consist of, in addition to the legal basis of the opinion, an explanatory statement and the views of the Committee on the question as a whole.

2. The result of the voting on the opinion as a whole shall be set out in the procedural section of the opinion. Where a recorded vote is held, the names of the voters shall be given.

3. If proposed amendments are rejected by the plenary session but receive at least one quarter of the votes cast, their texts and explanatory statements shall be appended to the relevant Committee opinions, together with the results of the voting. This requirement shall also apply to counter-opinions.

4. Section opinion texts that are rejected in favour of amendments adopted by the assembly shall also be appended to Committee opinions together with the results of the voting, provided that at least one quarter of the votes cast were in favour of retention of the section opinion texts.

5. When one of the groups formed within the Committee under Rule 30 or one of the categories of economic and social activity formed under Rule 31 adopts a divergent but uniform standpoint on a matter submitted to the assembly for examination, its position may be summarised in a brief statement to be appended to the opinion, where the debate on that matter has been concluded by a recorded vote.

Rule 60

1. Opinions adopted by the Committee and minutes of Committee plenary sessions shall be sent to the European Parliament, the Council and the Commission.

2. Opinions adopted by the Committee may be forwarded to any other institution or concerned entity.

TITLE III

GENERAL PROVISIONS

CHAPTER I

METHODS OF VOTING

Rule 61

1. The valid forms of votes shall be: votes for, votes against and abstentions.
2. Except where otherwise provided in these Rules, adoption of the texts and decisions of the Committee and its constituent bodies shall be by a majority of the votes cast for and against.

3. Voting shall be by open ballot, by recorded vote, or by secret ballot.
4. Voting on a resolution, a proposed amendment, a counter-opinion, an opinion or any other text shall be by recorded vote if one quarter of the members present or represented so request.
5. Election to the various representative posts shall always be by secret ballot. Other votes may be taken by secret ballot if a majority of the members present or represented so request.
6. If the vote is a tie (an equal number of votes for and against), the chairman of the meeting shall have a casting vote.
7. The acceptance by the rapporteur of an amendment shall not constitute a reason for not voting on that amendment.

CHAPTER II

URGENCY PROCEDURE

Rule 62

1. Where the urgency results from a deadline for the submission of its opinion imposed on the Committee by the European Parliament, by the Council or by the Commission, the urgency procedure may be applied if the president finds that this is necessary to enable the Committee to adopt its opinion in good time.
2. In cases of urgency at Committee level the president may, immediately and without consulting the bureau beforehand, take all requisite steps to enable the Committee to carry out its work. He shall inform the members of the bureau of the steps which he takes.
3. Arrangements made by the president under the urgency procedure shall be submitted to the following session of the Committee for confirmation.

Rule 63

1. Where the urgency results from the deadlines imposed on a section for issuing an opinion, the president of that section may, with the agreement of the three group presidents, organise the work of the section otherwise than as provided in these Rules of Procedure.
2. Arrangements made by the president of a section under the urgency procedure shall be submitted to the following meeting of that section for confirmation.

CHAPTER III

ABSENCE AND REPRESENTATION

Rule 64

1. Any member of the Committee who is unable to attend a meeting to which he has been duly invited must give the president concerned advance notice of his absence.
2. Where a member of the Committee fails to attend more than three consecutive plenary sessions of the Committee without appointing a member to represent him and without providing a reason recognised as valid, the president may, after consulting the bureau and inviting the member concerned to explain his absence, call upon the Council to remove that member from office.
3. Where a member of a section fails to attend more than three consecutive meetings of the section without appointing a member to represent him and without providing a reason recognised as valid, the president of that section may, after inviting the member concerned to explain his absence, call upon him to yield his seat on the section to another member and shall inform the Committee bureau of this fact.

Rule 65

1. Any member of the Committee who is unable to attend a Committee session or a section meeting may, after notifying the president concerned, delegate his voting right, in writing, to another member of the Committee or section.
2. No member may hold more than one delegated voting right at a plenary session or section meeting.

