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EUROPEAN COMMISSION

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Annex to the

COMMISSION DECISION

amending its Rules of Procedure:

Rules giving effect to the Rules of Procedure

ANNEX
CHAPTER 1
THE COMMISSION

Rules giving effect to Article 2:

Political guidelines, political priorities, work programme and budget

2-1. Each year the Commission shall hold a policy debate on its priorities and on budgetary issues.

The Commission's work programme and the draft budget for the following year shall be in accordance with the political guidelines laid down by the President and the priorities set by the Commission.

2-2. To clarify and organise the implementation of these political guidelines and these priorities, the Commission shall attach to its work programme a list of the main initiatives it is planning to adopt during the year in question. The Commission may update its work programme in the course of the year.

Rules giving effect to Article 3:

The President

3-1. The President may at any time set up groups of Members of the Commission.

He may also suspend or terminate the work of a group.

In addition, he may change the mandate, membership and duration of groups of Members.

3-2. The order of precedence of Members of the Commission other than Vice-Presidents shall be based on their seniority in the Commission or, in the event of equal seniority, on their age.

Rules giving effect to Article 4:

Decision-making procedures

4-1. Save where decided otherwise by the Secretary-General, in particular for certain administrative matters, any instrument submitted to the Commission for decision shall be presented by means of the computer application provided for that purpose.

SECTION I – COMMISSION MEETINGS

Rules giving effect to Article 5:

Convening Commission meetings

5-1. On the initiative of the President, the Commission may hold seminars or working meetings on specific topics.

Policy discussions shall be held at the weekly meetings or at such seminars or working meetings.

*Rules giving effect to Article 6:
Agenda of Commission meetings*

6-1. Drawing up the agenda

The President shall adopt the agenda of the next Commission meeting, taking account of the work programme referred to in Article 2 of the Rules of Procedure, the Commission's communication strategy and the state of preparation of the drafts referred to him.

6-2. Type of acts entered on the agenda

6-2.1 As a general rule, only politically important or sensitive matters shall be placed on the agenda.

6-2.2 Without prejudice to rule 6-2.1, the Commission may also discuss at its meetings any documents on which there is disagreement that could not be resolved at an earlier stage in the decision-making process.

6-3. Initiating inclusion of an item in the agenda

6-3.1 As a general rule, requests for an item to be placed on the Commission's agenda are made via the programming instrument provided for as part of the Commission's agenda planning system.

Requests for an item to be placed on the agenda must be put into the computer application provided for that purpose at least nine working days before the Commission meeting in question.

6-3.2 In exceptional circumstances, a Member may ask the President to place an item on the agenda no later than four working days before the Commission meeting in question.

6-3.3 As a general rule, requests for an item to be placed on the agenda must include the following information:

- the title of the initiative and a brief description of the content,
- the reasons for presenting it and for its timing,
- its link with the policy guidelines laid down by the President and the priorities set by the Commission, and with the Commission's work programme and its communication strategy,
- the state of play in the preparation of the file, including the interservice consultation.

6-3.4 Except where the President decides otherwise, the requirements set out in the preceding paragraphs shall not apply in the case of:

- the fixed items on the agenda of every Commission meeting,
- the brief memoranda that Members can use to inform the Commission about matters of general interest within their area of activity; these memoranda reflect the views of the author only and do not require the Commission to adopt a position; in this case interservice consultation is optional.

6-3.5 To facilitate preparation of the Commission's discussions, the Secretariat-General, under the authority of the President, shall draw up a list of items for inclusion on the agenda of forthcoming Commission meetings, ensuring, as far as possible, that each Commission meeting deals with topics with a common theme.

6-4. Lodging and circulation of documents and language rules

6-4.1 The agenda for each Commission meeting, as adopted by the President, shall be circulated to the Members of the Commission by 17.00 on the day before the meeting.

It shall be made public.

To facilitate preparation of the agenda, the Secretariat-General shall distribute a draft version no later than noon three working days before the meeting.

6-4.2 An item can be included in the agenda for a Commission meeting only if the necessary documents can be circulated to Members no later than by noon four working days before the meeting.

