



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.01.2002
COM(2001) 799 final

Proposal for a

COUNCIL DECISION

adopting the rules of procedure of the European Development Fund Committee

(presented by the Commission)

EXPLANATORY MEMORANDUM

Article 21 of the Internal Agreement of 18 September 2000 pursuant to the Partnership Agreement between the Community and its Member States and the ACP states, signed in Porto Novo on 23 June 2000,¹ sets up a European Development Fund Committee under the auspices of the Commission, for the Fund resources that it manages.

The Internal Agreement will enter into force after the ratification procedures have been completed. However, by decision of the representatives of the governments of the Member States meeting within the Council at its meeting on 3 October 2000 certain provisions of this Internal Agreement, including Articles 21 (setting-up of the committee) and 27 (committee procedures) were applied provisionally in advance².

Article 21(2) of the Internal Agreement lays down that the Council, acting unanimously, has to adopt the rules of procedure of the Committee.

The Community must therefore adopt the EDF Committee's new rules of procedure so that it can carry out its duties as stipulated in the Internal Agreement.

The draft rules of procedure attached to this proposal for a Decision contain changes compared to the old rules in order to comply with the new Internal Agreement. They also take account of the simplification and harmonisation of committee procedures, in particular the standard rules of procedure approved by the Commission for this purpose.

The Commission therefore proposes that the Council adopt the attached Decision.

¹ Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of Community Aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Benin on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies (OJ L 317, 15.12.2000, p. 355).

² Decision of 3 October 2000 by the Representatives of the Governments of the Member States, meeting within the Council regarding provisional application of the Internal Agreement on the financing and administration of Community Aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Benin on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies (OJ L 317, of the 15.12.2000, p 354).

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Internal Agreement on the financing and administration of Community aid, signed in Brussels on 18 September 2000, and in particular Article 21(2) thereof,³

Having regard to the proposal from the Commission,

- (1) Whereas it is the responsibility of the Council to adopt the rules of procedure of the European Development Fund Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The rules of procedure of the European Development Fund Committee, as set out at annex, are hereby adopted.

Article 2

This Decision enters into force the day of its publication in the Official Journal.

³ OJ L 317, 15.12.2000, p. 355

Article 3

Until the entry into force of the Internal Agreement these rules of procedure shall apply only to the programming needs referred to in Article 1 (1) and (2) of Decision 2000/770/ EC of the representatives of the governments of the Member States, meeting within the Council, on 3 October 2000⁴.

Done at Brussels, [...]

For the Council
The President
[...]

⁴ Decision by the Representatives of the Governments of the Member States, meeting within the Council, on the application of certain provisions of the Internal Agreement on financing and the management of Community aid, signed in Brussels on 18 September 2000 (OJ L 317, 15.12.2000, p. 354).

ANNEX
RULES OF PROCEDURE
of the European Development Fund Committee

Article 1

Convening a meeting

1. The Committee shall be convened by its Chairman, acting on his own initiative or at the request of a Member State.
2. Joint meetings of the Committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

Article 2

Agenda

1. The Chairman shall draw up the agenda and submit it to the Committee.
2. The agenda shall make a distinction between:
 - proposed measures about which the Committee is asked to give an opinion under the terms of the Internal Agreement;
 - other issues put to the Committee under the terms of the Internal Agreement.
3. Any delegation may request the inclusion of an item on the agenda of meetings of the Committee. Relevant information on these items may be given orally.

Article 3

Documentation to be sent to committee members

1. The Chairman shall send the invitation to the meeting, the agenda and proposed measures about which the Committee's opinion is required and any other working documents to the Committee members via the secretariat, as a general rule no later than 14 calendar days before the date of the meeting.
2. In urgent cases, and where the measures to be adopted must be applied immediately, the Chairman may, at the request of a Committee member or on his or her own initiative, shorten the period laid down in the above paragraph to five calendar days before the date of the meeting.
3. In cases of extreme urgency, the Chairman may depart from the periods laid down in paragraphs 1 and 2 above.
4. In the case of proposals to be submitted to the Committee by oral procedure under the Internal Agreement, delegations should notify the secretariat of the committee in writing at least four working days before the date of the meeting of:

- those items to which they can already give their assent and that they propose including as A items (with or without comments or requests for further information) on the agenda referred to in Article 4(1), and
- those which they think need discussion and propose entering as B items.

Delegations shall also formulate any comments and requests for further information in writing and within the same time-limit.

The Commission shall provide further information and respond to any comments, wherever possible in writing and before the meeting of the Committee.