Rule 66

1. Any member who is unable to attend a meeting to which he has been duly invited may, after giving written notice to the president concerned directly or through his group secretariat, arrange for another member of the Committee to represent him at the relevant meeting. This possibility does not apply for meetings of the Committee bureau or of the commission for financial and budgetary affairs.
2. Such proxies shall be valid solely for the meeting in respect of which they are issued.
3. At the time of the constitution of a study group, any member designated as a member of that study group may ask to be replaced by another member of the Committee. Such replacement shall apply for a specific question and for the duration of the work of the section on that question. However, should the work of the study group continue beyond the end of a two-and-a-half or five-year term, the replacement shall only remain valid until the end of the term during which it was decided.

CHAPTER IV

PUBLICATION AND DISTRIBUTION OF COMMITTEE TEXTS - ADMISSION OF THE PUBLIC*Rule 67*

1. The Committee shall publish its opinions in the *Official Journal of the European Union* in accordance with the procedure laid down by the Council and the Commission after consultation of the Committee bureau.
2. The names of the members of the Committee, its bureau and its sections, and all changes in the membership thereof, shall be published in the *Official Journal of the European Union* and on the Committee's website.

Rule 68

1. The Committee shall ensure the transparency of its decisions, in accordance with the second paragraph of Article 1 of the Treaty on European Union.
2. The secretary-general shall be responsible for taking the measures necessary to guarantee the public's right of access to the corresponding documents.
3. Any citizen of the European Union may write to the Committee in one of the official languages and receive a reply written in the same language, in accordance with the fourth paragraph of Article 24 of the Treaty on the Functioning of the European Union.

Rule 69

1. Plenary sessions of the Committee and meetings of the sections shall be public.
2. Certain debates that do not concern consultative work may be declared confidential by the Committee, acting on a request from a concerned institution or body or on a proposal from the bureau.
3. Other meetings shall not be public. However, in duly justified cases at the discretion of the chairman of the meeting other persons may attend as observers.

Rule 70

1. Members of the European institutions may attend and address meetings of the Committee and its constituent bodies.
2. Members of other bodies and duly authorised officials of the institutions and these other bodies may be invited to attend, address or answer questions at meetings, under the direction of the president of the meeting.

CHAPTER V

TITLES, PRIVILEGES, IMMUNITIES AND MEMBERS' STATUTE - QUAESTORS*Rule 71*

1. Members of the Committee shall have the title 'member of the European Economic and Social Committee'.
2. The provisions of Article 10, Chapter IV of Protocol No 7 on the privileges and immunities of the European Union, annexed to the Treaties, shall apply to the members of the European Economic and Social Committee.

Rule 72

1. The Members' Statute shall contain the rights and duties of Committee members, as well as the rules governing their activity and their relations with the institution and its services. This shall include sanctions in the event of inappropriate behaviour.

The Members' Statute shall also determine the measures that may be taken in the event of violations of the Rules of Procedure or of the Statute.

2. The Code of Conduct, which defines and clarifies the obligations applicable to members and alternates of the Committee, is appended to these Rules.

3. At the beginning of their mandate, members shall undertake to comply with the Code of Conduct adopted by the assembly and shall sign it. The conduct of members shall be characterised by mutual respect, and shall be based on the values and principles laid down in the Treaties. They shall conduct themselves with dignity, respecting the reputation of the Committee. In debates, members shall not resort to defamatory, racist, sexist or xenophobic language or behaviour.

Failure to comply with these standards and rules may lead to the application of the measures set out in the Code of Conduct.

The application of this Rule shall not restrict members' freedom of speech.

It shall be based on full respect for members' prerogatives, as laid down in Union primary law and the Members' Statute.

It shall be based on the principle of transparency and ensure that the relevant provisions are made clear to members, who shall be informed individually of their rights and obligations.

