

COMMISSION

RULES OF PROCEDURE OF THE COMMISSION

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

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

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

HAS ADOPTED THESE RULES OF PROCEDURE:

CHAPTER I

THE COMMISSION

Article 1

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

Article 2

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

Article 3

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

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

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

Article 4

Commission decisions shall be taken:

- (a) at meetings;
or
- (b) by written procedure in accordance with Article 12;
or
- (c) by empowerment in accordance with Article 13;
or
- (d) by delegation in accordance with Article 14.

Section I

Commission meetings

Article 5

Meetings of the Commission shall be convened by the President.

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

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

Article 6

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

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

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

The agenda and the necessary working documents shall be circulated to the Members of the Commission within the time limit and in the working languages prescribed by the Commission in accordance with Article 25.

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

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

Article 7

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

Article 8

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

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

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

Article 9

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

Article 10

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

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

The Commission may decide to hear any other person.

Article 11

Minutes shall be taken of all meetings of the Commission.

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

Section II

Other decision-making procedures

Article 12

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

For this purpose, the text of the proposal shall be circulated in writing to all Members of the Commission in the languages prescribed by the Commission in accordance with Article 25, with a time limit within which Members must make known any reservations or amendments they wish to make.

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

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

Article 13

The Commission may, provided the principle of collective responsibility is fully respected, empower one or more of its Members to take management or administrative measures on its behalf and subject to such restrictions and conditions as it shall impose.

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

Powers conferred in this way may be subdelegated to the Directors-General and Heads of Service unless this is expressly prohibited in the empowering decision.

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

Article 14

The Commission may, provided the principle of collective responsibility is fully respected, delegate the adoption of management or administrative measures to the Directors-General and Heads of Service, acting on its behalf and subject to such restrictions and conditions as it shall impose.

Article 15

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

Section III

Preparation and implementation of Commission decisions

Article 16

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

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

Article 17

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

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

He shall ensure the necessary coordination between departments in the preparatory stages and shall see that the rules for submission of documents are complied with.

He shall take the necessary steps to ensure that Commission instruments are officially notified to those concerned and are published in the *Official Journal of the European Communities* and that documents of the Commission and its departments are transmitted to the other institutions of the European Communities.

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

Article 18

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

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

Instruments adopted by empowerment procedure shall be attached in the authentic language or languages, in such a way that they cannot be separated, to the day note referred to in Article 15. They shall be authenticated by the signature of the Secretary-General on the last page of the day note.

Instruments adopted by delegation procedure, or by subdelegation in accordance with the third paragraph of Article 13, shall be attached in the authentic language or languages, in such a way that they cannot be separated, to the day note referred to in Article 15. They shall be authenticated by a certifying statement signed by the Director-General or Head of Service.

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

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

CHAPTER II

COMMISSION DEPARTMENTS

Article 19

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

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

Article 20

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

Article 21

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

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

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

CHAPTER III

DEPUTISING

Article 22

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

Article 23

Where the Secretary-General is prevented from exercising his functions, they shall be exercised by the Deputy Secretary-General or, where this is not possible, by an official designated by the Commission.

Article 24

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

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

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

FINAL PROVISIONS*Article 25*

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

The Commission may adopt supplementary measures relating to the functioning of the Commission and of its departments, which shall be annexed to these Rules of Procedure.

Article 26

The Rules of Procedure of 18 September 1999, as amended by Decision 2000/633/EC, ECSC, Euratom, are repealed.

Article 27

These Rules of Procedure shall enter into force on 1 January 2001.

Article 28

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

Done at Brussels, 29 November 2000.

For the Commission

The President

Romano PRODI

ANNEX

CODE OF GOOD ADMINISTRATIVE BEHAVIOUR FOR STAFF OF THE EUROPEAN COMMISSION IN THEIR RELATIONS WITH THE PUBLIC**Quality service**

The Commission and its staff have a duty to serve the Community interest and, in so doing, the public interest.

The public legitimately expects quality service and an administration that is open, accessible and properly run.

Quality service calls for the Commission and its staff to be courteous, objective and impartial.

Purpose

In order to enable the Commission to meet its obligations of good administrative behaviour and in particular in the dealings that the Commission has with the public, the Commission undertakes to observe the standards of good administrative behaviour set out in this Code and to be guided by these in its daily work.

Scope

The Code is binding on all staff covered by the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as the 'Staff Regulations') and the other provisions on relations between the Commission and its staff that are applicable to officials and other servants of the European Communities. However, persons employed under private law contracts, experts on secondment from national civil services and trainees, etc. working for the Commission should also be guided by it in their daily work.

Relations between the Commission and its staff are governed exclusively by the Staff Regulations.

1. GENERAL PRINCIPLES

The Commission respects the following general principles in its relations with the public:

Lawfulness

The Commission acts in accordance with the law and applies the Rules and Procedures laid down in Community legislation.

Non-discrimination and equal treatment

The Commission respects the principle of non-discrimination and in particular, guarantees equal treatment for members of the public irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation. Thus, differences in treatment of similar cases must be specifically warranted by the relevant features of the particular case in hand.

Proportionality

The Commission ensures that the measures taken are proportional to the aim pursued.

In particular, the Commission will ensure that the application of this Code never leads to the imposition of administrative or budgetary burdens out of proportion to the benefit expected.

Consistency

The Commission shall be consistent in its administrative behaviour and shall follow its normal practice. Any exceptions to this principle must be duly justified.

