II

(Acts whose publication is not obligatory)

COUNCIL

RULES OF PROCEDURE

adopted by the Council on 24 July 1979 on the basis of Article 5 of the Treaty of 8 April 1965 establishing a single Council and a single Commission of the European Communities

(79/868/ECSC, EEC, Euratom)

Article 1

1. The Council shall meet when convened by its President on his own initiative or at the request of one of its members or of the Commission.

2. The President shall make known the dates which he envisages for meetings of the Council during his period of office as President, seven months before the beginning thereof.

Article 2

1. The President shall draw up the provisional agenda for each meeting. The agenda shall be sent to the other members of the Council and to the Commission at least 10 days before the beginning of the meeting.

2. The provisional agenda shall contain the items in respect of which a request for inclusion on the agenda, together with any documents relating thereto, has been received by the General Secretariat from a member of the Council or from the Commission at least 12 days before the beginning of that meeting.

3. Only items in respect of which the documents have been sent to the members of the Council and to the Commission at the latest by the date on which the provisional agenda is sent may be placed on that agenda.

4. The General Secretariat shall transmit to the members of the Council and to the Commission requests for the inclusion of items in the agenda and documents relating thereto in respect of which the time limits specified above were not respected.

5. The agenda shall be adopted by the Council at the beginning of each meeting. The inclusion in the agenda of an item other than those appearing on the provisional agenda shall require unanimity in the Council.

6. The provisional agenda shall be divided into Part A and Part B. Items for which the approval of the Council is possible without discussion shall be included in Part A, but this does not exclude the possibility of any member of the Council or of the Commission expressing an opinion at the time of the approval of these items and having statements included in the minutes.

7. However, an 'A' item shall be withdrawn from the agenda, unless the Council decides otherwise, if a position on an 'A' item might lead to further discussion thereof or if a member of the Council or the Commission so requests.

Article 3

1. Meetings of the Council shall not be public, unless the Council unanimously decides otherwise.

2. The Commission shall be invited to take part in meetings of the Council. The Council may, however, decide to deliberate without the presence of the Commission.

3. The members of the Council and of the Commission may be accompanied by officials who assist them. The number of such officials may be laid down by the Council.

Their names and functions shall be notified in advance to the Secretary-General.

4. Admission to meetings of the Council shall be subject to the production of a pass.

Article 4

Subject to the provisions of Article 5 on the delegation of voting rights, a member of the Council who is prevented from attending a meeting may arrange to be represented.

Article 5

1. The members of the Council shall vote in the alphabetical order of the Member States laid down in Article 2 of the Treaty establishing a single Council and a single Commission of the European Communities, beginning with the member who, according to that order, follows the member holding the office of President.

2. Delegation of the right to vote may only be made to another member of the Council.

Article 6

1. Acts of the Council on an urgent matter may be adopted by a written vote where all the members of the Council agree to that procedure in respect of the matter in question.

2. Furthermore, agreement by the Commission to the use of this procedure shall be required where the written vote is on a matter which the Commission has brought before the Council.

3. A summary of acts adopted by the written procedure shall be drawn up every month.

Article 7

1. Minutes of each meeting shall be drawn up and, when approved, shall be signed by the President-in-office at the time of such approval and by the Secretary-General.

The minutes shall as a general rule indicate in respect of each item on the agenda:

— the documents submitted to the Council,

— the decisions taken or the conclusions reached by the Council,

— the statements made by the Council and those whose entry has been requested by a member of the Council or the Commission.

2. The draft minutes shall be drawn up by the General Secretariat within 15 days and submitted to the Council for approval.

3. Prior to such approval any member of the Council, or the Commission, may request that more details be inserted in the minutes regarding any item on the agenda.

4. The texts referred to in Article 9 shall be annexed to the minutes.

Article 8

1. Except as otherwise decided unanimously by the Council on grounds of urgency, the Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing languages.

2. Any member of the Council may oppose discussion if the texts of any proposed amendments are not drawn up in such of the said languages as he may specify.

Article 9

The texts of the acts adopted by the Council shall be signed by the President-in-office at the time of their adoption and by the Secretary-General.

Article 10

Regulations of the Council shall include in their title the word 'Regulation', followed by a serial number, by the date of their adoption and by an indication of their subject matter.

Article 11

Council Regulations shall contain the following:

(a) the formula 'The Council of the European Communities';

(b) a reference to the provisions under which the Regulation is adopted, preceded by the words 'Having regard to';

(c) a reference to proposals and opinions obtained and to consultations held;

(d) a statement of the reasons on which the Regulation is based, introduced by the word 'Whereas';

(e) the phrase 'has adopted this Regulation', followed by the body of the Regulation.

Article 12

1. Regulations shall be divided into Articles.

2. The last Article shall fix the date of entry into force, where that date is before or after the 20th day following publication. It shall be followed by:

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

— 'Done at .....', followed by the date on which the Council adopted the Regulation, and

— 'For the Council
The President'

followed by the name of the President-in-office at the time when the Regulation is adopted.

Article 13

Regulations adopted by the Council shall be published in the *Official Journal of the European Communities* by the Secretary-General.

Article 14

Directives and Decisions of the Council shall include in their titles the word 'Directive' or 'Decision'.

The provisions relating to Regulations set out in Article 11 shall also apply to Directives and Decisions.

Article 15

1. The President shall notify Directives, Decisions and recommendations of the Council. He may entrust to the Secretary-General the task of attending to such notifications on his behalf.

2. The Secretary-General shall send authentic copies of Directives, Decisions and recommendations to the Governments of the Member States and to the Commission.

3. The Council shall decide unanimously whether Directives, Decisions and recommendations should be published for purposes of information in the *Official Journal of the European Communities.*

Article 16

1. The Committee consisting of the Permanent Representatives of the Member States referred to in Article 4 of the Treaty establishing a single Council and a single Commission of the European Communities shall prepare the work of the Council and shall carry out the tasks assigned to it by the Council.

2. It may set up working parties and instruct them to carry out such preparatory work or studies as it shall define.

3. Unless the Council decides otherwise, the Commission shall be invited to be represented in the work of the Committee and of the working parties.

4. The Committee shall be presided over by the delegate of that Member State whose representative is President of the Council. The same shall apply to the working parties, unless the Committee decides otherwise.

Article 17

1. The Council shall be assisted by a General Secretariat under the direction of a Secretary-General. The Secretary-General shall be appointed by the Council acting unanimously.

2. The Council shall determine the organization of the General Secretariat.

Under its authority the Secretary-General shall take all the measures necessary to ensure the smooth running of the General Secretariat.

3. The Secretary-General shall submit to the Council the draft estimate of the expenditure of the Council in sufficient time to ensure the respect of the time limits laid down by the financial provisions.

4. In accordance with the provisions of the Financial Regulation referred to in Article 78h of the ECSC Treaty, in Article 209 of the EEC Treaty and in Article 183 of the Euratom Treaty, the Secretary-General shall administer the funds placed at the disposal of the Council.

Article 18

Without prejudice to other applicable provisions, the deliberations of the Council shall be covered by the obligation of professional secrecy, except in so far as the Council decides otherwise.

The Council may authorize the production of a copy or an extract from its minutes for use in legal proceedings.

Article 19

1. Subject to special procedures, the Council may be represented by its President or by any other of its members before the European Parliament or its Committees.

2. The Council may also present its views to the European Parliament by means of a written statement.

Article 20

Correspondence to the Council shall be sent to the President at the address of the General Secretariat.

Done at Brussels, 24 July 1979.

For the Council

The President

M. O'KENNEDY