Documents which are to be discussed in advance at a special meeting of Heads of Cabinet must reach the Members at least 48 hours before the beginning of that meeting, which will normally be held on the Tuesday or Thursday of the week preceding the meeting of the College. In the case of very long documents, the Secretary-General, under the authority of the President, may allow more time.

In order for an item to be included in the agenda for a Commission meeting, the lodging of the necessary documents with the Registry of the Secretariat-General by means of the computer application provided for that purpose must take place on a single date, which shall be the Thursday of the last week but one (week n-2) before that of the Commission meeting.

6-4.3 Documents to be discussed at a Commission meeting shall be distributed to Members of the Commission:

- in the languages stipulated by the President, taking account of Members' minimum requirements,
- and in the language or languages required in particular for the purposes of the instrument's entry into force and its notification to those to whom it is addressed.

6-4.4 Where the legal revisers group revises the text, all the language versions required shall be available in due time.

6-4.5 Official transmission to other Community institutions and/or publication in the *Official Journal of the European Union* requires the text to be available in all official languages.

6-4.6 The President shall take a decision in cases where the conditions set out in rule 6 4.2 and the first indent of rule 6-4.3 have not been met. Depending on the circumstances he may decide to hold the matter over to a subsequent meeting.

The matter must be held over if the language or languages required in particular for the purposes of the instrument's entry into force and its notification to those to whom it is addressed are not available when the instrument is adopted.

6-5. Preparation of items on the Commission's agenda

6-5.1 Items for inclusion on the agenda of Commission meetings shall be prepared at the weekly meeting of Heads of Cabinet, chaired by the Secretary-General. If necessary, special meetings of Heads of Cabinet may be called to examine specific questions. The Interinstitutional Relations Group shall examine more particularly the positions to be adopted by the Commission in interinstitutional discussions.

6-5.2 In principle, any question closed during one of the stages of preparation of meetings of the College must not be re-opened during the next stage.

6-5.3 If agreement has been reached at the weekly meeting of Heads of Cabinet or at the meeting of the College, the President may decide that the matter will be adopted by means of a finalisation written procedure, in accordance with rule 12-4.5.

If the matter remains on the agenda, the decision may be adopted without debate.

Rules giving effect to Article 8:

Decision-making

8-1. The President may decide that the Commission has reached agreement without the need to proceed to a vote.

8-2. In certain exceptional circumstances the President may decide to hold a secret ballot.

Rules giving effect to Article 10:

Attendance of officials or other persons

10-1. Without prejudice to rules 10-2 and 10-3, the President shall lay down rules for attendance by persons allowed to sit in on the Commission's weekly meetings, seminars or any other type of meeting called on an ad hoc basis.

10-2. The Director-General of the Legal Service, the Director-General of the Directorate-General for Communication, the Director-General of the Bureau of European Policy Advisers, the Deputy Secretaries-General, the Head of the Spokesperson's Service, the Commission's Spokesperson and the Director of the Registry may sit in throughout all Commission meetings, in addition to the Secretary-General and the President's Head of Cabinet.

They may be assisted by their colleagues with responsibility for the matters under discussion. However, the latter may attend the meeting only for the duration of the discussions on the item in question.

10-3. When one or more Members present a proposal to the Commission, their Head(s) of Cabinet and the Director(s)-General concerned or their representative(s) may also sit in.

10-4. The President may, on his own initiative or at the request of a Member, declare all or part of a meeting restricted.

Rules giving effect to Article 11:

Minutes

11-1. The minutes shall be in two parts.

The ordinary minutes (PVO) shall give a general account of the business transacted at the meeting and such decisions as are to be made public.

The special minutes (PVS) shall record the other decisions, votes taken (if any), and statements which Members expressly ask to have recorded in the minutes.

11-2. The ordinary minutes shall be made public once they have been approved by the Commission.

SECTION II – OTHER DECISION-MAKING PROCEDURES

Rules giving effect to Article 12: Decisions taken by written procedure

12-1. A draft text from one or more Members of the Commission may normally be adopted by written procedure provided that the prior approval of the Legal Service and the agreement of the departments which must be consulted in accordance with Article 23 of the Rules of Procedure and the rules giving effect to it have been obtained.

