

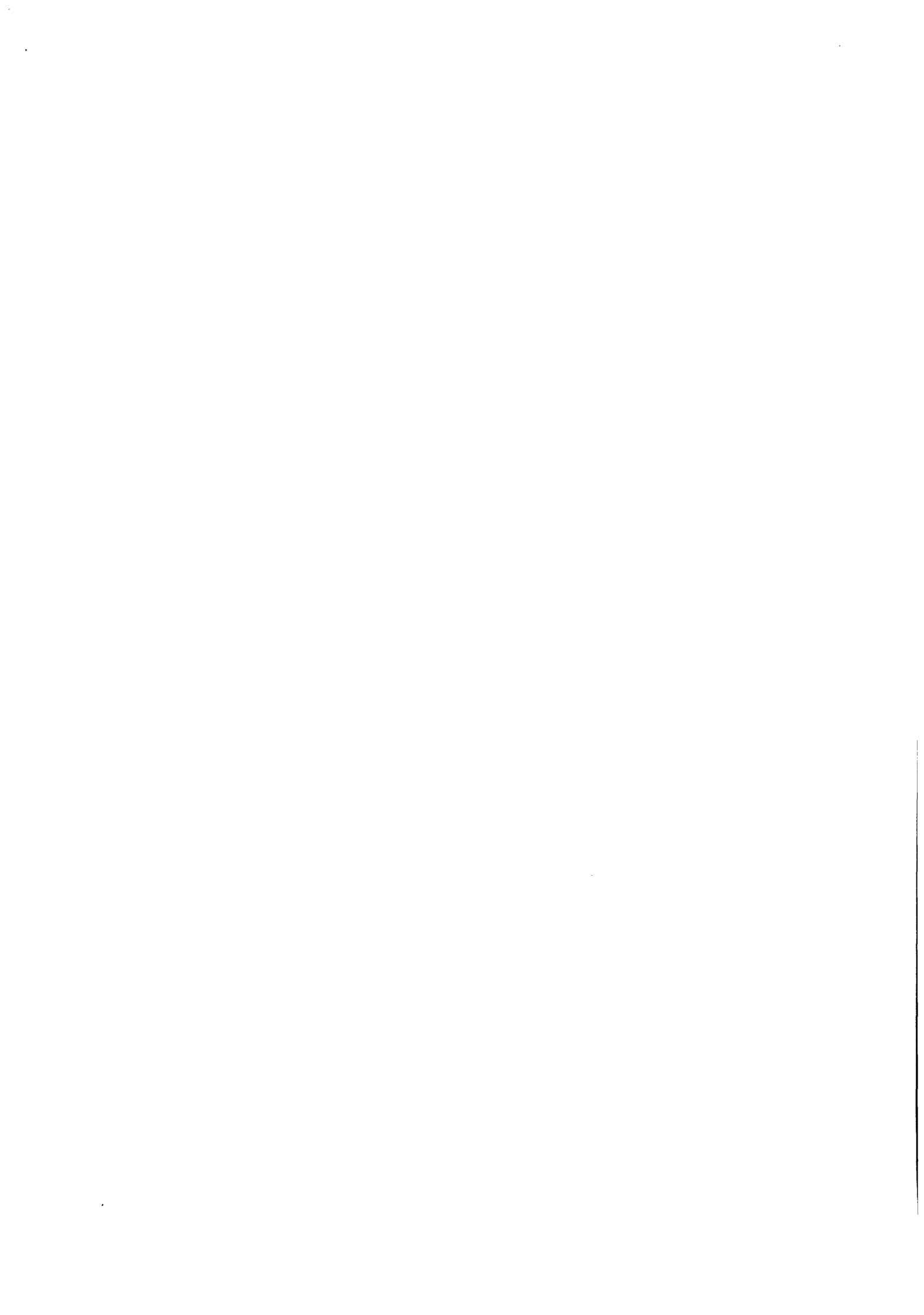
Manual of Procedures

PART ONE

Operational Procedures

Fourth updating

JULY 1981



P R E F A C E

This manual of operational and administrative procedures has been prepared at the request of the Commission to help you in your day-to-day work.

You should bear in mind that it does not have legal status, nor does it attempt to cover every eventuality. In cases of doubt or for more detailed information you should consult the source document or the contact point named in the text.

Comments and suggestions for improvements to Part One (Operational Procedures) will be welcomed and considered for incorporation in future editions. They should be sent to the Secretariat-General (Internal Coordination Division, Mr Ciavarini Azzi, Berlaymont 11/27, tel. 2577/7514).



C O N T E N T S

PREFACE	iii
 <u>P A R T O N E : O P E R A T I O N A L P R O C E D U R E S</u>	
 <u>1. INTERNAL FUNCTIONING OF THE COMMISSION AND ITS DEPARTMENTS ...</u>	
WORKING METHODS OF THE COMMISSION	1
Introduction	1
Rules of procedure	2
Meetings of the Commission	2
. Weekly programme	2
. Agenda	3
. Brief memoranda from Members of the Commission	3
. Minutes	4
Ad hoc meetings of Members	4
Meetings of Chefs de cabinet	5
. Regular weekly meeting	5
. Special meetings	6
Operation of the Commission at certain times of the year	6
Official visits to Member States	7
. Members of the Commission	7
. Senior officials	8
Documents requiring a Commission decision	9
. Preparation	9
. Legal control	9
. Presentation	10
. Monitoring of preparation and presentation	12
. Circulation	13
. Publication in the Official Journal	13
. Interdepartmental coordination	14
- Interdepartmental working parties	15
- Interinstitutional working parties	16
- Task forces	16
Written procedure	17
Delegation procedure	22
Documents on the Commission's agenda	25
Revision of legal texts by lawyer linguists	25
. Texts to be adopted by written procedure	26
. Texts to be adopted by delegation procedure	26
. Texts on the Commission agenda	27

Programming of Commission business	27
. Commission's outline programme	27
. Timetable for Commission proposals	28
. Timetable annex	28
. Joint programming of work between the institutions	30
. Schedule of Community meetings	31
. Register of proposals	31
. Withdrawal of pending proposals	32
Legal proceedings	32
Control of application of Community law	33
. Control of application of directives	34
. Complaints	36
. Presumed infringements	38
. Established infringements	39
. Coordinators for control of application of Community law	43
State aids	43
. Application of Article 93(3) of the EEC Treaty	43
. Application of Article 93(2) of the EEC Treaty	47
Arrangements for meetings away from headquarters	47
Treatment of mail	47
. Registration	47
. Distribution	48
. Acknowledgements	48
. Replies	48
. Salutation and complimentary close: standard forms	49
. Notification of the Secretariat-General	49
. Signature	50
. Correspondence with the Permanent Representatives	50
. Notification of Member States and private persons	51
. Transmittal to Permanent Representatives	51
. Convening national experts	51
Names of countries and order of listing	52
Order of listing languages	54
Briefs for the President in preparation for official visits or meetings	54
Commission patronage	54
Emblem	55
General report and other periodical publications	55
. General report	55
. Bulletin	56
- Supplements and index	57
Relations with the press	58
. Collection and dissemination of news	58
. Follow-up	59
. Special operations	60
. Spokesman's Group	61
. Coordination	63

BUDGET	63
Structure	63
Establishing the budget	64
Budgetary powers	64
Implementation procedure	64
Studies and publications	65
Financial statement	65
Ceilings on expenditure	66
FINANCIAL CONTROL	66
SECURITY	68
STATISTICS	69
2. <u>RELATIONS WITH OTHER COMMUNITY INSTITUTIONS AND BODIES</u>	72
COUNCIL	72
General	72
. Basic rules	72
. Political cooperation	73
. European Council	73
. Channels of communication	74
. Transmission of proposals and other formal Commission communications	74
. Transmission of working papers	75
. Two-way notification of important correspondence from non-member countries	75
. Other forms of briefing on external relations	75
Council meetings	76
. Agendas	76
. Attendance by Commission Members	76
. Attendance by officials	76
. Records of proceedings and minutes	77
. Contacts with the press	77
Council working parties	78
Permanent Representatives Committee (COREPER)	79
EUROPEAN PARLIAMENT	82
Liaison with Parliament	82
Transmission of documents to Parliament	83
. Documents not specifically for Parliament	83
. Documents specifically for Parliament	84
Correspondence with Parliament	84

Parliamentary Committees	85
Part-sessions of Parliament	86
. Files for Members attending part-sessions	87
. Consultation of Parliament	88
. Adoption of opinions: Parliament's procedures	89
. Action on opinions: Commission follow-up	91
. Own-initiative resolutions: Commission follow-up	92
Conciliation procedure	92
Oral questions	94
. General	94
. Oral questions with or without debate	95
. Question Time	96
Written questions	97
Interparliamentary delegations	98
Contacts with parliamentary committees of Member States	99
COURT OF JUSTICE	100
COURT OF AUDITORS	101
Consultation	101
Relations with the Commission	101
EUROPEAN INVESTMENT BANK (EIB)	103
Relations with the Commission	103
Interdepartmental cooperation	104
ECONOMIC AND SOCIAL COMMITTEE	105
Consultation	105
Relations with the Commission	106
CONSULTATIVE COMMITTEE OF THE EUROPEAN COAL AND STEEL COMMUNITY .	106
Treaty basis and composition	106
Deliberation and consultation	107
Relations with the Commission	110
RELATIONS WITH THE TWO SIDES OF INDUSTRY AND THE EUROPEAN YOUTH FORUM	110
Framework for relations	110
Consultations on specific proposals	111
Duties of the Social Partners Office	111
Relations with the European Youth Forum	113

3. <u>EXTERNAL RELATIONS</u>	114
RELATIONS WITH NON-MEMBER COUNTRIES	114
Agreements with non-member countries	115
Accreditation of Heads of Mission of non-member countries and questions of protocol	116
Correspondence and contact with missions of non-member countries in Brussels	117
Contact with Member States' embassies in non-member countries .	118
Visits and missions to non-member countries	118
. Official visits by Members of the Commission	118
. Missions by Commission officials	119
. Attendance at meetings and conferences held by international organizations	123
Appointment of heads of external delegations and information offices in non-member countries	124
Relations between Commission staff and nationals of state-trading countries	124
. Visits to the Commission	124
. Missions	124
. Conferences and other meetings	125
Visits to the Commission by VIPs from non-Member States or international organizations	125
Invitations to persons outside the Community to attend seminars and other meetings organized by the Commission	126
Invitations to Commission staff to attend seminars and other meetings organized outside the Community	127
RELATIONS WITH INTERNATIONAL ORGANIZATIONS	127
General provisions	127
Relations with the United Nations	129
. General Assembly	130
. ECOSOC	130
. UNCTAD	131
Relations with other international organizations	131
. GATT	131
. OECD	131
. Council of Europe	132
Coordination between Commission departments	132
HOUSE RULES FOR LIAISON BETWEEN HEADQUARTERS AND EXTERNAL DELEGATIONS	133
Role of delegations	133

Internal structure: responsibility to headquarters	133
Channelling of instructions	133
Correspondence	134
Weekly telex to heads of delegations and information offices in non-member countries	134
Coded messages	134
Diplomatic bag	135
Representations to the authorities of non-member countries	136
Routine contacts	136
Missions to non-member countries	136
Official visits from non-member countries	136
Assistance from headquarters departments	137
Times and destinations of diplomatic bags	138

ANNEXES

Internal functioning of the Commission and its departments

1

1. INTERNAL FUNCTIONING OF THE COMMISSION AND ITS DEPARTMENTS

WORKING METHODS OF THE COMMISSION

INTRODUCTION

The Members of the Commission are appointed for four years by agreement between the governments of the Member States. Their term of office is renewable. Should a Member of the Commission resign or be compulsorily retired (by the Court of Justice at the request of the Council or the Commission), a new Member is appointed for the remainder of the Commission's term, unless the Council, acting unanimously, decides that there is no need for a replacement.

A President and five Vice-Presidents are appointed, by agreement between the Member States, from among the Members of the Commission for a period of two years. Their term may be renewed. Except where the entire Commission is replaced its Members are consulted about the appointment of the President and of the Vice-Presidents.

Once they have taken office, the Members of the Commission decide jointly on the allocation of responsibilities and determine the order of precedence of the Vice-Presidents and Members. The present distribution of responsibilities and order of precedence are shown in the Directory of the Commission.

At the beginning of his term each Member of the Commission solemnly undertakes to perform his duties in complete independence, in the interest of the Communities and in accordance with Article 10 of the Merger Treaty. This undertaking is given at a public session of the Court of Justice (a declaration already having been made at the first meeting of the Commission which the new Member attends).

In accordance with the Treaties and its own Rules of Procedure, the Commission acts collectively: all decisions are taken on the responsibility of the Commission as a whole.

The Commission meets on Wednesday each week. In addition to decisions taken at its weekly meeting the Commission may also adopt decisions by written procedure (see p. 17) or, without departing from the principle of collective responsibility, may delegate one of its Members (or a senior official in some cases) to take decisions on its behalf (see p. 22).

RULES OF PROCEDURE

Since the merger of the executives in 1967, the Commission has organized its work in accordance with the rules given in Articles 1 to 12 and 24 to 28 of the Rules of Procedure of the Commission of the European Economic Community, published in the Official Journal on 31 January 1963 (1). The basic text has been amended to take account, for instance, of changes in the make-up of the Commission resulting from the merger and enlargement of the Communities in 1973 (2) and in 1981 (3).

MEETINGS OF THE COMMISSION

WEEKLY PROGRAMME

(Commission, groups of Members, Chefs de cabinet)

Monday (morning at 1200 hours and afternoon at 1530 hours):
weekly meeting of Chefs de cabinet.