Article 4

Opinion of the Committee

1. The Committee shall give its opinion in the cases and according to the procedures provided for in the Internal Agreement. Where a matter is put to the Committee for its opinion, it shall be discussed under the conditions and according to the procedure set out respectively in Articles 21 and 27 of the Internal Agreement.
2. When the oral procedure is used:
 - (a) The Chairman, on his own initiative or at the request of a Committee member, may postpone the vote on a particular agenda item until the end of the meeting or a later meeting:
 - if a substantive change is made to the proposal during the meeting,
 - if the text of the proposal has been submitted to the Committee during the meeting,
 - (b) If there are specific difficulties, the Chairman may extend the meeting until the following day.

Article 5

Representation and quorum

1. Each Member State delegation is considered to be one Committee member. Each member shall be represented by not more than one person. However, with the Chairman's permission, the delegations may be accompanied by experts, at the expense of the Member State concerned.
2. A Member State delegation may, if necessary, represent a maximum of one other Member State. The Chairman of the Committee shall be notified in writing by the Permanent Representative of the Member State which is represented.
3. The quorum required for the deliberations of the Committee to be valid is that permitting a majority opinion to be issued in accordance with the Internal Agreement.

Article 6

Admission of third parties

1. The Chairman may decide to hear experts on specific points, at the request of a member or on his or her own initiative.
2. These experts shall not be present or take part when the Committee moves to a vote.

Article 7

Written procedure

1. Where proposed measures are subject to a written procedure, delegations have 14 calendar days from the sending of the proposals to adopt a position. Any Committee member who does not express his or her opposition or intention to abstain before the deadline laid down in the letter is considered to have given his or her tacit agreement to the proposal;

In cases of urgency or extreme urgency, the deadlines laid down in Article 3(2) and (3) shall apply.

2. However, if a Member State requests that the draft measures be considered in the course of a meeting of the Committee, the written procedure shall thereby terminate; the proposed measures shall be carried over to the next meeting of the Committee.

Article 8

Secretarial support

Secretarial services for the Committee shall be provided by the Commission.

Article 9

Minutes and summary report of the meetings

The minutes of each meeting shall be drawn up under the auspices of the Chairman. These minutes shall contain, in particular, the opinions expressed on the proposed measures mentioned in Article 2 and, where applicable, the opinions expressed on issues not submitted for an opinion. The minutes shall be sent to the members of the Committee within 14 calendar days.

The Committee members shall send any written comments they may have on the minutes to the Chairman. The Committee shall be informed of this; if there are any disagreements, the proposed amendment shall be discussed by the Committee. If the disagreement persists, the proposed amendment shall be annexed to the minutes.

At each meeting of the Committee the Commission shall submit a list of the decisions taken in the preceding period on the basis of Articles 24(2) b), 24(3) and 24(4) and the first indent of 25(3) of the Internal Agreement.

Article 10

Attendance list

1. At each meeting, the Chairman shall draw up an attendance list specifying the authorities or bodies to which the participants belong
2. At the beginning of every meeting, any Committee member whose participation in the work of the Committee would constitute a conflict of interest with regard to a particular agenda item must inform the Chairman of this situation.
3. Members of delegations who do not belong to a particular authority or organisation of a Member State must sign a declaration stating that their participation does not raise any conflict of interest.

In the event of such a conflict of interest, the member concerned must withdraw whilst the relevant agenda items are being dealt with, at the request of the Chairman.

Article 11

Correspondence

1. Correspondence relating to the Committee shall be addressed to the Commission, for the attention of the Committee Chairman.
2. Correspondence addressed to Committee members by the secretariat shall also be sent to the Permanent Representative of the Member State concerned.
3. Save in exceptional circumstances, correspondence between the Commission and Committee members shall be sent in both directions by the computerised means provided for.

Article 12

Transparency

1. The principles and conditions concerning public access to the Committee's documents shall be those laid down in Regulation (EC) No 1049/2001⁵. It is for the Commission to take a decision on requests for access to these documents. If such a request is sent to a Member State, it must act in accordance with Article 5 of the above Regulation.
2. The proceedings of the Committee shall be confidential.

⁵ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001, OJ L 145, 31.5.2001, p. 43.

Article 13

Running costs

1. The Committee's running costs, including travelling expenses for one participant per Member State, shall be borne by the Commission.
2. The Commission is authorised to refund the accommodation and travelling expenses of experts invited under Article 6.
3. The Commission shall make available to the Committee the premises and material resources necessary for its work.