Where a person employed by a member, or another person for whom the member has arranged access to the Committee's premises or equipment, fails to comply with the standards of conduct set out above, the sanctions provided for in the Code of Conduct may, where appropriate, be applied to the member concerned.

Sanctions in the event of non-compliance with the standards of conduct are set out in the Code of Conduct adopted by the assembly.

The Committee shall align itself with the rules of the European Parliament insofar as they are compatible with the Committee Members' Statute and shall set up the appropriate bodies to this end.

An advisory committee on the conduct of members shall be established (in accordance with the Committee members' Code of Conduct).

4. Upon appointment, members shall draw up a declaration of any interest, financial or other, that might have an impact on their work at the Committee.

They shall explicitly confirm the validity of its content at least once a year and revise it as soon as any change in their situation occurs.

The Members' Statute and the Code of Conduct of members and alternates shall also determine the measures that may be taken in the event of violations of these Rules of Procedure, the Code of Conduct or of the Statute.

Rule 73

1. On a proposal from the bureau, the assembly shall elect, for each two-and-a-half year period, six members, three women and three men, who have no other permanent responsibilities within the Committee structure, to form the advisory committee.

2. In the event of an alleged breach of the Committee's Code of Conduct by a member, the advisory committee shall give any member who so requests, in confidence and within 30 calendar days, guidance on the interpretation and implementation of the provisions of the Code of Conduct. The member in question shall be entitled to rely on such guidance.

3. At the request of the Committee president, the advisory committee on the conduct of members shall also assess alleged breaches of the Code of Conduct, and advise the president on possible steps to be taken.

Rule 74

On a proposal from the bureau, the assembly shall elect, for each two-and-a-half-year period, three members, who have no other permanent responsibilities within the Committee structure, to form the quaestors' group with the following functions:

- a) to monitor and ensure the proper implementation of the Members' Statute;
- b) to draw up appropriate proposals for perfecting and improving the Members' Statute;
- c) to endeavour, by taking appropriate steps, to resolve any cases of doubt or dispute arising from application of the Members' Statute;
- d) to be responsible for relations between the members of the Committee and the general secretariat as regards application of the Members' Statute.

*CHAPTER VI***TERMINATION OF MEMBERS' TENURE OF OFFICE, INCOMPATIBILITIES***Rule 75*

1. Membership of the Committee shall expire at the end of the five-year term laid down by the Council at the time of the Committee's renewal.
2. Individual membership shall cease on resignation, on removal from office, through death, in the case of force majeure or in the event of an incompatibility of functions arising.
3. The functions of a member of the Committee shall be incompatible with those of a member of a government, a parliament, an institution of the European Union, the Committee of the Regions or the board of directors of the European Investment Bank, and with the post of official or other servant of the European Union in active employment.
4. Resignations shall be in writing and shall be addressed to the president.
5. The circumstances in which members may be removed from office are laid down in Rule 64(2) of these Rules of Procedure. In such cases the Council shall initiate the replacement procedure, if it decides to terminate membership.
6. In the case of resignation, death, force majeure or incompatibility of functions, the president shall notify the Council, which shall verify the vacancy and initiate the replacement procedure. In the case of resignation, however, the resigning member shall remain in office until the date on which the appointment of his replacement takes effect, unless the resigning member indicates otherwise.
7. In all the cases referred to in paragraph 2 of this Rule, the new member shall be appointed for the remainder of the current term of office.

Rule 76

1. On a proposal from the bureau adopted by at least three quarters of the members of the bureau, a motion of no confidence with regard to the president may be submitted to the assembly, for serious and duly verified reasons.

In such cases, this motion shall be the first item on the agenda of the next plenary session.

2. The assembly shall take a decision by secret ballot, with no provision for delegation of votes, having heard in succession a member of each group and then members of the presidency wishing to speak, and lastly the president.

The motion shall be deemed adopted if a majority of three quarters of the members present support it. Otherwise it shall be deemed rejected.