2. GUIDELINES FOR GOOD ADMINISTRATIVE BEHAVIOUR*Objectivity and impartiality*

Staff shall always act objectively and impartially, in the Community interest and for the public good. They shall act independently within the framework of the policy fixed by the Commission and their conduct shall never be guided by personal or national interest or political pressure.

Information on administrative procedures

Where a member of the public requires information relating to a Commission administrative procedure, staff shall ensure that this information is provided within the deadline fixed for the relevant procedure.

3. INFORMATION ON THE RIGHTS OF INTERESTED PARTIES

Listening to all parties with a direct interest

Where Community law provides that interested parties should be heard, staff shall ensure that an opportunity is given to them to make their views known.

Duty to justify decisions

A Commission decision should clearly state the reasons on which it is based and should be communicated to the persons and parties concerned.

As a general rule, full justification for decisions should be given. However, where it may not be possible, for example because of the large number of persons concerned by similar decisions, to communicate in detail the grounds of individual decisions, standard replies may be given. These standard replies should include the principal reasons justifying the decision taken. Furthermore, an interested party who expressly requests a detailed justification shall be provided with it.

Duty to state arrangements for appeals

Where Community law so provides, decisions notified shall clearly state that an appeal is possible and describe how to submit it, (the name and office address of the person or department with whom the appeal must be lodged and the deadline for lodging it).

Where appropriate, decisions should refer to the possibility of starting judicial proceedings and/or of lodging a complaint with the European Ombudsman in accordance with Article 230 or 195 of the Treaty establishing the European Community.

4. DEALING WITH INQUIRIES

The Commission undertakes to answer enquiries in the most appropriate manner and as quickly as possible.

Requests for documents

If a document has already been published, the person making the enquiry should be directed to the sales agents of the Office for Official Publications of the European Communities or to the documentation or information centres which provide free access to documents, such as Info-Points, European documentation centres, etc. Many documents are also easily accessible in electronic form.

The rules on access to documents are laid down in a specific measure.

Correspondence

In accordance with Article 21 of the Treaty establishing the European Community, the Commission shall reply to letters in the language of the initial letter, provided that it was written in one of the official languages of the Community.

A reply to a letter addressed to the Commission shall be sent within 15 working days from the date of receipt of the letter by the responsible Commission department. The reply should identify the person responsible for the matter and state how he or she may be contacted.

If a reply cannot be sent within 15 working days, and in all cases where the reply requires other work on it, such as interdepartmental consultation or translation, the member of staff responsible should send a holding reply, indicating a date by which the addressee may expect to be sent a reply in the light of this additional work, taking into account the relative urgency and complexity of the matter.

If the reply is to be drawn up by a department other than the one to which the initial correspondence is addressed, the person making the enquiry should be informed of the name and office address of the person to whom the letter has been passed.

These rules do not apply to correspondence which can reasonably be regarded as improper, for example because it is repetitive, abusive and/or pointless. Then the Commission reserves the right to discontinue any such exchanges of correspondence.

Telephone communication

When answering the telephone, staff shall identify themselves or their department. They shall return telephone calls as promptly as possible.

Staff replying to enquiries shall provide information on subjects for which they have direct responsibility and should direct the caller to the specific appropriate source in other cases. If necessary, they should refer callers to their superior or consult him or her before giving the information.

Where enquiries concern areas for which staff are directly responsible, they shall establish the identity of the caller and check whether the information has already been made public before giving it out. If this is not the case, the member of staff may consider that it is not in the Community interest for the information to be disclosed. In this case he or she should explain why they are unable to disclose it and refer in appropriate cases to the obligation to exercise discretion as laid down in Article 17 of the Staff Regulations.

When appropriate, staff should request confirmation in writing of the enquiries made by telephone.

Electronic mail

Staff shall reply to e-mail messages promptly following the guidelines described in the section on telephone communication.

However, where the e-mail message is, by its nature, the equivalent of a letter, it shall be handled according to the guidelines for handling correspondence and shall be subject to the same deadlines.

Requests from the media

The Press and Communication Service is responsible for contacts with the media. However, when requests for information from the media concern technical subjects falling within their specific areas of responsibility, staff may answer them.

5. PROTECTION OF PERSONAL DATA AND CONFIDENTIAL INFORMATION

The Commission and its staff shall respect, in particular:

- the rules on the protection of personal privacy and personal data,
- the obligations set out in Article 287 of the Treaty establishing the European Community and in particular those which relate to professional secrecy,
- the rules on secrecy in criminal investigations,
- the confidentiality of matters falling within the ambit of the various committees and bodies provided for in Article 9 of and Annexes II and III to the Staff Regulations.

6. COMPLAINTS

The European Commission

Complaints may be lodged concerning a possible breach of the principles set out in this Code directly with the Secretariat-General⁽¹⁾ of the European Commission, which shall forward it to the relevant department.

The Director-General or head of Department shall reply to the complainant in writing, within two months. The complainant then has one month in which to apply to the Secretary-General of the European Commission to review the outcome of the complaint. The Secretary-General shall reply to the request for a review within one month.

The European Ombudsman

Complaints may also be lodged with the European Ombudsman in accordance with Article 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.

⁽¹⁾ Postal address: Secretariat-General of the European Commission, Unit SG/B/2 'Openness, access to documents, relations with civil society', rue de la Loi/Wetstraat 200, B-1049 Brussels (fax (32-2) 296 72 42).
Electronic address: SG-Code-de-bonne-conduite@cec.eu.int.