

DECISION No 1/2008 OF THE EC-MONTENEGRO INTERIM COMMITTEE
of 22 January 2008
on its Rules of Procedure including the terms of reference and structure of the EC-Montenegro
subcommittees
(2008/128/EC)

THE EC-MONTENEGRO INTERIM COMMITTEE,

Having regard to the Interim Agreement on trade and trade related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part⁽¹⁾ (hereinafter referred to as the Interim Agreement), signed on 15 October 2007, and in particular Article 44 thereof,

HAS DECIDED AS FOLLOWS:

Article 1

Chairmanship

The Interim Committee shall be chaired alternately, for periods of 12 months, by a representative of the Commission of the European Communities (hereinafter referred to as European Commission) on behalf of the European Community (hereinafter referred to as the Community), and a representative of the Government of Montenegro. However, the first period shall begin on the date of the first Interim Committee meeting and end on 31 December of the same year.

Article 2

Meetings

The Interim Committee shall meet regularly once a year in Brussels or Podgorica as agreed by both Parties. Special meetings of the Interim Committee may be convened by mutual agreement at the request of either Party.

The meetings shall be convened by the Chairman.

Unless otherwise agreed, the meetings of the Interim Committee shall not be public.

Article 3

Delegations

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

A representative of the European Investment Bank (EIB) may attend the meetings of the Interim Committee, as an observer, when matters which concern the EIB appear on the agenda.

The Interim Committee may invite non-members to attend its meetings in order to provide information on particular subjects.

The Member States of the Community shall be informed about the meetings of the Interim Committee.

Article 4

Secretariat

An official of the European Commission and an official of Montenegro shall act jointly as Secretaries of the Interim Committee.

Article 5

Correspondence

All correspondence to and from the Chairman of the Interim Committee shall be forwarded to both Secretaries. The two Secretaries shall ensure that correspondence is circulated, where appropriate, to their respective representatives in the Interim Committee.

Article 6

Agenda of the meetings

1. The Chairman and the Secretaries shall draw up a provisional agenda for each meeting not later than 15 working days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion has been received by the Secretaries not later than 21 working days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Interim Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be included in the agenda if the two Parties so agree.

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

⁽¹⁾ OJ L 345, 28.12.2007, p. 2.

*Article 7***Minutes**

Draft minutes of each Interim Committee meeting shall be drawn up by the Party hosting the meeting. They shall indicate the decisions and recommendations taken and the conclusions adopted. Within the two months following the meeting, the draft minutes shall be submitted to the Interim Committee for approval. When approved, the minutes shall be signed by the Chairman and the two Secretaries and one original copy shall be filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 5.

*Article 8***Deliberations**

The Interim Committee shall take its decisions and formulate its recommendations by mutual agreement between the Parties.

During the inter-session period, the Interim Committee may take decisions or make recommendations by written procedure if both Parties so agree.

The decisions and recommendations of the Interim Committee within the meaning of Article 45 of the Interim Agreement shall be entitled respectively 'Decision' and 'Recommendation' and followed by a serial number, by the date of their adoption and by a description of their subject.

The decisions and recommendations of the Interim Committee shall be signed by the Chairman and authenticated by the two Secretaries.

The decisions taken by the Interim Committee shall be published by the Parties in their respective official publications. Each Party may decide on the publication of any other act adopted by the Interim Committee.

*Article 9***Languages**

The official languages of the Interim Committee shall be the official languages of the two Parties.

Unless otherwise decided, the Interim Committee shall base its deliberations on documentation prepared in those languages.

*Article 10***Expenses**

The Community and Montenegro shall each defray the expenses they incur by reason of their participation in the meetings of the Interim Committee and of subcommittees, both in respect of staff, travelling and subsistence expenditure and of postal and telecommunications costs.

Expenditure in connection with interpretation, translation and reproduction of documents at meetings as well as any other expenditure relating to the material organisation of meetings shall be borne by the Party hosting the meetings.

*Article 11***Subcommittees**

The terms of reference and the structure of the sub-committees set up to assist the Interim Committee in carrying out its duties are set out in the Annex.

The subcommittees shall be composed of representatives of both Parties. They shall be chaired alternately by the two Parties, in accordance with Article 1.

The subcommittees shall work under the authority of the Interim Committee, to which they shall report after each of their meetings. They shall not take decisions but may make recommendations to the Interim Committee.

The Interim Committee may decide to abolish any existing subcommittee, modify its terms of reference or establish new subcommittees to assist it in carrying out its duties.

Done at Brussels, 22 January 2008.

For the Interim Committee

The Chairman

P. MIREL

ANNEX

TERMS OF REFERENCE AND STRUCTURE OF THE EC-MONTENEGRO SUBCOMMITTEES**1. Composition and chairmanship**

In accordance with the second paragraph of Article 11, of the Rules of Procedure, the subcommittees shall be composed of representatives of the European Commission and representatives of the Government of Montenegro. They shall be chaired alternately by the two Parties, in accordance with Article 1 of the Rules of Procedure. The Member States shall be informed about the subcommittees meetings.

2. Secretariat

An official of the European Commission and an official of the Government of Montenegro shall act jointly as secretaries of each of the subcommittees.

All communications concerning the subcommittees shall be forwarded to the secretaries of the relevant subcommittees.

3. Meetings

The subcommittees shall meet regularly once a year, and whenever circumstances require, with the agreement of both Parties. Each meeting of a subcommittee shall be held at a time and place agreed by both Parties.

If both Parties agree, the subcommittees may invite experts to their meetings to provide the specific information requested.

4. Subject matters

The subcommittees shall discuss issues in accordance with the multidisciplinary subcommittee structure described in point 7. Implementation of the Interim Agreement and the European Partnership, preparation for implementation of the Stabilisation and Association Agreement, and progress regarding the approximation, implementation and enforcement of legislation shall be assessed in all relevant fields. The subcommittees shall examine any problems that may arise in their relevant sectors and suggest possible steps to be taken.

The subcommittees shall also serve as fora for the further clarification of the *acquis communautaire*, and shall review progress made by Montenegro in conforming to the *acquis* in line with commitments made in the Interim Agreement.

5. Minutes

Draft minutes of each subcommittee meeting shall be established within the two months following the meeting. Once agreed by both Parties, a copy of the minutes shall be forwarded by the secretaries of the subcommittee to the secretaries of the Interim Committee.

6. Publicity

Unless otherwise decided, the meetings of the subcommittees shall not be public.

7. Subcommittees structure

- (1) Subcommittee on Trade, Industry, Customs, Taxation and Cooperation with other candidate countries (Articles 3, 4 to 8, 19 to 33, 42 and 53 of the Interim Agreement),
 - (2) Subcommittee on Agriculture and Fisheries (Articles 9, 11(2)(3), 10, 13, 12(2), 14, 15 and 18 of the Interim Agreement),
 - (3) Subcommittee on Internal Market and Competition (Articles 36, 37, 38 with Protocol 4, 39, 40 and 41 of the Interim Agreement),
 - (4) Subcommittee on Economic and Financial Issues and Statistics (Articles 35 and 38(7)(b) of the Interim Agreement),
 - (5) Subcommittee on Transport (Article 34 of the Interim Agreement).
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