3. In the event of the adoption of a motion of no confidence, the assembly shall immediately arrange for the replacement of the president by a member of the same group.

For this purpose, the assembly shall be temporarily chaired by the Committee vice-president from the group due to take over the following Committee presidency.

4. If the assembly cannot make this replacement immediately, proceedings shall be suspended to enable the groups to formulate a proposal and it shall be reconvened, if possible the same day, by the member temporarily in the chair.
5. The member replacing the president, and belonging to the same group, shall remain in place until the end of the scheduled term of office.

CHAPTER VII

ADMINISTRATION OF THE COMMITTEE

Rule 77

1. The Committee shall be assisted by a secretariat headed by a secretary-general, who shall discharge his duties under the direction of the president, representing the bureau.
2. The secretary-general shall attend the meetings of the bureau in an advisory capacity and shall keep the minutes of those meetings.
3. He shall give a solemn undertaking, before the bureau, to discharge his duties conscientiously and with complete impartiality.
4. The secretary-general shall be responsible for giving effect to decisions taken by the assembly, the bureau and the president pursuant to these Rules of Procedure; he shall report in writing every three months to the president on the criteria and implementing provisions which have been adopted or are envisaged for handling administrative or organisational problems and staff matters.
5. The secretary-general may delegate his powers within the limits decided by the president.
6. The bureau, acting on a proposal from the secretary-general, shall draw up the establishment plan for the general secretariat in such a way that it can ensure the efficient functioning of the Committee and its constituent bodies and help the members in the performance of their duties, in particular in the organisation of meetings and the preparation of opinions.
7. The powers conferred on the secretary-general in accordance with the delegation of powers of the president shall be temporary: they shall end at the latest at the end of the term of office of the president.

Rule 78

The procedure for appointing a new secretary-general shall be as follows:

1. The bureau shall:
 - decide on the secretary-general's status (official or temporary member of staff), appoint a drafting panel made up of three members and then adopt the vacancy notice;
 - appoint a screening panel made up of six members of the Committee and set the time limit by which the panel must present its findings to the bureau.
2. The mandate of the screening panel shall consist of examining applications, conducting interviews, drawing up a reasoned report listing the candidates in order of preference, in the light of their skills and in accordance with the procedure and criteria set out in the vacancy notice, and proposing a candidate or a list of candidates for the post.
3. The screening panel shall be fully independent and its work shall be impartial, confidential and based on criteria defined by the bureau when the panel is set up.

The panel shall be assisted by the competent services of the Committee secretariat and may, if necessary, call on the services of outside experts.

4. After consulting the report of the screening panel, the bureau shall take the final decision by means of a vote, if necessary with several rounds.

A candidate receiving, in the first round, votes exceeding half the number of members of the bureau, including those who are absent, shall be appointed without the need for a second round.

If no applicant meets this condition in the first round, the bureau shall hold a second round of voting for the two candidates who obtained the largest number of votes; the candidate receiving the largest number of votes from the members present in the second round shall be appointed.

In the event of a tie making it impossible to identify only two candidates after the first round or to appoint the secretary-general after the second round, a new meeting of the bureau shall be convened at a next possible date to appoint the secretary-general.