Wednesday (morning at 1000 hours and afternoon at 1530 hours):
weekly meeting of the Commission.

Thursday (morning and afternoon),
Friday (morning and afternoon) and, if necessary, Tuesday
(morning): special meetings of Chefs de cabinet.

The Commission may, if necessary, hold special sittings in addition to its regular Wednesday meetings (for example, an additional sitting to deal with a particular topic or a sitting before or during an important Council meeting). Such meetings may also be called in urgent cases, by the President on his own initiative or at the request of one or more Members.

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- (1) OJ 17, 31.1.1963 (English version: OJ Special Edition Second Series, VII Institutional Questions, September 1974).
 - (2) OJ 147, 11.7.1967;
OJ L 145, 3.7.1970;
OJ L 7, 6.1.1973;
OJ L 199, 30.7.1975.
 - (3) OJ L 8, 8.1.1981.

AGENDA

The agenda of the weekly meeting of the Commission is distributed on the Thursday of the preceding week by the Secretariat-General (Registry) on the authority of the President.

The following rules govern the inclusion of an item on the draft agenda:

- (a) Requests must come from a Member of the Commission. They cannot be made direct by a Directorate-General. The Office of the Member in question conveys the request to the Secretariat-General. Documents for inclusion on the Commission agenda should be sent by the Directorate-General or other department concerned to reach the Secretariat-General (Mr Depaus, Berlaymont 11/109, tel. 2354) not later than 1300 hours on the Thursday of the week before the meeting. The file should be sent in with the duly completed buff form: *Inscription d'un document à l'ordre du jour de la Commission* (Information sheet for the inclusion of an item on the Commission agenda) (see Annex 1). Copies of this form may be obtained from the secretariats of the Directorates-General or from the Secretariat-General (tel. 6828). For the preparation and presentation of texts see also Documents requiring a Commission decision, p. 11, and Revision of legal texts by lawyer linguists, p. 26.
- (b) An item is also placed on the agenda when the Commission itself has so decided at an earlier meeting.
- (c) Requests from a Member for an item to be placed on the agenda may not be refused.

BRIEF MEMORANDA FROM MEMBERS OF THE COMMISSION

Members of the Commission may present brief memoranda on items of interest which do not require a decision by the Commission (for example, meetings with members of governments, progress reports on some matter in hand). Such matters are not placed on the agenda unless the memorandum is particularly important or confidential.

MINUTES

The minutes are drafted by the Secretariat-General as soon as possible after the Commission meeting. The Commission approves these draft minutes at a subsequent meeting, amending them if necessary.

The minutes are in two parts: the ordinary minutes (classified 'for official use only'), which are widely distributed to all Commission departments and which record the Commission's conclusions of a non-confidential nature; the special minutes (classified 'confidential'), recording discussions which may not be disclosed for purposes other than the immediate internal needs of the Commission.

A summary of the main decisions reached is distributed to Directors-General and Chefs de cabinet the day after the Commission meeting.

A D H O C M E E T I N G S O F M E M B E R S

The main purpose of these ad hoc groups is to relieve the Commission of business which can be prepared without the participation of all the Members but which does need discussing at Member level.

Depending on the terms of reference of the group, the Commission determines whether the group is to be strictly limited to the Members it designates (restricted group) or whether, in addition to the Members designated, any other Member of the Commission who so desires may attend the meetings (non-restricted group).

In the case of a non-restricted group, a Member of the Commission who has been designated to it may be replaced by his Chef de cabinet or another member of his Office if he is unable to attend himself. The Chefs de cabinet of other Members of the Commission may attend at the President's discretion. A Member of a restricted group may not be replaced unless the President's permission is obtained. Only officials from Members' own Offices or from Commission departments whom Members wish to have accompany them may attend meetings of either kind of group.

An ad hoc group of Members is normally dissolved once it has completed its assignment, but the Commission may decide (case by case) to keep a group in existence for follow-up action.

The Secretariat-General (Registry) makes all the preparations for these meetings. On the authority of the chairman of each group, it also reports to the Commission on their proceedings.

M E E T I N G S O F C H E F S D E C A B I N E T

REGULAR WEEKLY MEETING

To prepare the ground for Commission meetings and to ensure that matters are dealt with promptly, the Chefs de cabinet meet once a week under the chairmanship of the Secretary-General for preliminary examination of the items on the Commission's agenda. This weekly meeting of Chefs de cabinet is normally held on a Monday afternoon. If the Secretary-General is unable to attend, the meeting is chaired by the President's Chef de cabinet.

A Chef de cabinet may be replaced for all or part of the meeting by the Deputy Chef de cabinet or by another official from the Member's Office. In addition the Chefs de cabinet may be accompanied, for specific items, by officials from the Directorates-General for which their Members are responsible.

The Legal Service is represented at each weekly meeting.

If the Chefs de cabinet have reached a sufficient measure of agreement on a proposal to be laid before the Commission (and have, if need be, suggested amendments), the President may propose at the Commission meeting that the proposal be adopted without discussion. However, the matter must be discussed if a Member so requests. The proposals to be recommended for adoption without discussion are singled out by the Chefs de cabinet at a preliminary meeting chaired by the President's Office on Mondays between 1200 and 1300 hours.

If, on the other hand, the Chefs de cabinet are unable to reach agreement, the report that is made to the Commission spells out the different views taken and, where appropriate, the different solutions recommended. The Commission then adopts its position after discussing the points raised by the Chefs de cabinet.

The Secretariat-General (Registry) provides secretarial services for this weekly meeting. On the authority of the Secretary-General, it prepares a report which is immediately submitted to the Commission.

SPECIAL MEETINGS

The special meetings of Chefs de cabinet are generally held to prepare the ground for the Commission's discussion of some specific item on its agenda which requires more thoroughgoing examination than would fit into their regular weekly meeting. Sometimes a specific aspect of a question being considered by the Commission has to be examined in detail, or it is a matter of framing the final version of a document which the Commission has already examined. Depending on the case in point, the special meetings are held at the Commission's request or at the joint request of the President and the Member responsible for the matter under examination, usually on the Thursday or Friday before the Commission's meeting. These meetings are chaired by the President's Chef de cabinet or a senior Member of the President's Office or, in certain cases, by the Secretary-General or Deputy Secretary-General.

The rules governing attendance at special meetings of the Chefs de cabinet are similar to those applying to the regular weekly meetings outlined above. Chefs de cabinet may be accompanied by one or more officials. The Legal Service is usually represented.

Secretarial services for special meetings of the Chefs de cabinet are provided by the Secretariat-General (Registry), which, acting on the authority of the chairman, prepares meetings and, in close conjunction with the departments concerned, drafts a report to the Commission on its proceedings. The particular departments concerned are responsible for preparing revised papers to go up to the Commission. As a general rule, the reports of special meetings are placed on the Commission's agenda; the Commission uses them in much the same way as the reports on the regular weekly meetings.

OPERATION OF THE COMMISSION AT CERTAIN TIMES OF THE YEAR

So that decisions can still be taken on public holidays and at times of the year when officials customarily take leave, the Commission regularly appoints, before such periods, one of its Members to take any urgent action that may be required, in particular the signing of official instruments. The Secretariat-General is responsible for routine administration, notably written procedures (see p. 17) and delegation procedures (see p. 22).

Before the summer recess and the Christmas/New Year period all Directorates-General and other departments prepare schedules of decisions to be taken by the Commission and work to be carried out. This schedule is examined at one of the last Commission meetings before these periods.

The Directors-General and heads of department draw up a list of senior officials (at least heads of division or other departments) who will be on duty at such times, having regard to the minimum staff required for routine business and to the Commission's work schedule. The Secretariat-General distributes this list plus other relevant information to all departments.

All Members of the Commission ensure that an A official is present in their Office during these periods.

Departments must keep the Secretariat-General informed in good time of any changes to the attendance list. They must also take all steps required to ensure that the officials under their authority effectively carry out the duties assigned.

O F F I C I A L V I S I T S T O M E M B E R S T A T E S (1)

MEMBERS OF THE COMMISSION

Notification of the Permanent Representative of the Member

State concerned

Where an official visit is planned which will involve official meetings with the government of a Member State, its Permanent Representative should be duly informed.

Should meetings planned with members of a government be on a more personal plane, the relevant Member's Office must decide whether the Permanent Representative of the country concerned should be informed.

(1) For the rules governing visits to non-member countries by Commission Members and officials see p. 118 et seq.

In the case of meetings between Members of the Commission and members of the government of a German Land, the Secretariat-General (Internal Coordination Division, Mr Offele, Berlaymont 11/30, tel. 3169/2384) should be informed of the planned visit to Germany or to the Commission, as the case may be.

Notification of the Spokesman's Group and the information
office in the Member State concerned

Where visits are of an official nature, the Spokesman's Group must be notified in advance. The information office in the Member State concerned must also be given advance notice through the Directorate-General for Information so that it can make arrangements to give any help necessary. However, no information may be given to the press nor any contact made with it without express instructions from the Office of the Member concerned.

Notification of the relevant Member(s) of the European
Parliament

If possible, where Commission Members are planning official visits within the Community, the Member(s) of the European Parliament for the area concerned should, out of courtesy, be notified in advance.

SENIOR OFFICIALS

The Permanent Representative of the country concerned should also be informed of official visits by A1 to A3 officials (notably where there are to be official contacts with the authorities).

The Spokesman's Group should be notified of such visits, as should the information office in the country concerned via the Directorate-General for Information.

DOCUMENTS REQUIRING A COMMISSION
DECISION

PREPARATION

Directorate-General responsible

The Directorate-General responsible for the matter in hand takes the lead in drawing up the document in due form on the responsibility of the appropriate Member of the Commission.

When the matter concerns two or more Directorates-General the document is drawn up jointly by them on the responsibility of all the relevant Members.

Directorates-General consulted

The Directorate-General responsible must involve from the outset all the other departments with an interest in the topic in question, or some aspect of it. Wherever possible, agreement should be reached among all the departments concerned. To this end there should be contacts at working level and, where necessary, interdepartmental meetings. Where there are unresolved differences of opinion, this should be mentioned in the explanatory note accompanying the document. At all events, failure to reach agreement must not be allowed to cause undue delay in bringing the matter before the Commission.

Where a proposal has been examined by an interdepartmental working party, this should be mentioned in the explanatory note (see Interdepartmental coordination p. 14).

LEGAL CONTROL

Under a Commission decision of 1 October 1958, any document for submission to the Commission which is to be the subject of a proposal to the Council or is to be adopted in the form of one of the measures provided for in Article 189 of the EEC Treaty (regulations, directives, decisions, recommendations, opinions) must first be referred to the Legal Service. The opinion of the Legal Service must be conveyed to the Commission at the same time as the document in question.

Before a draft instrument is referred to the Commission, the Legal Service is consulted by the department concerned. The Legal Service is required to express either a favourable opinion, possibly subject to a final check on the authentic versions of the texts (see p. 25), or an unfavourable opinion, in which case its grounds must be stated in a note attached to the draft when it is submitted to the Commission.

Requests by departments for opinions should be sent to the Director-General of the Legal Service (Berlaymont 10/24); requests must be signed by the Director-General of the originating department or by the authorized official.

PRESENTATION

Content

Documents should be as short as possible.

They should be preceded by a summary of not more than twenty lines.

The first paragraph should state why the document has been drawn up, what its purpose is and what its relationship is to any other relevant papers.

Subsequent paragraphs should set out concisely all the relevant facts and arguments, material not directly relevant being omitted or relegated to annexes. More specifically, the document should provide all the information required for evaluating the political and/or economic context. Where appropriate, alternative solutions should be mentioned, and their respective merits outlined.

The final paragraph should state, concisely but with all the essentials, what decision the Commission is being asked to take. This should be comprehensible in itself without reference to other material.

The title should sum up the content of the document clearly and precisely.

Minutes of meetings should be concise; individual statements should be quoted only in exceptional cases.

Subheadings should be used if this will help to bring out the logical sequence of the points considered.

Pages should be numbered in sequence, using arabic numerals only.

A list of annexes should be given after the final paragraph.

When other Commission documents are cited, the reference numbers assigned by the Secretariat-General should be given.

Where abbreviations are used, they should be spelled out in full when they first appear.

Draft legislation must be clean-typed in 1 1/2 spacing on special offset paper (see SEC(76) 4250, SEC(78) 2491 and SEC(80) 875).

The above rules also apply to annexes.

Any document submitted to the Commission for approval must be accompanied by:

- (i) a financial statement (see p. 65) if it has financial implications;
- (ii) a timetable annex (see p. 28) if it is to be sent to another institution.

The rules for proposals for directives (COM(80) Min 564) should be observed. In particular:

- (a) all proposals must include a precise date for implementation rather than a reference to a period of years and/or months from the date of notification;
- (b) the memorandum accompanying each proposal must include a paragraph outlining the problems Member States will encounter when implementing the directive (such as the type of national measure necessary for transposal).

Language versions

Documents which are to be submitted to the Commission for approval must be sent to the Secretariat-General for distribution in the languages needed by the Members of the Commission.

When a document contains an instrument which the Commission must adopt in a particular language or languages (the instrument being authentic in that language or those languages), versions must be provided in the appropriate language(s).

Documents to be sent to other institutions or the Economic and Social Committee are drafted in all Community languages.

Seven language versions are also required where an instrument notified to one of the Member States is subsequently to be published in the Official Journal of the European Communities or notified to the other Member States.

Deadlines

Documents for Commission meetings must be sent by originating departments to the Secretariat-General in time to be circulated in the required languages on the Thursday before the meeting at which they are to come up for discussion (see p. 3).

MONITORING OF PREPARATION AND PRESENTATION

Each head of division and head of specialized department should ensure that the rules governing presentation of documents have been complied with, coordination within each Directorate-General being carried out by the Assistant to the Director-General.

