

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 442 final

Brussels, 8 September 1978

Proposal for a
COUNCIL DECISION

adopting the rules of procedure of the
Committee set up under Article 5
of Council Regulation (EEC)

(submitted to the Council by the Commission)

COM(78) 442 final

EXPLANATORY MEMORANDUM

Article 5(1) of Council Regulation EEC /78 on the application of the provisions of the Financial Protocols concluded with Greece, Turkey and Portugal provides for the setting up of a Committee, known as the Article 5 Committee, consisting of representatives of the Member States under the auspices of the Commission. The role of the Article 5 Committee is to give its opinion on draft decisions submitted to it by the Commission to finance technical assistance projects or schemes in Greece. The Article 5 Committee is to be chaired by a representative of the Commission and its secretariat will be provided by the Commission.

Article 5(2) of this Council Regulation EEC /78 states that the Council, acting unanimously on a proposal from the Commission shall adopt the rules of procedure of the Article 5 Committee. It is thus in this context that this proposal for rules of procedure is being made.

The rules of procedure set out in this proposal are to a large extent based on the rules adopted and successfully applied in the framework of the Committee of the European Development Fund.

3. The Commission, the Bank and the General Secretariat of the Council shall designate their respective representatives, who may be assisted by officials of their Institutions.

Article 2

The Committee shall meet when convened by its Chairman, either on his own initiative or at the request of a delegation.

Article 3

1. The Committee, shall, under the conditions laid down in Article 5(3) of the Regulation, deliver an opinion:

- (a) on draft financing decisions submitted to it by the Commission in accordance with Article 6 of the Regulation;
- (b) on draft financing decisions involving an additional commitment exceeding 1% of the initial commitment laid down in the financing decision.

2. However, as regards the technical cooperation schemes referred to in Article 2(6) of the Financial Protocol concluded with Greece, the Commission may seek the opinion of the Committee on draft general commitment decisions, which shall as a rule be drawn up for each group of schemes. It shall inform the Committee of operations undertaken under this heading.

Article 4

At least two weeks before the date fixed for the meeting, the Chairman shall send the delegations of the Member States, their Permanent Representations, the Bank and the General Secretariat of the Council a draft agenda together with the

documents referred to in Article 3, in the official languages of the Communities.

2. At least three working days before the date of the meeting, the delegations shall inform the secretariat of the Committee of the draft decisions to which they are already able to agree and which they propose for entry in part A of the agenda referred to in paragraph 1, and of those which they consider should be discussed at the meeting and which they propose for entry in part B. The Committee shall deliver a favourable opinion without discussion on draft decisions entered in part A by all the delegations.

In addition, the delegations shall as far as possible, make any observations and requests for additional information concerning the draft decision on which they do not feel able to adopt a position or which they propose for entry in part B.

The additional information requested and the replies to the observations made shall, as far as possible, be circulated by the secretariat of the Committee before the meeting.

If the replies given satisfy all the delegations, the draft financing decision in question shall be entered in part A; if not, they shall be entered in part B.

3. On the basis of these various particulars the Chairman shall draw up the agenda for the meeting and shall present it to the delegations at the beginning of the meeting.

Article 5

1. The Chairman may bring matters before the Committee by means of an emergency procedure under which the two-week period referred to in Article 4(1) is reduced to seven days from the date on which the dossier is dispatched.
2. This procedure may be used for draft financing decisions of an urgent nature.
3. Should there not be agreement by the Committee that a draft decision needs to be examined urgently, and it is not considered possible to postpone such examination until the next meeting, the opinions of the delegations shall be sought in writing within a maximum period of two weeks.

Article 6

The opinion of the Committee may be sought by means of a written procedure. The Committee shall be deemed to have delivered a favourable opinion on a draft if, within a period of two weeks from the date it was sent to the addressees, the Chairman has not received a request to the effect that the Committee be convened. If the Chairman does receive such a request, the draft financing decision in question shall automatically be placed on the agenda for the Committee meeting following the end of that period.