Rule 79

1. All the powers which the Staff Regulations of Officials of the European Union confer on the appointing authority and which the Conditions of Employment of Other Servants (CEOS) of the European Union confer on the authority empowered to conclude contracts shall be exercised, with respect to the secretary-general, by the bureau.
2. The powers which the Staff Regulations of Officials of the European Union confer on the appointing authority shall be exercised as follows:
 - with respect to deputy secretaries-general and directors, by the bureau, on a proposal from the secretary-general, as regards the application of Articles 29, 30, 31, 40, 41, 49, 50, 51, 78 and 90(1) of the Staff Regulations; by the president, on a proposal from the secretary-general, as regards the application of the other provisions of the Staff Regulations, including Article 90(2);
 - with respect to:
 - deputy directors,
 - heads of unit,by the president, acting on a proposal from the secretary-general and following consultation with the enlarged presidency,
 - with respect to officials in the AD function group who do not have a management post at the level of head of unit or above and officials of the AST and AST/SC function groups, by the secretary-general.
3. The powers which the CEOS confer on the authority empowered to conclude contracts shall be exercised as follows:
 - with respect to temporary staff appointed to the post of deputy secretary-general or director, by the bureau, on a proposal by the secretary-general, as regards the application of Articles 11, 17, 33 and 48 of the CEOS; as regards the other provisions of the CEOS, by the president, on a proposal from the secretary-general;
 - with respect to temporary staff appointed to the post of deputy director or head of unit, by the president, on a proposal from the secretary-general;
 - with respect to temporary staff in the AD function group who do not have a management post at the level of head of unit or above and temporary staff of the AST and AST/SC function groups, by the secretary-general;
 - with respect to special advisers and contract staff, by the secretary-general.
4. The president shall exercise the powers conferred on the institution by Article 110 of the Staff Regulations with a view to implementing the general provisions for giving effect to the Staff Regulations and the rules adopted by agreement between the institutions. With regard to the other provisions of a general nature, these powers shall be exercised by the secretary-general.
5. The bureau, the president and the secretary-general may delegate the powers vested in them by this Rule.
6. Decisions to delegate adopted pursuant to the above paragraph shall specify the scope of the powers delegated, their limits and period of validity, as well as stating whether they may be subdelegated.
7. For the appointment of officials to the posts of deputy secretary-general, director deputy director, head of unit of consultative work:
 - the vacancy notice shall be published simultaneously in all the EU institutions;
 - before applications are examined, the secretary-general shall establish an assessment grid based on the vacancy notice;
 - when the various applications are examined, the secretary-general shall be assisted, in particular, by three members of the bureau;
 - at the end of the procedure, he shall present a proposal for appointment to the bureau, who shall decide on that basis.

Rule 80

1. The groups shall each have a secretariat which reports directly to the group president.
2. The powers of the appointing authority shall be exercised, with respect to officials seconded to the groups in accordance with the second indent of Article 37(a) of the Staff Regulations, on a proposal from the group president concerned, as regards the application of Article 38 of the Staff Regulations, including decisions relating to their career development within the group.

When an official seconded to a group rejoins the Committee secretariat, he shall be classified in the grade to which he would have been entitled as an official.

3. The powers of the authority empowered to conclude contracts of employment shall be exercised, with respect to temporary staff seconded to the groups in accordance with Article 2(c) of the CEOS, on a proposal from the group president concerned, as regards the application of the third paragraph of Article 8, Article 9 and Article 10(3) of the CEOS.

Rule 81

1. The president shall have a private secretariat.
2. The staff of the secretariat shall be engaged under the budget as temporary staff, the powers of the authority competent to conclude contracts of service being exercised by the president.

Rule 82

1. Before 1 June of each year the secretary-general shall submit to the bureau the draft estimates of the expenditure and revenue of the Committee for the next financial year. The commission for financial and budgetary affairs shall examine the draft before the bureau discussion and, where appropriate, make remarks or propose modifications. The bureau shall draw up the estimates of the expenditure and revenue of the Committee. It shall forward these in accordance with the procedure and within the time limits laid down in the Financial Regulation applicable to the general budget of the Union.
2. The president of the Committee, acting in accordance with the Financial Regulation applicable to the general budget of the Union, shall implement or cause to be implemented the statement of expenditure and revenue.

Rule 83

1. An audit committee shall be set up with the task of advising the president and bureau on audit matters. It shall perform its tasks in complete independence, in compliance with the Financial Regulation applicable to the general budget of the Union and, in particular, with the powers and duties of the internal auditor.

The audit committee shall in particular have the oversight of all reporting processes, systems of internal control and all monitoring processes with respect to compliance with laws, regulations, professional and ethical standards and codes of conduct.