The Legal Service may report any instances of failure to comply which come to its notice in documents on which it is consulted.

Directorate-General IX (Translation, Documentation, Reproduction and Library Directorate) has set up machinery to check for compliance, operated for the most part by the planning office, at each of the three stages with which it is concerned, namely: typing (central pool), translation and reproduction.

The Director for Translation, Documentation, Reproduction and Library and the various heads of division (more particularly the head of division to whom the planning office reports) should bring to the attention of the originating department any departures from the rules they may discover in a document passing through their hands. In case of disagreement, they are empowered to delay or refuse such documents. This does not apply to legal instruments which have already been endorsed by the Legal Service.

The Secretariat-General keeps a check on the preparation and presentation of documents. It has instructions to refuse to circulate documents or initiate approval procedures if all the departments concerned have not been involved in their preparation or if the rules governing presentation and language versions have not been complied with.

CIRCULATION

The Secretariat-General is responsible for circulating documents and classifying them in the following series:

- COM Proposals and other Commission communications to the Council or other institutions (including preparatory work).
- C Documents relating to official measures for which the Commission has sole responsibility (and to preparatory work).
- SI Information memos, mainly reports on the work of other institutions.
- SP Documents relating to the European Parliament.
- PERS Documents relating to individual members of staff.
- SG Incoming (A) or outgoing (D) mail.
- SEC Documents which cannot be classified in any of the other series.

PUBLICATION IN THE OFFICIAL JOURNAL

All Commission items in the Official Journal - whether legal instruments (L series), proposals or other information (C series), or notices of invitations to tender for public works contracts, public supply contracts or EDF projects (S series) - must transit through the Secretariat-General (Official Journal and Official Relations with Member States Division, Mrs Herman, Berlaymont 11/60, tel. 2364). Some legal instruments (regulations) do not come into force until they have been published.

INTERDEPARTMENTAL COORDINATION

Proposals presented to the Commission for decision should be based on the balanced advice of the different departments concerned, which should first have ironed out as many of the administrative problems as possible. This will allow discussions between Members (and Chefs de cabinet) to concentrate on the more political aspects of the decisions. In practice, this means that the originating department is clearly responsible for consulting and taking account of the views of all the other departments concerned, before the proposal gets as far as the Commission.

So as to avoid any initial bias the originating department should at an early stage provide all the facts and general information on which its proposals are based, including any arguments in favour of alternative solutions. If several options are available, the originating department should give the reasons for its preference at the outset. The object of the coordination exercise should be to achieve as wide a consensus as possible. In the event of disagreement, if the originating department feels it is justified in adhering to its original proposal despite objections from other departments, it should explain its reasons and, if so requested, record the differences of opinion when making its submission to the Commission. Irreconcilable differences of opinion should be objectively recorded by the department responsible in the document submitted to the Commission. At all events, the Commission welcomes the presentation of a choice of political options when available.

All staff must be free to consult their colleagues in other departments without necessarily having to obtain prior approval from their superiors. This is in line with the Commission's policy to encourage greater delegation. However, when negotiating with other departments, staff should be given the necessary authority to speak on behalf of their own departments on the basis of an agreed brief. It is often useful to invite staff from other departments to attend meetings held to discuss policy guidelines.

Immediately it becomes clear that a proposal is to be put to the Commission, the originating department must work out a plan for the most efficient use of the time available, allowing not only for the drafting of the proposal but also for the various procedural phases, including interdepartmental coordination. Contact with other departments must be made at an early enough stage to give them sufficient time to prepare their comments. Furthermore, the date on which the document was submitted to other departments for an opinion should be recorded on the final version.

Consultation is equally necessary in the case of working papers presented by the Commission to committees of government experts or Council working parties. Interdepartmental coordination is particularly important when the Commission is explaining its position to governments, Community institutions or international organizations, or in negotiations with non-member countries.

The Secretariat-General in general and its Internal Coordination Division in particular may be consulted on any matter involving interdepartmental coordination.

INTERDEPARTMENTAL WORKING PARTIES

A number of standing interdepartmental working parties have been set up over the years. In addition, the Commission often sets up an ad hoc working party for a specific coordination function. The full list is kept up to date by the Secretariat-General and circulated to all departments at regular intervals.

Secretaries to working parties are required to inform the Secretariat-General (Internal Coordination Division, Miss Pavan, Berlaymont 11/23, tel. 6638/5535) of any changes, and pass on their main working papers (notices of meetings, minutes, etc.).

The rules on interdepartmental working parties are as follows (see SEC(81) 573):

- (a) working parties may be set up only by Commission decision;
- (b) the title, terms of reference, name of the chairman and secretary of each working party - and any subsequent changes in its membership or function - are registered with the Secretariat-General (Internal Coordination Division);
- (c) since interdepartmental coordination is primarily the responsibility of departments, joint working parties comprising staff of departments and Members' Offices are set up only in exceptional circumstances;
- (d) where discussion in a working party reveals irreconcilable differences of opinion, these should be recorded objectively by the department(s) concerned in the final paper submitted to the Commission;
- (e) if a working party is asked by the full Commission or by a group of Members to prepare a dossier or a position, the chairman of the working party must report back regularly to the Members concerned on the progress of work, the main difficulties encountered, and the points of substance in dispute between the departments involved;

- (f) the fact that a proposal has been considered by an interdepartmental working party should in any event be recorded in the covering memorandum sent to the Commission with the document;
- (g) once a year the Secretariat-General goes through the list of interdepartmental working parties to see whether their membership or terms of reference need to be changed and whether their existence is still justified. On the basis of the Secretariat-General's report and on a proposal from the President, the Commission will take the necessary decisions to disband interdepartmental working parties or alter their membership or terms of reference.

Finally, it should be noted that the involvement of an interdepartmental working party in preparing a Commission paper means that - given the general rules on the presentation of major documents - all departments represented on the working party are deemed to have had a hand in its preparation (since each department is able, via its representative, to express its agreement or disagreement).

INTERINSTITUTIONAL WORKING PARTIES

The Secretariat-General (Internal Coordination Division, Miss Pavan, Berlaymont 11/23, tel. 6638/5535) also maintains a list of interinstitutional working parties for information and internal coordination purposes. This list is periodically circulated to all departments. To ensure that the information is up to date, departments are required to send the Secretariat-General at regular intervals the main working papers of the interinstitutional working parties in which they represent the Commission.

TASK FORCES

The Commission sets up task forces to perform specific duties - e.g. conducting negotiations; they differ from interdepartmental working parties in both structure and function.

The members of a task force are assigned to it on a full- or part-time basis for the duration of its mission, and participate in a personal capacity, i.e. they do not represent their departments or commit them in any way. They are responsible to the head of the task force for the work in hand.

The opinion of a task force given during the preparation of a document goes no further than its terms of reference. It does not involve the various departments from which the task force members have been seconded. If any of these departments are affected by the document in question, they must be consulted separately.

Task force members are, however, recommended to liaise with their parent departments and keep them informed of what is being done in the task force.

The Secretariat-General (Internal Coordination Division) will answer any queries from departments on the application of these provisions.

W R I T T E N P R O C E D U R E

DEFINITION

The written procedure is a means whereby the Commission can take decisions on matters which do not require discussion during its weekly meeting but cannot be dealt with by delegation procedure.

This procedure should be used where, for instance, the departments concerned have agreed on the draft measure in question and the Legal Service has endorsed it.

The draft measure, circulated by the Secretariat-General to the Members of the Commission, is deemed to be approved if, by the time stated on the cover sheet, no Member of the Commission has made reservations.

Written procedures with political implications are drawn to the attention of the weekly meeting of Chefs de cabinet by the Office of the Member responsible or by the Secretariat-General.

INITIATION

A written procedure is initiated by the Secretariat-General, at the request of a Member of the Commission, to obtain the Commission's agreement to a proposal for a legal instrument on a matter within the Member's area of responsibility.

Requests should be addressed to the Secretariat-General (Registry, Mr Wehrens, Berlaymont 11/101, tel. 2362/2363).

The file should be sent in with the duly completed pink form: Fiche de renseignements à compléter pour l'engagement d'une procédure écrite (Information sheet for the initiation of a written procedure) (see Annex 2).

Copies of this form may be obtained from the secretariats of the Directorates-General or from the Secretariat-General (tel. 3174).

The complete file (including the pink form) should be sent either direct to the Secretariat-General with a copy to the Member's Office covered by a memorandum from the Director-General responsible (a copy of the memorandum should preferably be attached to the file being sent to the Secretariat-General; the Member's Office will notify the Secretariat-General of its approval) or, in exceptional cases, to the Office of the Member responsible, for approval (and signature on the pink form), and then to the Secretariat-General.

The Secretariat-General is responsible for supervising the preparation and presentation of documents for written procedure. This involves:

- (a) checking that all the requirements for initiation of the procedure have been satisfied;
- (b) ascertaining whether all is in due legal form;
- (c) preparing the cover pages;
- (d) setting the time-limit;
- (e) sending the versions in the different languages to be revised to make sure that the texts are consistent with each other (see p. 25);
- (f) reproducing the documents and circulating them to the Members of the Commission and other interested parties.

TIME-LIMIT

The time-limit for written procedures is at least five working days after distribution of the text for ordinary written procedures, and three working days in the case of expedited written procedures.

Since two or three working days are usually needed for reproduction and distribution, a measure will normally be approved by ordinary written procedure, provided there are no comments or reservations, eight working days after a properly constituted file reaches the Secretariat-General.

Special expedited written procedures may be authorized by the Commission in exceptional cases.

SEQUENCE

Comments and reservations

Until the time-limit expires, Members of the Commission may make comments or reservations. These should be addressed to Mr Wehrens (Berlaymont 11/101, tel. 2362/2363).

If comments or reservations are made:

the time-limit may be extended; or
the procedure may be suspended; or
the procedure may be terminated and no further action taken.

In all cases, the Secretariat-General immediately informs the Members of the Commission.

Extension

The time-limit set for expiry of the written procedure may be extended if, for instance:

a Member of the Commission wishes to amend the text, so as to give the Commission the time needed to consider the amendment; or
distribution of the text has been delayed because of practical difficulties; or
some formal defect is found during the course of the procedure which makes it impossible to approve the measure; or
some legal requirement essential to adoption of the measure is not satisfied.

The extension may not exceed five working days without the approval of the Member of the Commission responsible.

Suspension

A written procedure is suspended until further notice if a Member of the Commission so requests in an explanatory memorandum, which may be circulated to the other Members.

It may also be suspended if some legal requirement essential to adoption of the measure is not satisfied.

If the Member withdraws his application for suspension, or if the reason for suspension ceases to be valid, the written procedure is reopened and a new time-limit (at least two working days) is set.

In exceptional cases a written procedure may, however, be adopted immediately after withdrawal of the application for suspension and without the procedure being reopened if the Secretariat-General finds that there is general agreement on the matter at a Chefs de cabinet meeting.

Termination

A written procedure is terminated if the Member withdraws his proposal or if any Member requests that the matter be discussed at a Commission meeting.

Approval

If no reservations are made by Members before the time-limit expires, the Secretariat-General records approval of the measure. If necessary, the Secretariat-General draws up a final text taking account of drafting changes made in the different versions by the lawyer linguists and of any other drafting changes and minor textual corrections.

The Secretariat-General gives notice of the decisions adopted the previous day in a memorandum to the Members of the Commission.

A list of the measures approved by written procedure during the previous week is annexed to the Commission minutes.

WRITTEN PROCEDURES FOR PQs

There are special rules for written procedures concerning answers to parliamentary questions. The Secretariat-General (Division for Liaison with Parliament and the Economic and Social Committee) is responsible for their administration.

Answers are drafted by the Secretariat-General, with the agreement of the Directorates-General concerned and the Legal Service. The cover sheet under which answers are submitted for approval differs slightly from the one used for the other kinds of written procedure.

Comments should be sent to Mr Burattini (Berlaymont 11/6, tel. 2324). Every week the Secretariat-General informs the Members of the Commission by memorandum, with the answers attached, of answers approved by written procedure and sent to Parliament during the previous week.

The minutes of Commission meetings regularly record the approval of the answers listed in this memorandum (see p. 97).

WRITTEN PROCEDURES BEFORE AND DURING VACATIONS

Special time-limits

The Secretariat-General may set special time-limits for the initiation of written procedures before a vacation.

'Vacation' means the period between the date of the last Commission meeting before the summer or Christmas holidays and the date of the first meeting after the holidays.

Procedures during vacations

During vacations, the only procedures which can be approved are those involving urgent measures. Detailed reasons must be given for all requests for the initiation of written procedures at this time. The President's approval must be obtained before a written procedure can be initiated if it would expire during the vacation period.

Non-urgent written procedures may be initiated in August. The deadline set for expiry is normally the date of the first Commission meeting in September.

DELEGATION PROCEDURE

DEFINITION

The purpose of delegation of powers is to relieve the Commission of the need to take decisions on routine matters, with a very narrow margin of discretion, which present no political problems.

The provisional Rules of Procedure (Article 27) provide for the Commission, subject to the principle of collegiate responsibility being respected in full, to empower its Members to take, in its name and subject to its control, clearly defined measures of management or administration.

By a number of specific decisions the Commission has authorized the use of the delegation procedure in clearly defined areas subject to clearly defined conditions. A register of such decisions is kept by the Secretariat-General (Registry) and may be consulted (Mr Wehrens, Berlaymont 11/101, tel. 2362/2363).

INITIATION

The draft measure should be sent by the Directorate-General or other department concerned to the Secretariat-General (Mr Wehrens, Berlaymont 11/101, tel. 2362/2363). The file should be sent in with the duly completed blue form: Fiche de renseignements à compléter en vue d'une décision par habilitation (Information sheet for the initiation of a delegation procedure) (see Annex 3). Copies of this form may be obtained from the secretariats of the Directorates-General or from the Secretariat-General (tel. 3174).