12-3 Initiation of written procedure

12-3.1 The Secretary-General shall be responsible for initiating written procedures, monitoring their progress and recording their completion.

12-3.2 The agreement of the Member requesting initiation of the written procedure is assumed to have been secured by the department responsible, in accordance with the working procedures agreed between the Member and his departments.

In the case of a written procedure tabled with the agreement of an associated Member, the agreement of the associated Member is assumed to have been secured by means of the computer application provided for that purpose.

12-3.3 Without prejudice to the provisions in rule 12-4.5 concerning finalisation written procedures, initiation of the written procedure is conditional on the agreement of the departments consulted having been secured in accordance with Article 23 of the Rules of Procedure. Such agreements shall be formally noted by the department responsible.

12-4. Time limits

12-4.1 The completion date set by the Secretary-General for each written procedure shall be not less than five working days from the date on which the document was distributed.

12-4.2 However, a shorter time limit may be set if the circumstances so require, as provided in rules 12-4.3, 12-4.4, 12-4.5 and 12-4.6.

12-4.3 *Expedited written procedure*

In accordance with rule 12-4.2, the time limit for a written procedure may be shortened to not less than three working days from the date on which the document was distributed.

Expedited written procedures may be used only on condition that:

- it can be demonstrated that a shorter time limit is needed owing to unforeseen and exceptional circumstances, and the procedure is not being used as a means of catching up on an administrative delay;
- authorisation is given by the President, at the request of the Member or Members submitting the draft text.

12-4.4 *Urgent written procedure*

With the prior agreement of the President, the time limit for a written procedure may be set by the Secretary-General at less than three working days to enable urgent measures to be adopted quickly.

If possible the matter shall be discussed at a meeting of Heads of Cabinet.

If necessary, notably where the time limit is less than one working day, the matter may be mentioned in the record of a meeting of Heads of Cabinet.

12-4.5 *Finalisation written procedure*

In accordance with Article 12(1) of the Rules of Procedure, a document which has been placed on the agenda of a Commission meeting may be adopted by finalisation written procedure if agreement has been reached on the text at the weekly meeting of Heads of Cabinet or at the Commission meeting.

Where agreement is reached on the text at the Commission meeting, the finalisation written procedure may be initiated, on a proposal from the President, even in the absence of the agreement of the departments consulted, including the Legal Service.

The time limit for the finalisation written procedure may be set at less than five working days; it must be subsequent to the Commission meeting on whose agenda the item was originally placed.

The draft decision shall be included in the list of decisions with political implications referred to in rule 12-11.

12-4.6 *'Communication on a Council position' written procedure*

Under the ordinary legislative procedure provided for in Article 254 TFEU, when the Commission adopts a communication on a Council position, a 'communication on a Council position' written procedure, for which the time limit is at least two working days from the date on which the document was distributed, may be initiated by the Secretary-General at the request of the Member or Members submitting the proposal so that the communication can be sent to the European Parliament at the same time as the Council common position. The Secretary-General shall assess whether this procedure should be used.

12-5. Extension of time limit for written procedures

12-5.1 At the request of a Member of the Commission, or where the Secretary-General finds that the draft text does not meet all the requirements concerning substance and form, the time limit for a written procedure shall be extended by a period not exceeding that originally set, subject to rule 12-8.

12-5.2 The Secretary-General shall inform the other Members of the Commission of any extension.

12-5.3 If, in the course of a written procedure, the Member who requested it accepts amendments proposed by another Member of the Commission or wishes to amend the text himself, an amended version shall be distributed and, if necessary, a new time limit set.

12-6. Suspension of written procedures

12-6.1 The Secretary-General shall be notified in writing of any requests for suspension from Members of the Commission before the time limit expires.

He shall then suspend the procedure and inform the Members of the Commission.

The same shall apply if the Secretary-General finds a defect in the substance or form of the measure.

12-6.2 Requests for suspension shall include a clear indication of the point or points in the draft text to which they relate and give a brief explanation of the grounds.