2. The audit committee shall submit its reports to the president, who shall forward them to the bureau without delay.
3. The structure, membership, responsibilities and procedural rules of the audit committee shall be determined by a decision of the bureau.
4. The members of the audit committee shall be appointed by the bureau on a proposal from the groups.

Membership of the audit committee shall be incompatible with membership of the Committee bureau, of the commission for financial and budgetary affairs or of the quaestors' group.

5. The audit committee shall adopt its own procedural rules to ensure the fulfilment of its role and purpose and the implementation of its responsibilities, rights and obligations as described in this Rule.
6. Should a member of the audit committee have to be replaced, the procedure shall be that laid down in the first subparagraph of paragraph 4 of this Rule.

Rule 84

Correspondence to the Committee shall be addressed to the president or the secretary-general.

CHAPTER VIII

GENERAL PROVISIONS*Rule 85*

The terms used in these Rules of Procedure for the various offices are not gender-specific.

Rule 86

1. The Committee may decide by an absolute majority of its members that these Rules of Procedure should be revised.
2. If such a decision is taken, the Committee shall set up a panel, which shall be known as the Rules of Procedure Panel. The Committee shall appoint a rapporteur-general to produce a draft text of the new Rules of Procedure.
3. After the adoption of the amended Rules of Procedure by an absolute majority, the assembly shall renew the mandate of the Rules of Procedure Panel for a maximum period of sixty days so that, if necessary, it may draw up a draft amendment of the Implementing Provisions and submit it to the bureau, who will take a decision after receiving the views of the groups.
4. The date on which the new Rules of Procedure and the changes to the Implementing Provisions shall enter into force shall be decided at the time of their adoption by the Committee.

Rule 87

These Rules of Procedure shall enter into force on 15 March 2019.

PART THREE
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PART FOUR

CODE OF CONDUCT OF THE MEMBERS OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

PREAMBLE

The members of the European Economic and Social Committee, hereinafter referred to as 'the Committee',

Having regard to the Treaty on European Union, and in particular Articles 2 ⁽³⁾, 3 ⁽⁴⁾ and 13(4) ⁽⁵⁾ thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 300 to 304 ⁽⁶⁾ thereof,

Having regard to the provisions of Chapter IV, Article 10 of the Protocol (No 7) annexed to the Treaties, on the privileges and immunities of the European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular to Articles 8, 10, 19, 25, 43(2), 46, 50, 59(1), 91(1), 95(3), 100(2), 113, 114, 115, 148(2), 149, 151, 153, 156, 157(3), 159, 164, 165(4) (first indent), 166(4), 168(4) and (5), 169(3), 172, 173(3), 175, 177, 178, 182, 188, 192 and 194(2) ⁽⁷⁾ thereof, concerning the Committee's advisory capacity,

Having regard to the Committee's Rules of Procedure ⁽⁸⁾ and the Members' Statute ⁽⁹⁾,

Having regard to the Charter of Fundamental Rights of the European Union,

Whereas without prejudice to the applicable provisions of the Members' Statute and the Rules of Procedure, certain obligations arising under those provisions should be set out in a Code of Conduct,

Whereas during their membership in accordance with Article 300 of the Treaty on the Functioning of the European Union, members of the Committee shall be completely independent in the performance of their duties, in the general interest of the European Union and the European public. During the performance of their duties and on journeys to and from the place of meetings, members shall enjoy the privileges and immunities established in the Protocol on the privileges and immunities of the European Union ⁽¹⁰⁾. They shall in particular behave with respect and integrity during their tenure of office,

Whereas the Code of Conduct, which defines and clarifies the obligations applicable to members and alternates of the Committee, should be revised in order to take account of the experience gained in its application and to meet the high ethical standards that are expected of members of the Committee,

have decided by a vote of their plenary assembly, on a proposal from the quaestors of the Committee and after consulting the Committee bureau, to adopt this Code of Conduct.

It shall apply to their conduct towards each other and towards any other person working in the Committee.