The Secretariat-General is responsible for checking whether the draft:

- (a) can be adopted by delegation procedure in accordance with the enabling decision;
- (b) has been approved by the departments concerned and endorsed by the Legal Service;
- (c) is in due form;
- (d) has been revised, if need be, by the lawyer linguists in the Legal Service (see p. 25).

APPROVAL

After it has been checked, the draft measure is submitted by the Secretariat-General (Official Journal and Official Relations with Member States Division, Mrs Herman, Berlaymont 11/60, tel. 2364, or Mr Fini, Berlaymont 11/59, tel. 3845) to the person(s) empowered.

The measure is deemed to have been approved by the Commission as soon as it has been signed by the person(s) empowered.

The Secretariat-General draws up a list of the measures approved under delegated powers the previous day and sends it to the Members of the Commission. The Commission takes formal note of these lists at its weekly meetings.

EXCEPTIONS

The rules relating to delegated powers do not apply to delegation in respect of financial matters and staff administration. Budgetary procedures are described in the Internal Rules for the Implementation of the Budget (see p. 65). For staff matters, notably implementation of the Staff Regulations, see Part Two.

DELEGATION PROCEDURE DURING VACATIONS

All instruments for which delegation procedure has been authorized may be adopted during vacations provided the person empowered or his substitute is present.

The Commission may provide for special delegation of powers during vacations for urgent management decisions in certain areas.

FURTHER DELEGATION

The Commission has laid down the following general principles and criteria to be taken into account when taking decisions on further delegation:

- (a) the Commission itself must determine the overall policies to be followed, decide all questions of principle and generally direct affairs;
- (b) a distinction must be made between matters having an effect inside and matters having an effect outside the Commission;

- (c) decisions of a purely technical nature are generally suitable for delegation, as are those where there are clear precedents in similar circumstances or where the Commission simply plays a formal part in decisions by another institution;
- (d) delegation may be excluded where sums of money in excess of a certain figure are involved;
- (e) delegation may be excluded where interinstitutional relations might be jeopardized or the Commission's standing in the world at large affected;
- (f) when the question under consideration is one where political difficulties might arise, powers should not be conferred on officials unless the Member responsible is prevented from dealing with the question himself.

Delegation procedure was introduced in July 1975, and since then Commission departments have come increasingly to realize what opportunities it offers for simplifying and speeding up the decision-making process.

Further delegation decisions should include the following:

- (i) a description of the measures to be taken (with details of the legal basis), so that a check can be made on their application;
- (ii) a statement of the reasons for using the delegation procedure;
- (iii) the name of the person to whom the powers are delegated and possible substitutes if he should be prevented from exercising the powers;
- (iv) the title of the measures to be taken under the delegation procedure;
- (v) any special provisions required in addition to the general rules laid down by the decision of 23 July 1975;
- (vi) the names of any departments involved which must be consulted;
- (vii) arrangements for periodic reports in fields likely to be affected by changes in policies or developments not brought to light by subsequent decisions.

Draft decisions should be sent under the authority of the Member of the Commission responsible to the Secretariat-General (Registry, Mr Wehrens, Berlaymont 11/101, tel. 2362/2363). After the Secretariat-General has consulted the Legal Service and any other departments concerned, the amended draft is submitted under the authority of the President and with the agreement of the Member responsible for adoption at a Commission meeting.

DOCUMENTS ON THE COMMISSION'S AGENDA

Texts which cannot be adopted by written procedure or by delegation procedure and have to be discussed at the Commission's weekly meeting are placed on the Commission's agenda; the file has first to be sent with the appropriate form to the Secretariat-General (Mr Depaus, Berlaymont 11/109, tel. 2354) (see also p. 3 and Annex 1).

Where interdepartmental consultation is necessary, the draft memoranda to be commented on and/or approved must be sent both to the departments concerned and to the Offices of the Members to whom they are responsible (SEC(81) 779).

REVISION OF LEGAL TEXTS BY LAWYER LINGUISTS

At its 333rd meeting on 25 March 1975 (see COM(75) Min 333 and SEC(75) 1658) the Commission confirmed that the Legal Service's team of lawyer linguists bore complete responsibility for the conformity of official instruments of the Commission in the different Community languages, the texts having first been revised, where possible, by the Translation Directorate in Directorate-General IX.

The main purpose of revision by the Legal Service is to ensure that the legal terminology of instruments drawn up in each of the languages is correct and that the legal scope of the instruments is exactly the same in the different languages. Compliance with the general rules governing presentation of documents is also checked (legal draftsmanship). Changes made by the lawyer linguists are included by the Secretariat-General in the final text of instruments adopted by the Commission (see also p. 10).

(a) Texts to be adopted by written procedure

The department responsible submits the original version for revision at the same time in all the authentic language versions, as revised by the translation departments, to the Secretariat-General (Registry, Mr Wehrens, Berlaymont 11/101, tel. 2362/2363) plus eight copies in the original language and six copies in the other languages. These documents must be supplied at least eight working days before the date fixed for adoption (five working days for expedited written procedure).

In cases where the text entirely or partly reproduces a previously published instrument, the relevant parts should be photocopied from the Official Journal. Similarly if there is an official translation of part of the text already, the reference should be given.

The Secretariat-General passes on the text to the Legal Service.

The Legal Service assigns the text to a group of lawyer linguists. The originator of the text or a representative from the department responsible and also an official from the Legal Service competent in the field concerned are requested to attend a meeting of the group. The department concerned is well advised to attend the meeting since any changes made by the group must be considered final.

If the group finds that the linguistic quality of an instrument is poor, it sends it back to the department responsible and informs the Secretariat-General.

The Legal Service sends the revised texts in the authentic language versions back to the Secretariat-General two days before the date fixed for adoption (in the case of expedited written procedures, before the deadline).

(b) Texts to be adopted by delegation procedure

Delegation procedure is mainly used for repetitive instruments i.e. those adopted at regular intervals, only the figures being changed.

Legal and linguistic concordance of instruments of this type is checked once and for all when they are first adopted. They are not further revised unless amendments are made which are more substantial than mere adjustment for successive periods of application. These standard adjustments are carried out for all the authentic language versions by the department responsible.

If the text is not repetitive it is, as a rule, checked for consistency.

If any problems should arise as regards the deadline fixed for certain types of instrument, the departments concerned are requested to inform Mr Wehrens (Berlaymont 11/101, tel. 2362/2363). Exemptions or special procedures may then be agreed with the Legal Service.

(c) Texts on the Commission agenda

The deadlines for texts to be adopted by written procedure also apply to these texts.

PROGRAMMING OF COMMISSION
BUSINESS

Three times a year the Commission adopts a tentative work schedule for the next few months (January-Easter, Easter-July and September-December), setting out the main items of business it expects to be examining. This is prepared by the Secretariat-General (Registry) on the basis of material provided by the Members' Offices and is then finally adopted by the Commission.

COMMISSION'S OUTLINE PROGRAMME

In the early autumn of each year the President of the Commission prepares a short paper on the basis of which the Commission discusses its probable main activities in the coming year, adopts before the end of the year a list of priorities in an outline programme, and determines the means and procedures for giving effect to them.

The aim of the programme is to improve the planning of Commission business. This means reviewing foreseeable activities in the coming year, pinpointing priorities, and drawing up a tentative timetable (COM(80) Min 553).

At the February part-session of Parliament the President of the Commission presents this outline programme together with the General Report on the activities of the past year (see p. 55).

The outline programme is used to prepare detailed forward programmes for each Directorate-General and other department. In the light of the guidelines given in the outline programme and in the President's address to Parliament, each department prepares a list of proposals which it intends to put before the Commission that year.

On the basis of these forward programmes the Commission approves a list of horizontal and sectoral priorities for the current year and a corresponding timetable (SEC(81) 549/3).

A working party has been set up to monitor progress throughout the year on implementing the outline programme, given the timetable and the priority objectives identified by Directorates-General and other departments. It will also try to ensure that the Commission coordinates its approach to related matters on the broadest possible basis.

TIMETABLE FOR COMMISSION PROPOSALS

When Commission proposals are transmitted to the Council, the covering letter contains a timetable suggesting a date for the completion of each stage in the procedure so that Parliament, the Council and the Economic and Social Committee can organize their work accordingly.

TIMETABLE ANNEX

All draft proposals submitted to the Commission for adoption and transmittal to the Council must therefore be accompanied by a timetable annex. The annex should be prepared by originating departments and show:

- (a) deadlines or target dates, as appropriate, for:
 - the opinion of the European and Social Committee,
 - the opinion of Parliament,
 - the opinion of the Court of Auditors,
 - the decision of the Council;

- (b) reasons for the dates given.

Proposals which are necessitated by the regular management of Community policies or are otherwise predictable must be tabled in accordance with the half-yearly timetable compiled by the Secretariat-General, in association with the departments concerned, after consulting Parliament's Secretariat and the General Secretariat of the Council (see p. 30).

Where proposals cannot be programmed in advance (in the case of new activities, for instance), the following rules apply.

Deadlines

If the dates listed are genuine deadlines, it must be stated whether they result from:

- (a) a legal requirement (e.g. if no decision is taken, the matter will not be covered by law);
- (b) economic or political necessity (if no decision is taken, this will be detrimental to the Community, to individual Member States, to associated or other countries);
- (c) an earlier commitment entered into by the Council or the Heads of Government: for instance a programme adopted by the Council (e.g. the social programme, the environment programme), or some other deadline set by the Council (e.g. in a resolution dealing with a particular problem);
- (d) a specific request from Parliament; or
- (e) other compelling circumstances (e.g. a proposal concerning the line to be taken by the Community at an international meeting to be held on a specified date).

If a deadline cannot be met, reasons must be given (e.g. delay in presenting the proposal, need for further preparation). A new, realistic timetable must be drawn up, stating the grounds on which it is based (see below).

Target dates

In all other cases target dates should be set, which the Commission considers desirable. It is particularly important that they be realistic, with allowance made for any difficulties inherent in the matter and for the heavy workload of the institutions. A realistic forecast should be made of the length of time required by the Council (meetings of working parties, the Permanent Representatives Committee and the Special Committee on Agriculture), by Parliament and by the Economic and Social Committee. Allowance should also be made for further delays that may be caused by alterations made under the second paragraph of Article 149 of the EEC Treaty or by second reading procedures (see Conciliation procedure, p. 92).

Further information

The departments of the Secretariat-General cooperate closely in finalizing timetables. If there are problems, the official responsible for liaison with the relevant institution should be consulted:

- (a) Parliament and Economic and Social Committee:
Mr Peters (Berlaymont 11/15, tel. 2527/3706);
- (b) Council and Permanent Representatives Committee:
Mr Etienne (Berlaymont 11/57, tel. 2361/2360).

JOINT PROGRAMMING OF WORK BETWEEN THE INSTITUTIONS

To ensure more efficient programming of work in the institutions, Parliament's Secretariat, the Council's General Secretariat and the Commission's Secretariat-General together draw up a tentative timetable for proposals which are necessitated by the regular management of Community policies or are needed at predictable times (either on a fixed date, e.g. the beginning of the farm year, or for a floating deadline, when the Council is not tied to a specific date). The timetable is updated every quarter. It lists target dates for dispatch of the proposal by the Commission, for the opinion to be given by Parliament, and for adoption by the Council.

If joint programming is to work effectively, the Commission must abide by the agreed timetable. This means that:

- (a) draft proposals must be sent to the Secretariat-General in good time to ensure that the date listed for transmission to the Council can be met (usually fifteen days beforehand);
- (b) the timetable for each proposal finalized by the departments in conjunction with the Secretariat-General must allow at least eight weeks between transmission to the Council and the part-session of Parliament, and take account of the nature of the time-limit.

Any queries about these arrangements should be addressed to the Secretariat-General (Internal Coordination Division, Miss Veale, Berlaymont 11/30, tel. 1668).

SCHEDULE OF COMMUNITY MEETINGS

The Secretariat-General (Official Journal and Official Relations with Member States Division) prepares a regular schedule of meetings at which Community business is discussed. This records the dates and venues of meetings to be held by Parliament's committees, the Council, the Commission and the various groups of experts, committees and working parties convened by the Commission, as well as the Economic and Social Committee, the ECSC Consultative Committee and major international conferences, where appropriate. This document is available from departmental archives.

REGISTER OF PROPOSALS

The Secretariat-General keeps a register showing the deadlines set for each proposal and the reasons for them. In addition to these deadlines or target dates, a record is also kept of the actual dates on which proposals pass through the various stages leading to adoption.

This register is in the form of a card index and a computerized index (PERSEE data base) and is used by the Secretariat-General to provide:

- regular statistics by subject matter at the request of Directorates-General and Members' Offices concerned;

- regular lists (three times a year) of pending proposals on which Parliament has given its opinion ('Broeksz' lists) and of all pending proposals ('Rytter' lists);

- lists of outdated proposals which may be withdrawn (regular clear-out of pending proposals) (see below);

- regular statistics by subject matter on Council regulations nearing expiry (early warning system to prevent delay in transmitting to Council and Parliament proposals to fill gaps in legislation).

The Secretariat-General will make information contained in these indexes available to Members' Offices on request (Mr Dupret, Berlaymont 11/52A, tel. 6040/2374). Commission departments should contact their information officer.

WITHDRAWAL OF PENDING PROPOSALS

Each July the Secretariat-General (Internal Coordination Division, Miss Veale, Berlaymont 11/30, tel. 1668) produces a list of proposals awaiting adoption by the Council. The Commission then decides either:

- . to withdraw outdated proposals; or
- . to review proposals which need to be amended (e.g. in the light of Council discussions); or
- . to reactivate proposals which are still topical but have not been discussed within the Council for some time.