12-6.3 Suspension of a procedure shall not prevent further requests for suspension or amendments being made.

12-7. Reopening of written procedures following suspension

When a request for suspension made by a Member of the Commission is withdrawn or defects in the substance or form of the text are removed, the Secretary-General shall reopen the written procedure once formal notification of the lifting of the objection or reservation has been made and/or an amended version of the text has been distributed, and a new time limit shall be set.

12-8. Inclusion in the agenda for a Commission meeting

12-8.1 If the procedure remains suspended, or if the requested extension of the time limit is considered undesirable, the Member or Members responsible for the draft text may propose that the matter be placed on the agenda of a forthcoming Commission meeting.

A matter shall be placed on the agenda in accordance with Article 6 of the Rules of Procedure and the rules giving effect to it.

12-8.2 In the case of expedited or urgent written procedures, any Member of the Commission who opposes the proposed measure may request that a special meeting of the Commission be convened immediately or at short notice to discuss the matter.

12-9. Termination of written procedures

12-9.1 Written procedures shall be terminated if recourse is had to the oral procedure as provided in rules 12-8.1 and 12-8.2.

12-9.2 A written procedure may also be terminated at the request of the Member or Members who asked that it be initiated or on the initiative of the Secretary-General if the requirements concerning substance and form have been met.

12-10. Adoption of the decision

12-10.1 Provided that all the requirements concerning substance and form have been met, the decision shall stand adopted if, within the time limit set, no Member of the Commission has requested that the matter be placed on the agenda for discussion at a meeting or has submitted and maintained an objection or reservation regarding the text.

12-10.2 In exceptional circumstances the decision may be taken at a meeting of the Commission.

12-10.3 The date of adoption shall be the date on which the time limit expired.

12-11. Information

Significant texts which are the subject of a written procedure may be brought to the attention of a Commission meeting on the initiative of the President, the Member or Members responsible or the Secretary-General.

The Secretary-General shall circulate a list to this effect for the weekly meeting of Heads of Cabinet.

12-12. Written procedures at certain times of the year

12-12.1 Written procedures may be initiated and completed during the periods in which there are normally no Commission meetings.

12-12.2 In the event of suspension, the President may convene a meeting in order to arrive at an agreement.

12-13. Language rules for written procedures

12-13.1 Documents for adoption by written procedure shall be distributed to Members of the Commission:

- in the languages stipulated by the President, taking account of Members' minimum requirements; the President shall take a decision in exceptional circumstances (such as in the event of a major crisis, natural catastrophe or some other special circumstance) or in cases where these language versions are not available for reasons which can be duly substantiated.
- and in the language or languages required in particular for the purposes of the instrument's entry into force and its notification to those to whom it is addressed.

12-13.2 Where the legal revisers group revises the text, all the language versions necessary shall be available in due time.

12-13.3 Official transmission to other Community institutions and/or publication in the *Official Journal of the European Union* requires the text to be available in all official languages.

Rules giving effect to Articles 13 and 14:

Decisions taken by empowerment procedure and by delegation procedure

13/14-1. For the purposes of rules 13/14-2 to 13/14-4,

- the term 'conferred power(s)' shall denote, as appropriate, the power(s) conferred by means of empowerment, subdelegation and/or delegation;
- the term 'delegated body' shall denote, as appropriate, the Member or Members empowered and/or the Director-General or Head of Department to whom powers have been subdelegated or delegated.

13/14-2. General conditions for conferring powers by empowerment or delegation

13/14-2.1 The conferred power may be subject to certain conditions and/or arrangements; in particular, it may be restricted to decisions which do not involve sums in excess of a ceiling set by the Commission or the subdelegating Member.

13/14-2.2 A register of conferred powers shall be kept by the Secretariat-General.

13/14-3. Arrangements for the exercise of powers under the empowerment and delegation procedures

13/14-3.1 The Commission may always itself take a decision in respect of which it has conferred power or may give additional instructions to the delegated bodies.

13/14-3.2 Before taking a decision, the delegated body shall determine whether, on grounds of political sensitivity or because of its importance, the matter should be brought before the full Commission.