Article 7

1. The Committee may deliver a favourable opinion on a draft financing decision, subject to amendments.
2. The Committee and the Chairman may request that certain points in the appraisal of a project or programme be further examined. In that event the draft financing decision may be submitted to the Committee for a second time.

3. Each Member State may at any time request that an item be included on the agenda for a Committee meeting. Information supplied regarding the item may be given orally.

4. The opinions delivered by the Committee shall be sent to the Commission by the Chairman.

Article 8

1. The Commission shall provide the secretariat for the Committee.

2. Within four weeks of the date on which Committee opinions are delivered, the secretariat shall prepare a record of the deliberations in the official language of the Communities, under the responsibility of the Chairman. This record shall be considered to be final when it has been approved by the Committee either by means of the written procedure or at a subsequent meeting. It shall be sent to the Commission by the Chairman.

3. The final record of each meeting shall be sent to the delegations of the Member States, their Permanent Representations, the Bank and the General Secretariat of the Council.

4. Correspondence concerning the Committee shall be addressed to the Commission, for the attention of the Chairman of the Committee. Correspondence addressed to the delegations of the Member States shall also be sent to the Permanent Representation of the relevant country.

5. Those attending meetings of the Committee shall be required to observe the secrecy of the Committee's work and deliberations. Documents relating to such work and deliberations may be communicated only to the relevant departments of the Member States and the Community institutions.

Article 9

1. The operating expenditure of the Committee, including the travel expenses of not more than two persons per Member State or Community institution, shall be covered by the Communities' budget.

2. The Commission shall place at the disposal of the Committee the premises and facilities necessary for its work.

Done at Brussels,

1978

For the Council

The President

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FICHE FINANCIERE

établie pour le budget de l'exercice 1978

A. PREMIERE PARTIE : CREDITS D'INTERVENTION
(pour actions anciennes et nouvelles)

1. LIGNE BUDGETAIRE CONCERNEE : Article 251
2. INTITULE DE LA LIGNE BUDGETAIRE : Comités
3. BASE JURIDIQUE : Règlement du Conseil CEE .../78 en date du ...
4. DESCRIPTION, OBJECTIF(S) ET JUSTIFICATION DE L'ACTION

Le crédit est destiné à faire face aux frais de voyage et de séjour et aux frais accessoires des experts convoqués. Il sert également à couvrir les frais annexes de la tenue des réunions dans la mesure où ils ne sont pas couverts par l'infrastructure existante.

5. CREDITS (en u.c.e.)

Réunions à prévoir :

jusqu'au 31 décembre 1978 : 2

jusqu'au 31 octobre 1981 : 18

Personnes convoquées : ± 25 par réunion

Montant des frais de transports
en tenant compte de leurs pays
d'origine : ± 6500 u.c.e. par réunion

Coût total : ± 130.000 u.c.e.
dont ± 13.000 u.c.e. jusqu'au 31.12.78
± 39.000 u.c.e. en 1979
± 78.000 u.c.e. du 1.1.80 au 31.10.81

B. DEUXIEME PARTIE : INFORMATIONS SUPPLEMENTAIRES POUR UNE ACTION NOUVELLE

6. COUT TOTAL DE L'ACTION PENDANT TOUTE LA DUREE ENVISAGEE

Les dépenses imputées sur le budget communautaire s'élèveront à 130.000 u.c.e. jusqu'au 31 octobre 1981, dont 39.000 u.c.e. pour l'exercice 1979.

7. INFORMATION SUR LE PERSONNEL ET SUR LES CREDITS DE FONCTIONNEMENT
NECESSAIRES POUR LA REALISATION DE L'ACTION

En dehors des frais d'experts, l'action n'aura pas d'incidence budgétaire, le Secrétariat du Comité étant assuré dans le cadre du tableau des effectifs de la Commission.

8. FINANCEMENT DE L'ACTION

Le Comité n'entrant en fonction qu'après la mise en application des Protocoles financiers, il n'a pas été prévu dans le cadre du budget 1978. Il conviendra donc d'alimenter la ligne budgétaire concernée par voie de virements ou autres moyens financiers.