The Secretariat-General monitors this operation during the second half of the year, and in December the Commission reviews the situation and decides what follow-up action should be taken.

L E G A L P R O C E E D I N G S

The Legal Service alone is competent to bring and to defend legal proceedings on behalf of the Commission. Its competence extends to all cases in which the Commission is in any way involved in legal proceedings, either as applicant or as defendant, before the Court of Justice of the European Communities, an international court or a national court. It also extends to all cases where the Commission has to be represented before a court of arbitration.

Any instrument involving the Commission in legal or arbitration proceedings or relating to proceedings being heard must therefore be referred immediately to the Legal Service.

The Director-General of the Legal Service has been delegated the power to appoint the agents who are to represent the Commission in a particular case. When conducting such proceedings the Legal Service works closely with the departments concerned.

The Legal Service also keeps the Commission and departments concerned up to date with cases before the Court of Justice by issuing a series of briefs: a short note on the case when it is first brought, another setting out the Court's judgment immediately it is given, and a more detailed report summarizing the grounds of the judgment and commenting on the main points when the full text is released.

In the case of the different procedures for taking action against Member States for failure to fulfil their obligations under the Treaties (Article 169 et seq. of the EEC Treaty, Article 141 et seq. of the Euratom Treaty and Article 88 of the ECSC Treaty) it is the Legal Service which is required to draft the requisite reasoned opinions or reasoned decisions.

Officials may not, without having consulted the Legal Service and, if necessary, received the approval of the Commission, either agree to give an opinion on a point of Community law or practice before any court or tribunal or appear as witness or expert (see also Article 19 of the Staff Regulations).

C O N T R O L O F A P P L I C A T I O N O F C O M M U N I T Y L A W

The Secretariat-General (Internal Coordination Division) coordinates the various procedures for the control of the application of Community law. Information and inquiries should be addressed to Mr Gudin, Berlaymont 11/34, tel. 6143/1944).

The Commission as guardian of the Treaties

The Treaties set the Commission the task of ensuring that the Treaties themselves and legislation made under them are properly applied. The Commission is equipped with appropriate powers under the infringement procedure of Article 169 of the EEC Treaty (there are similar provisions in Article 88 of the ECSC Treaty and Article 141 of the Euratom Treaty). The prime objective of the infringement procedure is not to secure a Court of Justice ruling that an infringement has taken place, but rather to bring a Member State back into conformity with Community law. In over 90 % of cases the process of discussion between Commission and Member State during the first two phases of the Article 169 procedure (formal notice and reasoned opinion) results in the infringement being terminated before the ultimate phase, reference to the Court of Justice, is ever reached.

The increase in the volume and the scope of Community legislation has produced a sharp rise in the number of infringements. Since 1977 the Commission has been taking a more direct attitude with Member States, in order to encourage greater respect for Community law. It also decided to give limited but incisive publicity to cases of infringement, because of the growing interest in the control of the application of Community law among the public and Members of Parliament.

At the same time the Commission adopted new internal arrangements to speed up the handling of cases of failure to apply directives, infringements, presumed infringements and complaints (COM(77)Min 440). The 1977 rules were further expanded in 1979 (COM(79)Min 524) and 1980 (COM(80)Min 564 and Min 566).

C O N T R O L O F A P P L I C A T I O N O F D I R E C T I V E S

A large proportion of infringements, about 75%, are the result of the failure to incorporate Community directives into national law within the time-limits set. To remedy this situation the Commission has decided to carry out a systematic examination of the application of the 700 or so directives at present in force. It has adopted a series of measures designed to offer a clear and comprehensive picture of the application of directives and has adapted the rules governing the initiation of infringement proceedings where a Member State has failed to incorporate a directive into national law.

REPORT ON THE IMPLEMENTATION OF DIRECTIVES

All information relating to the application of directives (dates of implementation, model reminders, national implementing measures, conformity, infringements or presumed infringements) is centralized in the data base of the automated system for monitoring the application of directives (ASMODEE). This data base is kept up to date by means of forms sent by departments to the Secretariat-General. These forms are also used where departments wish to propose the initiation of infringement proceedings.

Working from the ASMODEE system the Secretariat-General draws up an annual report on the application of directives. The report lists proposals by departments concerning the notification and conformity of national implementing measures and the application of directives properly incorporated into national law. It is considered by the Chefs de cabinet, and their conclusions are submitted to the Commission, which then decides whether or not to initiate or pursue infringement proceedings (see below).

NOTIFICATION OF THE TRANSPOSAL OF DIRECTIVES

Directives always stipulate that the Member States to which they are addressed must take the measures necessary to comply within a given time-limit and inform the Commission accordingly without delay (see also the rules for the preparation of directives, p. 11). Member States are also required to send the Commission the texts of the main legal provisions subsequently adopted in the field governed by the directive.

Departments must ensure that proposals for directives include the closing provisions to this effect.

STANDARD REMINDERS TO BE SENT BEFORE EXPIRY OF THE DEADLINE

Within two months of a directive being adopted departments must send the national authorities a letter asking them to transmit to the Commission the texts of any national implementing or draft implementing measure. A second reminder should generally be sent six months before the deadline for application of the directive.

These letters should be based on the models approved by the Commission (see Annexes 4 and 5); they ask the Member States to provide details of the national implementing measures together with tables listing the measures and the corresponding provisions in the directive.

INFRINGEMENT PROCEDURE IN THE EVENT OF FAILURE TO NOTIFY TRANSPOSAL

Special rules have been adopted to expedite treatment of infringements resulting from failure to notify national implementing measures. The Commission normally decides to initiate the procedure described in Article 169 of the EEC Treaty as soon as the deadline for transposal expires, if the Member State has failed to notify the national implementing measures in time. By way of exception to the general rules (see Established infringements, p. 39, this decision is taken at the same time as the decision to dispatch the reasoned opinion. The Member of the Commission responsible is instructed to send the letter of formal notice and then, if the implementing measures have still not been notified to the Commission by the deadline set in the directive, to dispatch the reasoned opinion without referring back to the Commission.

The Commission has approved a standard letter giving formal notice and standard forms of reasoned opinion (see Annexes 6 and 7). The Legal Service must be consulted whenever a department intends to use these standards; they are transmitted to the Secretariat-General by the normal procedure (see Established infringements, p. 39).

ASSESSMENT OF NATIONAL MEASURES FOR CONFORMITY WITH COMMUNITY LAW

National implementing measures and provisions subsequently adopted by the Member States are assessed for conformity with Community law.

A proposal to initiate infringement proceedings is submitted to the Commission whenever departments are of the opinion that the Member State has not properly implemented the directive or has subsequently taken measures incompatible with it.

COMPLAINTS

Complaints are written communications to the Commission reporting measures or practices alleged to be contrary to Community law and asking the Commission to take action. The investigation of a complaint may result in the initiation of infringement proceedings.

Registration of complaints

The Secretariat-General keeps a central register of complaints. Letters alleging contraventions of Community law by Member States are kept on a separate register, given a reference number, and distributed to the departments concerned and the Legal Service. Complaints alleging infringement of the competition rules (Articles 85 and 86 of the EEC Treaty) by a natural or legal person are not entered on the register of complaints; they are handled separately by Directorate-General IV. Complaints reaching departments direct should be forwarded to the Secretariat-General within two weeks. In cases of doubt the Secretariat-General, in consultation with the Legal Service, will determine whether a particular letter should be understood as a complaint.

Replies to complainants

To keep complainants informed of action taken on complaints, the department should send the following communications (with a copy to the Secretariat-General):

- (a) an acknowledgement, upon registration of the complaint;
- (b) a letter explaining the representations made to the national authorities, within four months of registration;
- (c) a letter informing the complainant that proceedings have been initiated or that it has been decided to close the case.

In some cases the Secretariat-General may itself acknowledge a complaint; when the complaint is distributed the covering notes must mention this.

If no reply is received from the national authorities

Departments frequently find themselves unable to reply to complainants or to investigate the complaint because of the failure of national authorities to answer requests for information. The Commission has adopted a new procedure to speed up the handling of complaints:

- (i) where information requested from the authorities of a Member State is not supplied within two months, a standard reminder is sent (see Annex 8);
- (ii) where no answer to this reminder has been received within one month, a further reminder is sent by telex, referring to Article 5 of the Treaty (see Annex 9);
- (iii) where no reply has been received within one month of dispatch of the telex, the Member responsible may propose that the Commission send the Member State a letter of formal notice under Article 5 of the Treaty (see Annex 10).

Time-limits for handling complaints

A complaint must be entered on the register of presumed infringements or be made the subject of formal infringement proceedings within one year of being registered by the Secretariat-General.

Periodic report on complaints

A report on complaints is drawn up twice a year by the Secretariat-General on the basis of information supplied by departments. A standard layout exists for giving the current state of play on the case and presenting a proposal to the Commission on the action to be taken.

The report is considered at a special meeting of the Chefs de cabinet, whose conclusions are submitted to the Commission for approval. In practice a large number of complaints are transferred to the register of presumed infringements.

Acts reported to the Commission

In an annex to the report on complaints the Secretariat-General lists acts or conduct on the part of Member States which, while not having been registered as complaints, have been reported to the Commission as possibly indicating a situation contrary to Community law. Such cases may be brought to a Commission department's attention by a Member of Parliament, by another department, by the representative of a Member State sitting on a Council committee, and so on.

Any such cases should be described in a memorandum to the Secretariat-General.

Complaint forms

To facilitate the filing of complaints special forms are available from the Commission's information offices.

PRESUMED INFRINGEMENTS

Cases where examination gives good reason to believe that an infringement may have occurred, but where the Directorate-General concerned and the Legal Service have not yet reached a final conclusion, are classed as 'presumed infringements'.

Entry on register of presumed infringements

The Secretariat-General keeps a register of presumed infringements. Cases are automatically entered on this register where:

- (a) the Commission so decides;
- (b) a Member State fails to inform the Commission of national measures for implementing a directive before the time-limit expires (COM(79)Min 523).

The Secretariat-General also registers presumed infringements brought to its attention by departments.

Once a case has been entered on the register of presumed infringements, it can be closed only by decision of the Commission.

Time-limits for handling presumed infringements

Within one year of being registered as a presumed infringement, the case must either be closed or be made the subject of formal infringement proceedings.

Report on presumed infringements

A report on presumed infringements is drawn up twice a year by the Secretariat-General on the basis of information supplied by departments. A standard layout exists for giving the current state of play on the case and presenting a proposal to the Commission on the action to be taken.

The report is considered at a special meeting of the Chefs de cabinet, whose conclusions are submitted to the Commission for approval.

ESTABLISHED INFRINGEMENTS

Cases where the Commission has formally initiated the procedures provided for in Article 169 of the EEC Treaty, Article 88 of the ECSC Treaty or Article 141 of the Euratom Treaty are known as ' established infringements '.

STAGES IN THE PROCEDURE

Where the Commission believes that a Member State has infringed the Treaties, it addresses a letter to the Member State giving it notice to submit its observations within a stated period. If the Member State maintains the measure and its observations do not satisfy the Commission, the Commission delivers a reasoned opinion, with which the Member State must comply within the time stated by the Commission. If it fails to do so the Commission may take the matter to the Court of Justice, whose judgment is binding.

Only a small proportion of procedures initiated end in a judgment by the Court. In practice Member States usually terminate the infringement during the Article 169 procedure; in one case in two they do so before the reasoned opinion is delivered.

Notice to Member State to submit its observations

The Commission's decision to initiate infringement proceedings is normally taken on a proposal from the Chefs de cabinet following examination of the periodic reports on complaints, presumed infringements and directives. Urgent cases of undoubted political importance may be entered on the Commission's agenda on the basis of a memorandum from the Member responsible.

The decision may also be taken by written procedure.

When it decides to initiate the infringement procedure the Commission instructs the Member responsible to have a letter of formal notice drafted by the Directorate-General responsible with the assistance of the Legal Service, and to send it to the relevant Member State on behalf of the Commission, within a stated period, normally three months. The Directorate-General sends the draft of the letter to the Secretariat-General; the Secretariat-General submits it to the Member of the Commission concerned for signature, after obtaining the views of his Office. Once signed by the Member, it is addressed to the Minister for Foreign Affairs and sent by the Secretariat-General to the Permanent Representative concerned. The time allowed the Member State to reply to the Commission's observations is counted from the date on which the letter reaches the Office of the Permanent Representative.

Reasoned opinion

The Commission's decision to deliver a reasoned opinion is normally taken on a proposal from the Chefs de cabinet following examination of the report on established infringements. As with the transmission of a letter of formal notice, the decision may also be taken by written procedure. Urgent cases of political importance may also be entered on the Commission's agenda.

When it decides to deliver a reasoned opinion the Commission instructs the Member responsible to have the Legal Service, in cooperation with the Directorate-General concerned, draft the opinion, and to send the reasoned opinion to the Member State on behalf of the Commission, within a stated period. As with the letter of formal notice, the draft reasoned opinion is transmitted by the Directorate-General to the Secretariat-General for signature by the Member responsible.

Reference to Court of Justice

The decision to refer a matter to the Court is taken following the same procedure as the decision to deliver a reasoned opinion. The Legal Service prepares the case, acting in liaison with the Directorate-General concerned and under the authority of the Member of the Commission responsible. The case is transmitted to the Court as soon as the approval of the Office of the Member concerned is obtained.

Termination of infringement proceedings

Where the Commission decides not to pursue infringement proceedings, it takes a decision to close the case. The Secretariat-General informs the Member State of the Commission's decision not to pursue the proceedings if within two months from the date of the Commission's decision the Directorate-General responsible has not done so.