At the beginning of their term of office, members shall sign up to this Code of Conduct, as adopted by the assembly at its meeting of 20 February 2019.

Article 1

General principles

1. This Code of Conduct shall apply to members of the Committee and their alternates.
2. The members of the European Economic and Social Committee represent various categories of economic and social actors. They are nominated by their governments and appointed by the Council ⁽¹¹⁾ for a five-year term.

⁽³⁾ OJ C 326, 26.10.2012, p. 13 – In particular, Article 2 of the Treaty on European Union states that '[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, solidarity and equality between women and men prevail'.

⁽⁴⁾ OJ C 326, 26.10.2012, p. 13 - Article 3 further specifies that '[t]he Union's aim is to promote peace, its values and the well-being of its peoples'.

⁽⁵⁾ OJ C 326, 26.10.2012, p. 13 - The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.

⁽⁶⁾ JO C 326, 26.10.2012, p. 47.

⁽⁷⁾ OJ C 326, 26.10.2012, p. 47.

⁽⁸⁾ Rules of Procedure, 2019.

⁽⁹⁾ Members' Statute, 2012, in particular Article 2 on incompatibilities, and Rules of Procedure, 2019, Rule 75.

⁽¹⁰⁾ Rule 2(3) of the Rules of Procedure, 2019, and Article 9 of the Members' Statute.

⁽¹¹⁾ Article 302(1) and (2) TFEU.

3. The members of the Committee 'are completely independent in the performance of their duties' ⁽¹²⁾ and, under the Treaty, they may not be bound by any mandatory instructions.
4. The members of the Committee shall be guided by and observe the following general principles of conduct: integrity, openness, diligence, honesty, accountability and respect for the Committee's reputation.
5. The members of the Committee shall act with full independence in the performance of their duties, in the general interest of the European Union and the European public.
6. In accordance with Articles 2 and 3 of the Treaty on European Union, and with the Charter of Fundamental Rights of the European Union, the members of the Committee shall ensure, in the performance of their duties, the promotion, effective protection and respect of fundamental rights and values such as human dignity, non-discrimination, tolerance, freedom, solidarity, the principle of the rule of law and equality between women and men ⁽¹³⁾.
7. In their participation in the Committee's activities, members must not put their individual interests ahead of the general interest of the Union ⁽¹⁴⁾.

Article 2

Scope of tasks

1. The members of the Committee serve the advisory role of the Committee ⁽¹⁵⁾.
2. Although they represent the Committee on a permanent basis, they are not continuously present at its headquarters.
3. Members shall carry out their duties in a spirit of fruitful cooperation.
4. In their work, members shall promote democracy and values based on human rights.
5. Members shall perform their tasks as Committee members to the full and shall contribute to advisory work.
6. Members shall undertake to ensure follow-up of the opinions of the Committee.

Article 3

Freedom, independence and respect

In performing their tasks, and with regard to Article 1(4) above, members shall commit themselves to building the best possible consensus among themselves, in a spirit of mutual respect for the freedom of each person and in the interests of all, regardless of the choices that they make in their private lives ⁽¹⁶⁾.

Article 4

Dignity

1. Without prejudice to their freedom of expression, in the exercise of their duties members shall commit themselves to performing their tasks with dignity in the workplace. They shall refrain from any form of harassment and condemn this practice ⁽¹⁷⁾.
2. They shall commit themselves to making appropriate use of their immunity and the facilities provided in the interests of the Committee and their advisory role.
3. They shall comply with the requirement of confidentiality where the Treaty and their Statute so provides ⁽¹⁸⁾.

⁽¹²⁾ Article 300(4) TFEU and Rule 2(3) of the Rules of Procedure of the Committee.

⁽¹³⁾ OJ C 326, 26.10.2012, p. 13, Charter of Fundamental Rights.

⁽¹⁴⁾ Articles 300(4) and 304 TFEU.

⁽¹⁵⁾ Articles 300(1) and 304 TFEU.