If there is any doubt, the President should be consulted. The President may ask for additional information on the implications of the decision.

13/14-3.3 Except in duly substantiated specific cases, the approval of the Legal Service and the agreement of the departments consulted in accordance with Article 23 of the Rules of Procedure and the rules giving effect to it are required for the exercise of the powers conferred. The department responsible shall secure such agreement.

13/14-3.4 The exercise of conferred powers shall, in all cases, require reference to the decision conferring the power.

13/14-3.5 When conferred powers are exercised, the decision shall stand adopted once the relevant form or electronic form has been signed (by hand or electronically) by the delegated body and the decision concerned has been recorded by the Secretariat-General in the computer application provided for that purpose.

13/14-4. Language rules for empowerment and delegation procedures

13/14-4.1 For the exercise of conferred powers, the documents must be available, as appropriate, in the following language versions:

- the language(s) required for the act to enter into force;
- the language(s) required for notification of the act to those to whom it is addressed;
- the language(s) stipulated by the President, taking account of Members' minimum requirements, or required for the purposes of adopting the act in other cases.

13/14-4.2 Where the legal revisers group revises the text, all the language versions necessary shall be available in due time.

13/14-4.3 Official transmission to other Community institutions and/or publication in the *Official Journal of the European Union* requires the text to be available in all official languages.

Rules giving effect to Article 13: Decisions taken by empowerment procedure

13-1. Rules for the granting of empowerment

13-1.1 All decisions conferring powers by empowerment shall be taken at Commission meetings or by finalisation written procedure.

13-1.2 Draft 'general' empowerment decisions determining the framework within which management and administrative measures may be adopted in specific areas, on behalf of the Commission and subject to its control, shall be put to the Commission by the President in agreement with the Member or Members concerned.

For this purpose, the originating department shall send a preliminary draft to the Secretariat-General, which shall carry out the necessary consultations and take the appropriate steps to place the draft on the Commission's agenda.

13-1.3 Ad hoc powers may be conferred by empowerment on the Members responsible for the purposes of, with the agreement of the President:

- taking the final decision on the basis of the Commission's deliberations (implementing powers);
- finalising instruments which have been submitted to the Commission for approval, in the light of its deliberations (finalising powers);
- taking a specific measure.

Any request for ad hoc powers to be conferred by empowerment shall be placed on the agenda for a Commission meeting. It shall be accompanied by an information memo prepared by the Member concerned, in agreement with the President and with other Members where appropriate. It shall be prepared in close collaboration with the Secretariat-General.

13-1.4 Draft decisions shall specify as precisely as possible, and with reference to the corresponding guidelines:

- the Member who is empowered;
- the scope of the empowerment and the matter covered;
- all conditions and/or rules laid down for the exercise of the empowerment, and in particular the departments which must be consulted in accordance with Article 23 of the Rules of Procedure and the rules giving effect to it, and, where appropriate, the departments to be notified.

13-1.5 Powers conferred on a Member by empowerment may, where necessary, be exercised by another Member of the Commission.

13-2. Preparation of decisions to be taken by empowerment procedure

13-2.1 The departments responsible for preparing decisions to be taken by empowerment procedure shall indicate expressly to the empowered Members whether, in their opinion, the decision is a matter of routine management or whether there are any particular data or circumstances to be taken into account (assessment of their implications being a matter for the Members concerned).

13-2.2 Before conferred powers are exercised, the agreement of the cabinet of the empowered Member and of the cabinet(s) of any associated Member(s) shall be sought by the department responsible by means of the computer application provided for that purpose.

The agreement of the cabinet of the empowered Member shall still be required where the Member is unable to exercise the powers himself.

13-3. Checks on decisions taken by empowerment procedure

The Secretary-General shall monitor decisions taken by empowerment procedure. In particular, he shall check that the conditions and rules for the exercise of powers have been met. The check shall be carried out before a decision is submitted for signature by the empowered Member.

13-4. Arrangements for empowerment procedures at certain times of the year

To ensure that decisions can still be taken on public holidays and during periods in which there are normally no Commission meetings, the President shall appoint one of the Members to take any urgent action that may be required and, in particular, to sign official instruments.