HANDLING OF ESTABLISHED INFRINGEMENTS

Time-limits for proposals by departments

Once proceedings have been instituted, proposals for further action (reasoned opinion, reference to the Court or termination) must be made to the Commission:

- (a) not later than four months after receipt of a reply from the Member State;

- (b) not later than three months after expiry of the time-limit for a reply, where no reply is received.

The Commission has repeatedly stressed how important it is that departments should respect these time-limits; apart from certain exceptions specified by the Commission and cases of minor importance, proceedings must go ahead within the time-limits set out above as long as the Member State has not officially informed the Commission of new laws, regulations or administrative provisions which put an end to the infringement.

Report on established infringements

A report on infringement proceedings in progress is drawn up twice a year by the Secretariat-General on the basis of information supplied by departments. A standard layout exists for giving the current state of play on the case and presenting a proposal on the action to be taken. In the annex to this report the Secretariat-General lists Commission decisions authorizing letters of formal notice, reasoned opinions or reference to the Court which have not been followed up by departments.

Meetings of Chefs de cabinet on established infringements

Twice a year the Chefs de cabinet consider the Secretariat-General's report and propose that the Commission take further action (reasoned opinion or reference to the Court) or close the case. They also check on observance of deadlines; cases in which deadlines are exceeded are brought to the Commission's attention.

Expedited procedure for certain infringements

An expedited infringement procedure has been established to allow prompt and effective action in cases in which the infringement is likely to be of limited duration or is regarded as legally irretrievable or extremely detrimental to the proper operation of the common market (e.g. the closure of frontiers) (COM(72)Min 230).

In such cases the letter of formal notice or the reasoned opinion duly endorsed by the Legal Service must be attached to the proposal for a Commission decision so that it can be implemented without delay (COM(80)Min 582).

This procedure lays down very short deadlines for replies by the Member State and provides for rapid progress to the reasoned opinion and referral to the Court stages.

Extension of time-limits

Time-limits may be extended at the request of a Member State if the following conditions are met:

- (a) during the first stage of the proceedings (letter of formal notice), only one such request may be made and the extension must not exceed six weeks;
- (b) during the second phase (reasoned opinion), the object of the request must be to allow a Member State to introduce legislation to conform to the reasoned opinion, and the extension must not exceed three months.

The request is regarded as accepted if within one week of its distribution by the Secretariat-General no objections are raised by the Members of the Commission or the Directorates-General concerned. The Secretariat-General then informs the Member State involved that the extension has been accorded. If objections are raised, the request is entered on the agenda for the next meeting of the Commission. Where a request does not satisfy the above conditions the Secretariat-General sends an acknowledgement and takes no further action.

An extension runs from the date on which the original time-limit expires.

INFORMING MEMBER STATES

In practice it always takes some time for a decision taken by the Commission in a case of infringement to be officially communicated to the Member State concerned. To ensure that national authorities are not informed through other channels of the position the Commission has taken, the Secretariat-General, acting in cooperation with the Directorates-General concerned, promptly but informally advises the Offices of the Permanent Representatives of the decisions taken at each stage in the proceedings.

PUBLICIZING INFRINGEMENTS

Reasoned opinions, Court actions and decisions to discontinue proceedings are reported briefly in the monthly Bulletin and an annual summary is contained in the General Report. The information published is the nature of the case and the Member State concerned.

Letters of formal notice are not publicized in the same way, except in cases where a Member State has failed to inform the Commission of national measures to implement a directive. In other cases the Commission will make public the initiation of an infringement procedure where it receives a formal request to do so, for example in a parliamentary question. Any decision to make public the fact that a letter of formal notice has been sent is taken at the same time as the decision to initiate proceedings. Consequently, it is for the departments concerned, particularly when they are preparing their contributions to the periodic reports on complaints, presumed infringements and directives, to make proposals, where appropriate, for publicizing the initiation of infringement proceedings.

Under no circumstances may a copy of the letter of formal notice or of the reasoned opinion be passed on to a third party, unless the Commission decides otherwise. Permanent Representatives' Offices are regularly informed by the Secretariat-General, on an informal basis, of decisions taken by the Commission regarding infringements.

COORDINATORS FOR CONTROL OF APPLICATION OF COMMUNITY LAW

Each Directorate-General designates one of its staff as coordinator for complaints and infringements, and for the control of the application of directives. The coordinator must have access to the Director-General, and will be the Directorate-General's correspondent with the Secretariat-General and the other departments. In cooperation with the Secretariat-General he also supervises the updating of the ASMODEE data base, the regular supply of contributions to the various periodic reports, and the transmission of draft letters of formal notice and reasoned opinions.

S T A T E A I D S

APPLICATION OF ARTICLE 93(3) OF THE EEC TREATY

(Notification of proposals to grant aid and scrutiny by the Commission)

Coordination of the various state aids procedures is the responsibility of the Secretariat-General (Internal Coordination Division), to which any inquiries on the subject should be addressed.

Notification and acknowledgement

The period which the Commission is allowed for scrutiny of proposals to introduce or vary state aid schemes starts to run from the date of notification, provided that this:

- (a) makes explicit reference to Article 93(3);
- (b) is addressed to the Commission's Secretariat-General if it concerns a new aid scheme;
- (c) is addressed to the relevant Directorate-General if it concerns an individual case of application of a general aid scheme already approved by the Commission.

Within three working days from receipt of the notification, an acknowledgement is sent to the Member State either by the Secretariat-General or by the relevant Directorate-General (see Annex 11). If notification has been made to a Directorate-General, it immediately sends a descriptive memorandum to the Secretariat-General (Internal Coordination Division), followed by a copy of the acknowledgement as soon as it has been drafted.

The Secretariat-General (Official Journal and Official Relations with Member States Division) sends the relevant departments and Members' Offices copies of the text of the notification where general schemes are involved, of the descriptive memorandum where individual cases of application are involved, and of the acknowledgement in either case.

Requests for additional information

If the original notification is incomplete, the Directorate-General responsible will send a telex (see Annex 12) requesting the additional information the Commission needs in order to make an initial assessment as to whether or not the scheme is compatible with the common market. Any such request must be made within fifteen working days from receipt of the notification. Where a request is made, the period allowed for scrutiny does not begin to run until the additional information is received, when a further acknowledgement is sent to the Member State specifying the deadline.

The Secretariat-General (Official Journal and Official Relations with Member States Division) is immediately sent a copy of any request for additional information (which has the effect of suspending the period for scrutiny) and of the replies (which start a new period). The Secretariat-General then informs the departments concerned and all Members' Offices.

Processing of notifications by the Commission

As soon as the Commission receives full notification, it is allowed a period of two months to scrutinize general schemes and thirty working days for individual cases of application.

After consulting other departments, where appropriate, the Directorate-General responsible sends the Secretariat-General a proposal for a Commission decision, together with a brief explanatory memorandum, no later than fourteen days (for general aid schemes) or eight days (for individual cases) before expiry of the period allowed to the Commission.

The proposal for a decision must make it clear either that there is no objection or that the contentious procedure should be initiated (Article 93(2)EEC).

If the Directorate-General responsible does not send a proposal for a decision to the Secretariat-General by the deadline, the case is automatically tabled for the next Commission meeting, the discussion being prepared - on the President's instructions - at the fortnightly meeting of Chefs de cabinet held to examine proposals for state aids.

If the decision is to be taken via the delegation of powers procedure (see p. 22), the proposal must be sent to the Secretariat-General (Registry). If, on the other hand, it is a decision for the full Commission, the proposal must be sent to the Internal Coordination Division.

The Secretariat-General then circulates copies of the proposal to the departments concerned and to Members' Offices, classified either ' ' for official use only ' ' (general schemes) or ' ' confidential ' ' (individual cases of application).

Discussion by the Commission and notification of Member States

For cases not dealt with by the delegation of powers procedure, special meetings of the Chefs de cabinet are held every fortnight to prepare the Commission's deliberations. A proposal for a decision is then tabled for the next Commission meeting.

After the Commission has discussed the matter, a letter summarizing its position is sent by the relevant Member to the Member State concerned (the other Member States are also informed by letter).

The Directorate-General responsible must therefore ensure that the letters to be signed by the relevant Member and - if the Commission so decides - the notice to be published in the Official Journal informing other interested parties reach the Secretariat-General (Internal Coordination Division) before expiry of the period allowed for scrutiny. The Secretariat-

General then dispatches the letters in the usual way and circulates copies to Members' Offices and to the departments concerned.

Register of aids notified

The Secretariat-General (Official Journal and Official Relations with Member States Division) maintains a register of all aids which have been notified either to it direct or to the relevant Directorate-General. This register also shows any other relevant details, such as extensions of the deadline following requests for additional information.

After the letter - or telex in the case of delegation of powers - has been sent to the Member State concerned to inform it of the Commission's decision, the case is struck off the register of aids.

If it has been decided to initiate further proceedings, the case is transferred to the register of contentious procedures.

Failure to notify state aids, notification after the event

and/or precipitate application of aids

Directorates-General and other departments must follow up energetically any cases brought to their attention of planned or existing aids which have not been notified. Flagrant cases may be referred to the Commission immediately for a decision to initiate the Article 93(2) procedure, but in most cases the steps taken are as follows:

- (a) A telex is sent to the Member State concerned stating the facts brought to the Commission's attention and requesting confirmation or denial, normally within fifteen working days, though a shorter deadline may be given. The Member State will be reminded that it is unlawful to grant aids before they have been approved by the Commission.
- (b) If the facts are confirmed by the Member State and concern a scheme which has not yet been introduced, the procedure described above. If the scheme is already in operation, a decision must be taken on whether or not to initiate formal infringement proceedings: appropriate proposals will be examined at the next special fortnightly meeting of the Chefs de cabinet.
- (c) If the Member State does not reply to the telex before the deadline set, appropriate proposals will be examined by the Chefs de cabinet as described above.

The Directorate-General responsible sends copies of telexes dispatched in accordance with the above procedure to the Secretariat-General so that the information may be registered - together with an indication as to whether or not the Member State has replied - and passed on to Members' Offices and the Directorates-General concerned. Any case listed in this register may be considered at the special Chefs de cabinet meeting.

APPLICATION OF ARTICLE 93(2) OF THE EEC TREATY

(Contentious procedure)

The Article 93(2) procedure will be described in the next updating of this Manual.

A R R A N G E M E N T S F O R M E E T I N G S A W A Y F R O M C O M M I S S I O N H E A D Q U A R T E R S

Meetings of experts organized by the Commission should not be held away from headquarters unless this is absolutely essential on organizational or service grounds.

When the Commission is planning to organize a meeting of this type, the Secretariat-General first informs the Permanent Representatives Committee so that it can be discussed by the Committee if necessary.

The procedure for obtaining the relevant authorization from the President of the Commission is described in document S/01875/64.

T R E A T M E N T O F M A I L

For detailed instructions see SEC(77)250.

Registration

Mail addressed to the Commission is opened and registered in the mail department of the Secretariat-General (Official Journal and Official Relations with Member States Division, Mr Stempels, Berlaymont 11/69, tel. 2566/2426, Miss Fortin, Berlaymont 11/73, tel. 2358 or Miss Van Hofwegen, same office and telephone).

Mail addressed to a Directorate-General must be copied and sent to the Secretariat-General for registration and distribution if it relates to official procedures provided for in the Treaties or by secondary legislation (notification of state aids under Article 93(3) of the EEC Treaty, infringement proceedings under Article 169, complaints, etc.) or if it deals with a matter of sufficient importance for the Commission to be informed.

Distribution

Depending on its subject matter, mail is sent by the Secretariat-General (Mr Facco, Berlaymont 11/67, tel. 2572/6109) with a distribution sheet to the appropriate Directorate(s)-General for action.

Other departments may be sent copies for information.

Acknowledgements

The Secretariat-General may itself acknowledge a letter or document. If it does, the fact is mentioned on the distribution sheet. Failing acknowledgement by the Secretariat-General, the department(s) assigned to deal with the matter must decide whether an acknowledgement is called for and - if it is - send it. This will normally be necessary when it will take some time to prepare a reply.

Replies

All letters sent to a Directorate-General, either direct or via the Secretariat-General, must be answered, generally within two weeks of receipt by the Directorate-General. Where this is not possible, a provisional reply must be sent giving either a partial answer or the reasons for delay and, where possible, stating roughly when the full reply will be sent. The Secretariat-General is responsible for monitoring these arrangements and has the authority to issue reminders and take such other steps as it considers necessary.

In certain cases the Secretariat-General may ask to receive the draft or the copy of the reply within a given period, either for signature or in order to inform the Commission; if so, the time limit must be stated on the distribution sheet.

To make the task of the Secretariat-General easier, Directorates-General are asked to quote the reference number of the distribution sheet when sending on correspondence.

Signature

Apart from the delegation procedure used for routine decisions by the Commission proper there is scope for a much wider delegation of powers within the different departments. There are no general rules, and practice varies from one department to another.

When deciding who should sign outgoing mail, departments must bear in mind that:

- . officials signing a document take full responsibility for content and possible repercussions;
- . officials must be aware where their responsibilities end and know at what stage to consult their superiors;
- . officials at all levels must keep both colleagues and superiors informed so as to avoid breakdown of communication between departments.

By way of example, a set of rules adopted by one Directorate-General is given in SEC(74)2710.

Salutation and complimentary close: standard forms

The main standard forms to be used in Commission correspondence are set out in SEC(81)81. For further information contact the Secretariat-General (Mr Facco, Berlaymont 11/67, tel. 2572/6109).