⁽¹⁶⁾ Charter of Fundamental Rights, Article 11(1).

⁽¹⁷⁾ In this matter EESC personnel are bound by Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulation of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.

⁽¹⁸⁾ Article 339 TFEU; Article 8 of the EESC Members' Statute.

*Article 5***Integrity and financial transparency**

1. For exercising their advisory role, members are entitled to allowances as determined by the Council ⁽¹⁹⁾, but do not receive any remuneration from the Committee.
2. Missions for which they have been reimbursed by the Committee shall not be the subject of double reimbursement by a third party ⁽²⁰⁾.
3. Although their opinions are of a purely advisory nature, members shall, in accordance with the principle of transparency, submit a declaration of their financial interests to the president upon taking up their duties.
4. The obligation to declare financial interests entered into force during 2011 for the members of the Committee at the time. The declaration of financial interests shall contain the information stated in Article 5a of the Members' Statute ⁽²¹⁾.

*Article 6***Conflicts of interests**

Members of the Committee shall avoid any situation which may give rise to a personal conflict of interest or which may be reasonably be perceived as such. A personal conflict of interest arises where a personal interest may influence the independent performance of their duties as set out in Article 300 of the Treaty on the Functioning of the European Union, in the Committee's Rules of Procedure 2019, in particular Rule 2(3), and in Article 9 of the Members' Statute.

*Article 7***Advisory committee on the conduct of members**

1. An advisory committee on the conduct of members (the 'advisory committee') is hereby established.
2. On a proposal from the bureau, the assembly shall elect, for each two-and-a-half year period, six members, three women and three men, who have no other permanent responsibilities within the Committee structure ⁽²²⁾, to form the advisory committee.
3. The advisory committee shall give any member who so requests, in confidence and within 30 calendar days, guidance on the interpretation and implementation of the provisions of this Code of Conduct. The member in question shall be entitled to rely on such guidance.
4. At the request of the president, the advisory committee shall also assess alleged breaches of this Code of Conduct, and advise the president on possible steps to be taken.

*Article 8***Procedure in the event of possible breaches of the Code of Conduct**

1. Without prejudice to the presumption of innocence and the protection of victims, where there is a reason to think that a member may have breached this Code of Conduct, the president shall inform the members concerned in writing and promptly refer the matter to the advisory committee ⁽²³⁾.
2. The advisory committee shall examine the circumstances of the alleged breach and shall hear the members concerned in complete confidentiality. On the basis of its conclusions, it shall make recommendations to the president on a possible decision.
3. Taking into account the advisory committee's recommendations, and having invited the member concerned to submit written observations, the Committee president shall consult the enlarged presidency and then ask the bureau to make a decision on the measures that may be taken in accordance with the Members' Statute and the Committee's Rules of Procedure.

⁽¹⁹⁾ Article 301 TFEU.

⁽²⁰⁾ EESC Decision of 11 October 1999 and Interinstitutional Agreement of 25 May 1999 (OLAF internal investigations).

⁽²¹⁾ Members' Statute of the EESC, 2012 - Article 5a (Declaration of financial interests).

⁽²²⁾ EESC president and vice-presidents, group and section/CCMI presidents, and the quaestors.

⁽²³⁾ The Committee president shall promptly submit any complaint he receives to the advisory committee.

According to the degree of severity of the member's behaviour, the following sanctions may be applied:

- a written warning;
- inclusion of the written warning in the bureau minutes and, where applicable, in the plenary session minutes;
- temporary suspension of the member from any duties as rapporteur, president or member of a study group, and from any participation in missions and extraordinary meetings.

Article 9

Application of the Code

The president shall be responsible for ensuring that members comply with this Code. In the event of difficulties in applying the Code, the president shall consult the enlarged presidency and then ask the bureau to take a decision.

Article 10

Entry into force

This Code of Conduct shall enter into force upon its adoption by the plenary assembly of the Committee.