13-5. Scope and conditions governing subdelegation

13-5.1 Decisions to subdelegate or withdraw powers shall be taken by the empowered Member in accordance with the empowerment procedure provided for in Article 13 of the Rules of Procedure and the rules giving effect to it.

13-5.2 The decision to subdelegate shall specify as precisely as possible:

- the Director-General or Head of Department to whom powers are subdelegated;
- the matter covered by the subdelegated powers and their scope, which may not, under any circumstances, exceed what was stipulated when the empowerment was granted.

13-5.3 Subdelegation shall be permitted for the adoption of instruments of general application only if they simply apply detailed or purely technical criteria.

13-5.4 With the exception of the cases referred to in Article 15 of the Rules of Procedure, subdelegated powers may not be delegated further.

13-5.5 The subdelegated official shall act under the authority of the empowered Member in accordance with any arrangements they may have agreed. The empowered Member shall continue to be accountable to the Commission for ensuring compliance with the general conditions attached to the empowerment.

13-5.6 The subdelegated official shall, by signing the certifying statement provided for in Article 17(3) of the Rules of Procedure, certify that the conditions and rules governing the decisions he is adopting have been complied with and that the required agreements have been secured.

13-6. Rules concerning delegation in respect of financial matters

The rules referred to in Article 13(4) of the Rules of Procedure are the Financial Regulation (Council Regulation (EC, Euratom) No 1605/2002), as amended, any instrument based on this Regulation or on the rules for implementing it (Commission Regulation (EC, Euratom) No 2342/2002), as amended, and any other legislative instrument relating to implementation of the budget.

13-7. Powers conferred on the appointing authority and on the authority empowered to conclude contracts of employment

The rules referred to in Article 13(4) of the Rules of Procedure are those laid down by the Commission to define the powers of the appointing authority and the authority empowered to conclude contracts of employment under the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

Rules giving effect to Article 14: Decisions taken by delegation procedure

14-1. Rules for the delegation of powers

14-1.1 All decisions delegating powers shall be taken at Commission meetings or by finalisation written procedure.

14-1.2 Draft delegation decisions shall be put to the Commission by the President in agreement with the Member or Members concerned.

For this purpose, the originating department shall send a preliminary draft to the Secretariat-General, which shall carry out the necessary consultations and take the appropriate steps for the draft to be placed on the Commission's agenda.

14-1.3 Draft delegation decisions shall specify as precisely as possible, and with reference to the corresponding guidelines:

- the Director-General or Head of Department to whom powers are delegated;
- the scope of the delegated powers and the matter covered;
- all conditions and/or rules laid down for the exercise of the delegated powers, and in particular the departments which must be consulted and whose agreement must be obtained in accordance with Article 23 of the Rules of Procedure and the rules giving effect to it, and, where appropriate, the departments to be notified.

14-1.4 Delegation shall be permitted for the adoption of instruments of general application only if they simply apply detailed or purely technical criteria.

14-2. Checks on decisions taken by delegation procedure

14-2.1 The delegated official shall be accountable to the Commission for ensuring compliance with the general conditions attached to the delegation of powers.

14-2.2 The delegated official shall, by signing the certifying statement provided for in Article 17(3) of the Rules of Procedure, certify that the conditions and rules governing the decisions he is adopting have been complied with and that the required agreements have been secured.

Rules giving effect to Article 15:

Subdelegation of powers to take decisions awarding grants and contracts

15-1. Subdelegations of powers referred to in Article 15 of the Rules of Procedure shall apply to the adoption of decisions regarding the selection of projects and of individual decisions awarding grants and contracts where a committee as provided for under Article 202 of the Treaty establishing the European Community has issued a favourable opinion.

15-2. Such decisions shall not be subject to the arrangements for interservice consultation as laid down by the rules giving effect to Article 23.

15-3. The Commission's obligations under Articles 7 and 8 of Council Decision 1999/468/EC and the Agreement between the European Parliament and the Commission on procedures for implementing it (OJ L 256, 10.10.2000, pp. 19-20), as well as the internal administrative rules governing the fulfilment of its obligations, shall be complied with.