Notification of the Secretariat-General

All official external correspondence is gathered together by the Directorates-General and sent each week to the Secretariat-General (Official Journal and Official Relations with Member States Division, Mr Facco, Berlaymont 11/67, tel. 2572/6109). After consulting the Directorate-General concerned and with the agreement of the Office of the appropriate Member of the Commission, the Secretariat-General may refer important items to the President or the Commission.

Signature

Except where specified to the contrary on the Secretariat-General's distribution sheet, correspondence distributed to Directorates-General for action must be answered (signed and dispatched) by the Directorate-General concerned in accordance with its own procedures or over the signature of the appropriate Member of the Commission where the Directorate-General judges this to be necessary.

Where a reply is addressed to a government or involves a political commitment on the part of the Commission, it has to be approved by the Commission. The Secretariat-General dispatches the letter in such cases.

Many letters are addressed to the President of the Commission. Except where the President himself wishes to sign the reply (this being indicated on the Secretariat-General's distribution sheet), it is the importance of the subject matter or the status of the person to whom the reply is addressed which determines who shall sign. For instructions on mail addressed personally to the President, see SEC(77)250, para. 7.

As a general rule, all letters concerning formal procedures (e.g. infringements of Treaties, state aids), having an important political aspect or committing the Commission, must be signed by the President or a Member of the Commission and dispatched via the Secretariat-General. In such cases the letter is drafted by the appropriate Directorate-General, in conjunction with the other departments concerned and the Legal Service, and approved by the Member responsible.

Correspondence with the Permanent Representatives

All correspondence with the Permanent Representatives which is purely informative or technical can be dealt with at departmental level. In case of doubt, the matter should be referred to the Secretariat-General, as should all correspondence which does not fall into this category (Mr Facco, Berlaymont 11/67, tel. 2572/6109). For the rules governing the transmittal of secret and confidential documents and for information on correspondence addressed to Member States and the governments of non-member countries see SEC(77)250.

Normally, all communications from the Commission to the governments of the Member States must transit through the Permanent Representatives. All such communications, whether by letter or by telex, must be in the language (or one of the languages) of the country to which they are addressed. Legal instruments, documents or letters addressed to a national of a Member State must be in the language of the person concerned. These operations are carried out by the Secretariat-General (Official Journal and Official Relations with Member States Division).

Notification of Member States and private persons

Certain legal instruments (decisions, recommendations, directives and opinions) take effect once the Member States or persons to whom they are addressed have received notification in the form of a copy certified by the Secretary-General (Official Journal and Official Relations with Member States Division, Mr Fini, Berlaymont 11/59, tel. 3845), with a covering letter to the Minister of Foreign Affairs in the case of a Member State.

The letter of notification is signed by a Member of the Commission. Unless the Commission decides otherwise, all instruments which are notified are published in the Official Journal, although this is not in fact compulsory.

Transmittal to Permanent Representatives

Letters of notification are transmitted via the Permanent Representative of the Member State concerned, with a standard cover sheet or, in certain cases, a covering letter signed by the Secretariat-General.

Convening national experts

The general rules on correspondence with Member States apply also to the convening of experts. All notices convening experts must therefore be sent to the Permanent Representative of the Member State concerned (the appointment of experts being primarily a matter for the Member States).

These arrangements are to be strictly observed, but there is nothing to prevent the department concerned from outlining the Commission's particular requirements concerning the persons attending the meeting to the relevant attaché at the Permanent Representative's Office or from contacting the persons in question by telephone.

Agreements may also be made, on an individual basis, with the Permanent Representatives on certain practical details (for instance, for the Commission to indicate, in the telex giving notice, what departments should be represented or what persons should attend).

If Directors-General consider it advisable that both government and private-sector experts should attend, this must be specified in the notice. 'Mixed' meetings of this kind must be limited to an exchange of views. If a decision is to be taken, only government experts should attend.

NAMES OF COUNTRIES AND ORDER OF LISTING

Member States

When Member States alone are referred to, they are listed in alphabetical order of the indigenous name for each country. The sequence in all languages is therefore as follows: Belgium, Denmark, Germany, Greece, France, Ireland, Italy, Luxembourg, the Netherlands, the United Kingdom.

In official correspondence the Member States are regularly given their full official names, and certainly in the more formal parts of a text, for example to designate the Member State to which a decision is addressed. These names are as follows:

Kingdom of Belgium
Kingdom of Denmark
Federal Republic of Germany
Hellenic Republic
French Republic
Ireland
Italian Republic
Grand Duchy of Luxembourg
Kingdom of the Netherlands
United Kingdom of Great Britain and
Northern Ireland.

However, the short form - Belgium, Denmark, Germany, etc. - is also widely used in the body of legal texts (see Articles 131, 138, 148, 194 and 200 of the EEC Treaty; Article 4 of the Protocol on the Statute of the European Investment Bank; the Protocol on certain provisions relating to France, etc.).

The following points should be observed in references to the Federal Republic of Germany:

Abbreviations such as ' FRG ' or ' FR Germany ' must never be used in official communications and legal documents, where the full name ' Federal Republic of Germany ' must be used.

The Federal Government must always be referred to as ' the Government of the Federal Republic of Germany '; for the sake of simplicity ambiguous expressions such as ' the Federal Government ' or ' the German Government ' may occasionally be used provided the full expressions are used the first time the government is mentioned.

In all cases where the short form is used for the names of other countries, references simply to ' Germany ' and ' the German Government ' may be used.

Where the full name cannot be used for reasons of space, for instance in technical or statistical papers, the expression ' FR Germany ' or even just ' D ' may be used. The abbreviation ' GER ' may also be used in English.

The word ' West ' should never appear in addresses in Berlin. Follow this model:

Herrn
Thielallee 88
D - 1000 Berlin 33.

If abbreviations have to be used for names of countries (in statistical tables for example), the sequence is as follows in all languages: B, DK, D, GR, F, IRL, I, L, NL, UK.

Member States and other countries

Where a list includes both Member States and non-member countries, the sequence followed is the alphabetical order in the language of writing.

ORDER OF LISTING LANGUAGES

In multilingual texts (i.e. texts where each language version contains terms in all Community languages), terms are listed in alphabetical order of the native spelling, for instance:

Dansk, Deutsch, Ellinika, English, Français, Gaeilge, Italiano, Nederlands.

There is, however, an exception to this rule in that the term in the language of the version concerned always comes first (for example in the English text, the term in English would be first).

In monolingual texts which list the Community languages (e.g. in the final article of agreements), the sequence followed is alphabetical order in the language of writing, and will therefore change in each language version. In English, for instance, it would be:

Danish, Dutch, English, French, German, Greek, Irish, Italian.

BRIEFS FOR THE PRESIDENT IN PREPARATION FOR OFFICIAL VISITS OR MEETINGS

The rules on the presentation of briefs from Directorates-General and other departments and the procedures to be followed have been set out in a memorandum (SEC(77) 828). Further details may be obtained from the Secretariat-General (Internal Coordination Division, tel. 2577/7514).

COMMISSION PATRONAGE

Requests for Commission patronage, whether addressed to individual Members or the Commission itself, must be referred to the Secretariat-General (Internal Coordination Division) for an opinion (see SEC(79) 550).

All decisions to grant Commission patronage must be notified to the same Division (tel. 2577/7514).

E M B L E M

The Commission introduced an emblem (a stylized E in gold on a blue ground) in 1978. It is to be used sparingly, for certain information and external representation purposes, and has no political significance whatsoever.

At this stage it is:

- (a) replacing all the symbols used hitherto (notably the sketch map); and
- (b) being introduced in selected new areas, where the use of an emblem is felt to be necessary.

Precise instructions are to be found in SEC(79) 1409 and SEC(80) 1046. The Secretariat-General is responsible for monitoring compliance with these instructions. Any department wishing to use the emblem must submit a mock-up to the Internal Coordination Division for approval. Further information may be obtained from Mr Offele (Berlaymont 11/30, tel. 3169/2384). A copy of any use of the emblem must also be lodged with the same Division of the Secretariat-General.

G E N E R A L R E P O R T A N D O T H E R P E R I O D I C A L P U B L I C A T I O N S

GENERAL REPORT

As required by Article 18 of the 1965 Merger Treaty, a General Report on the Activities of the European Communities is published annually in the seven Community languages for presentation to the European Parliament.

As the report has to be presented to Parliament not later than one month before the opening of the annual session (second week in March), it is published in the first half of February.

The report is compiled from contributions by the Directorates-General and other departments, generally at the beginning of November, in accordance with a strict, planned programme adopted in advance.

The Secretariat-General (General Report and Other Periodical Reports Division) prepares a first draft covering the activities of the first ten months of the year, where possible using the contributions provided.

At the end of November this draft is passed on to the Chefs de cabinet, Directors-General and heads of department, who have approximately one month to make any comments or additions.

In early January this text, which has meanwhile been translated, is given a final review before being presented to the Commission in its definitive form by written procedure.

The final text adopted by the Commission is then sent to the Publications Office to be printed. The report is sold in a similar way to other Community publications.

BULLETIN

The Bulletin of the European Communities, which took over from the EEC and ECSC bulletins and certain Euratom publications in 1968 after the three executives merged, is published monthly in the seven official languages of the Community and in Spanish.

The Bulletin records the activities of the Communities from month to month. Designed primarily as a reference tool, it supplements the previous year's General Report and can be drawn upon when the new General Report is being prepared. It is aimed at a wide range of readers in government departments, universities, the press, political groups, employers' and workers' associations and other organizations.

The Bulletin is compiled from background material and monthly contributions provided by Directorates-General according to a prearranged programme. Contributions must normally be in by the last day of the month on which the Bulletin is reporting. They should be typed in 1 1/2 spacing on bank paper with two copies for the coordinator in each Directorate-General, who forwards them to the Secretariat-General (General Report and Other Periodical Reports Division) (see SEC(81)693). This Division, which is responsible for producing the Bulletin and more often than not for drafting Part One (Special Features), checks the contributions received from the Directorates-General, making changes or adding new material if necessary. The draft text is then submitted to the Members of the Commission, with copies to all departments. Comments, if any, are incorporated and the text is approved.

The final text is then sent to the Publications Office for printing. The Bulletin is normally available in printed form five to six weeks from the end of the month on which it reports. It is sold in a similar way to other Community publications. Commission officials may receive regular copies in the language of their choice (apply in writing to the Secretariat of Division IX-C-1, JCL 2/36).

SUPPLEMENTS AND INDEX

Supplements to the Bulletin are published from time to time, in a separate series, numbered independently. They generally contain official texts adopted by the Commission (communications to the Council and Parliament, programmes, reports, proposals), normally not published in the Official Journal, or not published in their entirety, which are of particular interest to many Bulletin readers. The series provides a valuable source of Commission material in printed form, easy to consult and with useful references to the Official Journal, the General Report, the Bulletin and other supplements.

Indexes are available for each year from 1964 to 1978. Indexes for subsequent years are being compiled with the help of a computer.

The Secretariat-General (General Report and Other Periodical Reports Division) is also responsible for producing the supplements and the index.

RELATIONS WITH THE PRESS

COLLECTION AND DISSEMINATION OF NEWS

All news items issued by the Commission or its departments must be channelled through the Spokesman's Group, which is directly responsible to the President. All contacts between officials and the press must be via the Spokesman. Any official who is approached direct by a journalist must inform the Spokesman, who will advise him on how to proceed.

News items of a political nature may not be published without the prior agreement of the President's Office and the Office of any other Members of the Commission who may be concerned. They are then released in the form of an oral or written statement prepared by the Spokesman's Group in agreement with the Office(s) concerned. Speed being essential, everything must be done to ensure that news items are not delayed.

News of a Commission decision must not be released until the party concerned has been notified. Members' Offices and Directorates-General make the necessary contacts in conjunction with the Spokesman's Group.

News items of a technical nature likely to interest the specialist press are collected and edited by the Spokesman's Group in close liaison with the relevant Members' Offices, Directorates-General and other departments.

Directorates-General and other departments in possession of information which might usefully be released to the press should pass on their suggestions to the Spokesman's Group, preferably to the member responsible for the subject matter concerned, whereupon the action to be taken can be discussed.

The world press (in both Community and other countries) is represented by almost three hundred and fifty journalists accredited to the Commission. The press corps is kept informed orally and in writing.

Orally

Informal midday briefings on items of Community news are given by the Spokesman and/or members of the Group.

The Spokesman may call on an official who has dealt with a particular item in a specialized field to speak for up to five or six minutes on the technical aspects of the matter. Suggestions for joint efforts of this type may also come from the Directorates-General.

A weekly press conference (Thursdays at noon) is given by the Spokesman or his Deputy.

The working language in the press room is French, but journalists may ask questions in any of the seven Community languages. Simultaneous interpreting in all the official languages is provided only for press conferences given by Members of the Commission.

In writing

Journalists are provided with stencilled handouts in the form of:

- . press releases (blue band, IP number) commenting briefly on items of topical interest; and
- . information memos (green band, P number), giving more general summaries of the situation in a particular area.

The Spokesman passes on to the Commission's information offices in the capital cities of the Member States and to its delegations and information offices outside the Community the Commission's instructions on information policy and a wide range of material on items of Community news. The information is normally dispatched by telex (BIO notes).

FOLLOW-UP

News items appearing in the press or agency reports often need to be followed up by additional information, corrections or denials.

It is also important for the Commission to react immediately to any incomplete, incorrect or biased information which concerns it directly. The Spokesman at once advises the President and/or the Member concerned to ensure that any necessary corrections are issued without delay.

A selection of agency reports ('' Telexpress'') is sent to Members and Members' Offices by special messenger three times a day (once in the morning and twice in the afternoon). Any particularly urgent news item received between times is passed to the Commission without delay. A number of Directorates-General receive a daily selection of agency reports ('' Telexpress-Distribution DG '') on matters of interest to them.

