II

(Acts whose publication is not obligatory)

COMMISSION

RULES OF PROCEDURE OF THE COMMISSION
of 17 February 1993

(93/492/Euratom, ECSC, EEC)

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RULES OF PROCEDURE OF THE COMMISSION

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 16 thereof,

HAS ADOPTED THESE RULES OF PROCEDURE:

CHAPTER I

THE COMMISSION

Article 1

The Commission shall act collectively in accordance with these Rules.

Article 2

Commission decisions shall be adopted:

(a) at the Commission's meetings; or

(b) by written procedure, in accordance with Article 10; or

(c) by delegation, in accordance with Article 11.

Section I

Meetings of the Commission

Article 3

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.

Article 4

Each year the Commission shall adopt an annual programme. The President shall adopt the agenda for each meeting in the light of this programme and a quarterly rolling programme which will normally include any items requiring a Commission decision.

If a Member of the Commission requests the inclusion of an item that is not covered by the quarterly programme, it shall be placed on the agenda provided, save in exceptional circumstances, nine days' notice is given.

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 24.

Any Member of the Commission may request or, in his absence, have a request made for an item to be withdrawn from the agenda, in which case the item shall be held over for a later meeting, but an item shall not be withdrawn if the effect would be to prevent the Commission from meeting a deadline where failure to meet it would have legal consequences. If any objection is raised to a further request for withdrawal of the same item, the Commission shall decide the matter.

The Commission may decide by majority vote to 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 any item on the agenda.

Article 5

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 6

The Commission takes decisions on a proposal 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 provision shall apply to decisions of all kinds, subject to the first sentence of the fifth paragraph of Article 4.

Article 7

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

Article 8

Save as otherwise decided by the Commission, the Secretary-General shall attend meetings. Attendance of other persons shall be determined in accordance with 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, by way of exception, decide to hear any other person.

Article 9

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 10

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 24, 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. In such case, the matter shall be placed on the agenda of the next meeting of the Commission.

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 be deemed to be agreed by the Commission. The agreement shall be noted in the minutes of the next meeting.

Article 11

The Commission may, provided the principle of collective responsibility is fully respected, empower one or more of its Members to take, on its behalf and under its responsibility, clearly defined management or administrative measures.

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 the substance of which has already been determined in discussion.

Powers conferred in this way may be subdelegated only as expressly provided in the enabling decision.

The provisions of the first, second and third paragraphs are 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.

Section III

Preparation and implementation of Commission decisions

Article 12

The Commission may assign to its Members areas in which they will have special responsibility for preparing the Commission's business and for implementing its decisions.

A Member of the Commission to whom an area of responsibility is so assigned shall give instructions to the relevant department or departments.

Article 13

The Commission may set up working groups of its Members; it shall appoint the chairman of any such group.

Article 14

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

Article 15

The Secretary-General shall assist the President in preparing the proceedings and meetings of the Commission.

He shall ensure that decision-making procedures are properly implemented and that effect is given to the decisions referred to in Article 2.

He shall ensure the necessary coordination between departments in preparing the proceedings of the Commission and that the rules for submission of documents to the Commission are complied with.

He shall take the necessary steps to ensure official notification and publication of Commission instruments in the *Official Journal of the European Communities* and that the 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 decision 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 16

Instruments adopted by the Commission in the course of a meeting or by written procedure shall be annexed, in the authentic language or languages, to the minimum of the meeting at which they were adopted or at which note was taken of their adoption. They shall be authenticated by the signatures of the President and the Secretary-General on the first page of the minutes.

Instruments adopted by delegation procedure shall be authenticated in the authentic language or languages by the signatures of the appropriate Member of the Commission and of an official from the Secretariat-General designated for the purpose by the Secretary-General.

For the purposes of these Rules 'instruments' means any instrument as referred to in Article 14 of the ECSC Treaty, Article 189 of the EEC Treaty or Article 161 of the Euratom Treaty or any proposal adopted by the Commission.

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 17

As number of departments forming a single administrative service shall assist the Commission in the performance of its official functions.

The first paragraph is without prejudice to the provisions of Article 12.

Article 18

The administrative service of the Commission shall consist of Directorates-General and equivalent departments.

Directorates-General and equivalent departments shall normally be divided into Directorates, and Directorates into Units.

Article 19

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

Article 20

Departments involved in the preparation or implementation of Commission decisions shall work together as closely as possible.

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. The Legal Service shall be consulted on all drafts of or proposals for legal instruments and on all documents which may have legal implications. The Directorates-General responsible for the budgets, for personnel and for the 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 disagreement, it shall append to its proposal the different views expressed by these departments, subject to the provisions of Article 10.

CHAPTER III

DEPUTIZING

Article 21

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

Article 22

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 23

Save as otherwise decided by the Commission, where any superior is prevented from exercising his functions, his place shall be taken by the longest-serving subordinate present, or (in the event of equal length of service) by the person who is the senior by age, in the highest category and grade.

In the absence of the Head of one of the external delegations, the Director-General with responsibility for the delegation is empowered to appoint, with the agreement of the relevant Member of the Commission, a Chargé d'affaires who need not satisfy the conditions set out in the first paragraph.

FINAL PROVISIONS

Article 24

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

Article 25

The provisional Rules of Procedure of 6 July 1967 are hereby repealed.

Article 26

These Rules of Procedure shall enter into force on 11 September 1993.

Article 27

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

Done at Brussels, 17 February 1993.

For the Commission

The President

Jacques DELORS