15-4. The subdelegated official shall act under the authority of the Director-General in accordance with any arrangements they may have agreed. The Director-General shall continue to be accountable to the Commission or the empowered Member for ensuring compliance with the general conditions attached to the delegation.

15-5. The subdelegated official shall, by signing the certifying statement provided for in Article 17(3) of the Rules of Procedure, certify that the conditions and rules governing the decisions he is adopting have been complied with.

*Rules giving effect to Articles 16 and 17:
Information concerning decisions adopted
and authentication of acts adopted by the Commission*

16/17-1. Day notes relating to decisions adopted by written procedure and by empowerment procedure and authenticating certain such decisions shall be produced and circulated by the Secretary-General within 24 hours of their approval, and in any event before the acts mentioned therein are notified or published.

Day notes relating to decisions adopted by delegation procedure and by subdelegation procedure shall be made available in the computer application provided for that purpose.

**SECTION IV – PREPARATION AND IMPLEMENTATION OF COMMISSION
DECISIONS**

*Rules giving effect to Article 20:
The Secretary-General*

20-1. The Secretary-General shall ensure overall policy coherence through prior coordination between departments during the preparatory stages in accordance with Article 23 of the Rules of Procedure and shall inform the President in good time of any draft initiative of outstanding importance and/or substance.

He shall check, under the authority of the President, that proposals comply with the political guidelines laid down by the President and the priorities set by the Commission, that they are compatible with other policies and are of a high standard, and that they are the result of close collaboration between all the departments concerned. He shall also ensure that the impact of the proposals has been properly assessed.

In addition, he shall monitor the formal aspects of draft texts for compliance with procedural rules, drafting rules and rules for presentation, including compliance with the language rules applicable, linguistic concordance being the responsibility of the translation department.

20-2. Under the authority of the President, the Secretary-General may act as mediator in the event of disagreement between departments. At the request of the President, he may take the lead role for draft texts which involve more than one Member of the Commission, are of a horizontal nature or are particularly sensitive.

20-3. The Secretary-General shall ensure that the coordination instruments work properly and smoothly. He shall comment on any matter involving interdepartmental coordination. Where necessary, he shall suggest that ad hoc instruments be set up or that existing instruments be adapted.

20-4. The Secretary-General shall make a record of the conclusions reached during the Commission's policy discussions and ensure that it is appropriately distributed.

CHAPTER 2

COMMISSION DEPARTMENTS

Rules giving effect to Article 21: Structure of departments

21-1. The term ‘equivalent department’ refers to specific Commission departments other than Directorates-General and includes the offices whose mandate is to perform administrative and support tasks which may be of a permanent nature and linked to the mission of a Commission department..

21-2. Without prejudice to the President’s prerogatives as set out in Article 22 of the Rules of Procedure concerning the creation of specific functions and structures, decisions on the structure of Directorates-General or equivalent departments may be delegated to the Member of the Commission with special responsibility for personnel and administration, acting in agreement with the President and the Member with special responsibility for the area of activity in question. They may also be delegated to the Director-General of the Directorate-General or department concerned. Powers conferred in this way shall then be exercised in accordance with the Code of Good Administrative Conduct as regards the establishment plans in force.

Rules giving effect to Article 23: Cooperation and coordination between departments

23-1. In order to ensure genuine coordination of substance in compliance with the political guidelines laid down by the President and the priorities set by the Commission, the department responsible for preparing an initiative shall contact departments with a legitimate interest and the Secretariat-General as soon as work begins, to inform them of the timetable for the work and enable them to cooperate at an early stage, notably where the drafting process will involve consultations with national government departments, experts or other outside agencies, an impact assessment, an ex-post evaluation or public consultation.

23-2. The department responsible and the departments consulted shall cooperate closely and for this purpose shall exchange all the necessary data and information before and after the formal interservice consultation referred to in rule 23-4.

23-3. Where important, complex or cross-cutting proposals, including the relevant impact studies, ex-post evaluations or public consultations, are being prepared, the department responsible may, in the interests of effective coordination, set up an interservice coordination group or other structures as appropriate. It must first obtain the prior agreement of the Secretary-General.

To facilitate interservice coordination, the Secretary-General may, if he considers it useful, organise or encourage interdepartmental meetings and joint meetings of Members' cabinets and the departments concerned.

23-4. Formal interservice consultation

23-4.1 When a document is finalised for decision by the Commission, the department responsible shall formally consult, by means of the computer application provided for that purpose, the departments with a legitimate interest. Where a new political initiative or a politically sensitive initiative is involved, the department responsible shall obtain the prior

agreement of the Member to whom it is attached on the basis of the draft document and any impact assessment report that has received a favourable opinion from the Impact Assessment Board.

The department responsible shall facilitate the interservice consultation procedure notably, where necessary, by organising interdepartmental meetings during or after the formal consultations.

23-4.2 The departments consulted shall be given at least ten working days in which to submit their comments.

This period shall be increased to a minimum of fifteen working days if the total length of the documents submitted for consultation, including the impact assessments and the Commission department working papers, exceeds twenty pages.

Unless the Commission specifically provides otherwise or all the departments concerned, including the Secretariat-General, agree, this period may be shortened in genuine emergencies only, and not, therefore, in order to catch up on an administrative delay.

23-4.3 For the purposes of initiating a written procedure and exercising delegated powers, the approval of the Legal Service and the prior agreement of the departments duly consulted in accordance with the relevant provisions of the Rules of Procedure and the rules giving effect to them shall be required.

Where a department consulted or the Legal Service has not reacted within the time laid down in rule 23-4.2, it shall be deemed to have given its agreement or approval.

Additional time may be requested but grounds must be given and the circumstances must be exceptional.

23-4-4 When the consultation is closed, the originating department shall revise the texts and try to incorporate as faithfully as possible the comments made and amendments requested by the departments consulted, and it shall inform the latter accordingly by means of the computer application provided for that purpose and make the revised document available to them.

23-4-5 The computer procedure and application used for interservice consultations shall also be used to obtain the agreement of the departments concerned before a Commission staff working paper is sent to its recipient(s).

23-5. Alternatives to formal written interservice consultation

23-5.1 The President may ask a group of Members to prepare the ground for the discussion of an initiative which may be raised at a subsequent meeting of the Commission.

He may decide that preparation by such a group counts as formal interservice consultation, provided that the Members of the Commission who are directly concerned in view of the nature of the matter in question are represented in the group. In this case, the presence of a representative of the Legal Service shall be required.

When drawing up a draft initiative the department responsible shall take care to involve the departments with a legitimate interest in the initiative beforehand, especially those which have to be consulted.

23-5.2 In addition, the Secretary-General may authorise the department responsible to consult the departments with a legitimate interest in an initiative at an interdepartmental meeting ('fast-track' procedure), provided that the urgency criteria are met. The fast-track procedure

shall be requested and organised using the computer application provided for that purpose. This oral interservice consultation is then equivalent to formal written consultation, provided that the departments most concerned, notably those which must be consulted, are represented at the meeting or send their comments in writing before the meeting is held.

The documents submitted for consultation must reach the departments to be consulted at least 48 hours before the meeting.

The opinions expressed by the departments consulted at the meeting must be duly recorded in the interdepartmental meeting minutes, which must reflect the outcome of the consultation.

23-6. When presenting documents to the Commission to be dealt with by oral or written procedure, the Secretary-General shall make express reference, in the covering memorandum, to the department responsible, to the departments consulted and to their opinion on the measure in question expressed in the formal written or oral interservice consultation, or to the opinion expressed in a group of Members of the Commission.

23-7. The rules of cooperation set out in this Article shall apply when representatives of the Member States are consulted under the relevant committee procedures. No draft measure may be presented to the Member States unless all departments consulted are in agreement.

This also applies to Commission positions and to non-papers and any other form of contribution prepared by one or more Commission departments to be presented or supplied by Commission representatives to the governments of Member States, to other Community institutions, to international organisations and in the course of negotiations with non-member countries, and to any other expression of opinion, including a personal opinion, which might compromise the Commission.