A daily press review in telegram style covering items from the major newspapers and magazines and including a selection of articles from them goes to Members in the course of the morning.

Press files of articles referred to in the press review are sent to the assistant to the appropriate Director-General, the same day if possible. A weekly selection of articles mentioned in the daily press review is distributed to all staff in Brussels and Luxembourg.

SPECIAL OPERATIONS

Requests sent in by the press or radio or television stations for interviews with or statements by Members and senior officials of the Commission are received by the Spokesman's Group itself or referred to it by Members' Offices, the information offices or the specialized departments of the Directorate-General for Information.

The Spokesman's Group is responsible for coordinating all such activities and is in charge of press operations relating to official visits made by Members of the Commission or their staffs.

These operations are planned in liaison with the information offices and delegations of Directorate-General I, Directorate-General X and with outside support if necessary.

S P O K E S M A N ' S G R O U P

S P O K E S M A N
D E P U T Y S P O K E S M A N
A S S I S T A N T

Manuel SANTARELLI
Paul CERF
Joe CARROLL

PROVISIONAL DISTRIBUTION OF RESPONSIBILITIES AMONG MEMBERS OF
THE SPOKESMAN'S GROUP BASED ON THE SPECIAL
RESPONSIBILITIES OF THE MEMBERS OF THE COMMISSION

		In charge	Assisted by
President			
Gaston THORN	Preparation and implementation of presidential press actions	M. SANTARELLI P. CERF	J. CARROLL
	Secretariat-General	J. CARROLL	P. VAN ENK
	Legal Service		
	Security Office		
	Cultural questions		
Vice- Presidents			
Francois- Xavier ORTOLI	Economic and financial affairs (DG II) Credit and Investments (DG XVIII)	C. BOON	W. HELIN
Wilhelm HAFERKAMP	External relations (DG I) Nuclear matters	N. VAN DER PAS	M. VASEY
Lorenzo NATALI	Mediterranean policy Enlargement Information (DG X)	A. PARONE	N. VAN DER PAS
Etienne DAVIGNON	Industrial affairs Energy (DG XVII) Euratom Supply Agency Research and science (DG XII) Joint Research Centre	W. HELIN	O. VON SCHWERIN J. ROBINSON C. BOON
Christopher TUGENDHAT	Budget (DG XIX) Financial control (DG XX) Financial institutions and taxation (DG XV)	R. ELPHICK	A. PARONE

Edgard PISANI	Development (DG VIII)	K. VON HELLDORF	A. PARONE
Antonio GIOLITTI	Regional policy (DG XVI) Coordination of Community funds	M. SANTOPINTO	O. VON SCHWERIN
Giorgios KONTOGEOORGIS	Transport (DG VII) Fisheries (DG XIV) Tourism	J. CARROLL	M. SANTOPINTO
Karl-Heinz NARJES	Internal market Customs union Environment, consumer protection and nuclear safety (DG XI)	O. VON SCHWERIN	C. BOON
Frans ANDRIESSEN	Relations with the European Parliament Competition (DG IV)	P. VAN ENK	G. VON SCHWERIN J. ROBINSON
Ivor RICHARD	Employment and social affairs (DG V) Tripartite Conference Education and vocational training	J. ROBINSON	M. SANTOPINTO
Michael O'KENNEDY	Delegate of the President (1) Personnel and administration (DG IX) Statistical Office Publications Office	J. CARROLL	R. ELPHICK
Poul DALSAGER	Agriculture (DG VI)	M. VASEY	N. VAN DER PAS
Court of Justice and legal affairs		C. BOON	
Economic and Social Committee		C. BOON	

(1) Notably for matters concerning the mandate of 30 May 1980.

COORDINATION

Information activity concerned with current Commission preoccupations and events of Community interest requires the involvement of all the Directorates-General and Members' Offices concerned. This is achieved by:

- (a) attendance at weekly Chefs de cabinet meetings and weekly Commission meetings;
- (b) periodic discussions with Members of the Commission on information policy and the establishment of priorities;
- (c) monthly discussions between the Director-General for Information and the Chefs de cabinet on information activity;
- (d) the appointment by Commission decision of liaison officers in each Directorate-General, whose main tasks are:
 - . to brief the Directorate-General for Information on the activities of their Directorates-General, with particular reference to proposals and work on new initiatives;
 - . to inform their Directorates-General of ways in which the Directorate-General for Information can publicize their activities.

As part of the attempt to publicize Commission activity it is now standard practice for the relevant Directorate-General or other departments, in liaison with DG X and the Office(s) of the Member(s) concerned, to complete a publicity annex on all major proposals for submission to the Commission (see Annex 13).

B U D G E T

S T R U C T U R E

The budget comprises five sections, one for each institution - Parliament, Council, Commission, Court of Justice and Court of Auditors (the latter classed as an institution for budget purposes). The Council section has an annex which gives details of the revenue and expenditure of the Economic and Social Committee. The Commission section contains an annex showing the estimated revenue and expenditure of the Publications Office.

Each section of the budget is subdivided into titles, chapters, articles and items. In the section on Commission expenditure (Section III), which represents 98 % of all expenditure, titles I and II show staff and current administrative expenditure, Title III specific operational expenditure, Title IV aids and subsidies, Title V the Social and Regional Funds, Titles VI, VII and VIII the EAGGF and Title IX development aid.

ESTABLISHING THE BUDGET

Preparation and timetable

The following timetable is determined by Article 203 of the EEC Treaty.

Each year the different institutions prepare estimates of their revenue and expenditure for the coming year and send them to the Commission by 1 July.

The Commission consolidates all these estimates in a preliminary draft budget, which it places before the Council not later than 1 September. The Council discusses it internally (in the Budget Committee, in the Permanent Representatives Committee and at ministerial level) and with the other institutions concerned - chiefly the Commission. The Council then establishes the draft budget, which it forwards to Parliament not later than 5 October. When the draft has been discussed in Parliament it is returned to the Council, within forty-five days of receipt. The Council considers any changes proposed by Parliament and returns the budget to Parliament within fifteen days. After a final discussion Parliament adopts the budget within fifteen days.

However, it has been agreed between the different institutions to bring forward certain dates so as to give more time for examination by the Council and Parliament.

BUDGETARY POWERS

Parliament may propose modifications to expenditure necessarily resulting from the Treaties or from instruments adopted in accordance with the Treaties (compulsory expenditure), but it is the Council that finally adopts them. However, Parliament determines the amount of other (non-compulsory) expenditure and may overrule the Council's proposals by a qualified majority, as laid down in Article 203 of the EEC Treaty, though it is required not to exceed a maximum rate, set by the Commission, of increase in non-compulsory expenditure above the previous year's level.

A conciliation procedure has been introduced whereby Parliament and the Council can determine what is compulsory and what is non-compulsory expenditure and can agree to a new rate of increase in non-compulsory expenditure if amendments made by Parliament would put the total expenditure above the maximum set by the Commission (see also Conciliation procedure, p. 92).

IMPLEMENTATION PROCEDURE

Pursuant to Article 78c of the ECSC Treaty, Article 205 of the EEC Treaty and Article 179 of the Euratom Treaty, the Commission implements the budget. The Directorate-General for Budgets is responsible for managing revenue.

The implementation of expenditure is in four stages:

- (i) commitment, which takes the form of a proposal for commitment of expenditure from the relevant authorizing officer (see Articles 32 to 35 of the Financial Regulation) (1);
- (ii) validation (Articles 36 to 38);
- (iii) authorization, which takes the form of a payment order issued by the relevant authorizing officer or administering department (Articles 39 to 45);
- (iv) payment, which is made by the accounting officer (Articles 46 to 48).

The Internal Rules for the Implementation of the General Budget of the European Communities (Commission Section) (Fifth edition, 1 June 1979, XIX/303/79) should be referred to for further details of implementation procedure. Copies may be obtained from the Directorate-General for Budgets (tel. 5876/2958).

S T U D I E S A N D P U B L I C A T I O N S

Expenditure relating to studies and publications is authorized by the Commission on the basis of a programme drawn up by the Directorate-General or other department concerned and endorsed by the Advisory Committee on Commissioned Studies or the Advisory Committee on Publications, as the case may be (see Part Two).

The Commission adopted new procedural arrangements for the financing of studies in 1980; these are set out in SEC(80) 1579. The revised form incorporating the request for authorization and the financial statement in connection with studies is given in Annex 14.

F I N A N C I A L S T A T E M E N T

Instructions were given to all Directorates-General and other departments on 22 September 1975 (SEC(75)3139) that any proposal having financial implications which is to be laid before the Council, especially where Parliament is to be consulted, must be accompanied by a financial statement (see Annex 15).

(1) OJ L 356, 31.12.1977.

An explanatory note on the financial statement may be obtained from the Directorate-General for Budgets (tel. 3856/1782). The statement must be completed by the Directorate-General responsible for the proposal in agreement with the Directorate-General for Budgets.

C E I L I N G S O N E X P E N D I T U R E

On 30 April 1979 (SEC(79) 680) departments were told that, as a general rule, no reference should be made in the body of Commission proposals to proposed or existing budgetary appropriations for their implementation. The Commission is anxious to respect the bipartite budgetary procedure and avoid the unilateral imposition of ceilings by one wing of the budgetary authority without reference to the other.

Where figures are essential (for instance, to give some idea of the scale of a proposed programme) a note must be added to the effect that they are indicative, not binding.

The full financial implications must still be spelled out in the financial statement for the Council's information.

F I N A N C I A L C O N T R O L

The Financial Controller is responsible for the internal pre-operational control of revenue and expenditure, as opposed to the external post-operational control carried out by the European Court of Auditors.

Internal control is based on the Financial Regulation applicable to the General Budget of the European Communities (1) and covers all budget revenue and expenditure.

The Controller discharges his duties independently of the authorizing officers and accounting officers and is directly responsible to the Commission. His duties are to check the management of finances against supporting documents, if need be on the spot. He may second assistant controllers temporarily to authorizing departments. The Financial Controller also acts as adviser in budgetary matters by participating in the work of the committees responsible for administering the appropriations (commissioned studies, publications, procurement). He may report to the Commission on matters with financial implications.

(1) OJ L 356, 31.12.1977.

C O N T R O L P R O C E D U R E S

All commitments for expenditure and all payments must have the prior approval of Financial Control.

Approval for items of expenditure is required at two stages. The relevant authorizing officer has to submit the following:

- (a) a proposal for commitment which is checked to ensure that the expenditure has been charged to the correct budget headings, that appropriations are available, that the expenditure is in order and conforms to the relevant provisions and that the principles of sound financial management are respected; and
- (b) a payment order which is checked to ensure that it agrees with the commitment of expenditure.

Without prior approval no authorizing officer may commit expenditure. Approval may be withheld; in that event the reasons must be stated and the authorizing officer notified. He may refer the matter to the Commission, which may overrule the refusal except where the point at issue is insufficient funds. The Court of Auditors is notified of decisions to withhold approval.

Where revenue is concerned, the relevant authorizing officer must submit for approval any measure which may give rise to a debt due to the Communities, recovery orders and draft decisions waiving the right to recover an established debt. The Financial Controller must notify the Commission of any discrepancies in the receipt of revenue.

The Commission's Financial Controller also acts as Financial Controller for the European Development Funds, the European Foundation for the Improvement of Living and Working Conditions (Dublin) and the European Centre for the Development of Vocational Training (Berlin). The provisions of the Financial Regulations applicable to the European Development Funds (1), the Dublin Foundation (2) and the Berlin Centre (2) are similar to those of the Financial Regulation of 31 December 1977 referred to above.

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- (1) Financial Regulation of 27 June 1976 applicable to the Fourth EDF (OJ L 229, 20.8.1976); Financial Regulation of 17 March 1981 applicable to the Fifth EDF (OJ L 101, 11.4.1981).
 - (2) Financial Regulation of 1 June 1976 (OJ L 164, 24.6.1976).

S E C U R I T Y

The main obligations of members of staff in matters of security derive from the following texts:

(a) Staff Regulations

Article 11: to carry out duties in the interest of the Communities; not to take instructions from persons or organizations outside the institution;

Article 17: to exercise the greatest discretion with regard to facts and information acquired in the course of duty; not to publish without permission anything dealing with the work of the Communities.

(b) Regulation (Euratom) No 3 of 31 July 1958

Regulations and measures for the protection of Euratom classified information.

(c) Commission Decision of 19 November 1975 (SEC(75)99 final)

amended on 30 May 1979 (COM(79)Min 518, WP Annex)

This decision, copies of which have been sent to all officials, defines the security gradings of documents and establishes the security measures applicable to classified documents. The Commission also agreed that security officers would be designated in each department to be responsible for implementation.

The Security Office, which reports direct to the President, is responsible for monitoring the Commission's operations and for pinpointing any practices which might jeopardize security. It also acts in an advisory capacity on applications for travel orders submitted by staff visiting state-trading countries and on planned visits by nationals of these countries to the Commission or JRC Establishments (see p. 124).

The Office will provide guidance and advice on all specific questions regarding security (tel. 3358, secretariat; or 3347/48/49, duty officer - round the clock). Thefts and the presence of suspicious persons or objects should immediately be reported to the duty officer.

S T A T I S T I C S

Statistical procedures are coordinated by the Statistical Office of the European Communities (Eurostat).

The procedures described below are designed to enable Eurostat to provide all the Community institutions, but principally the Commission, with the statistics required for formulating and monitoring Community policies, to help the national statistical systems move towards a unified European system, and to make statistics about the Community widely available.

STATISTICAL PROGRAMME

At regular intervals Eurostat prepares a programme of statistical work covering the next three years. The programme is updated each year in consultation with the national statistical services, representatives of international statistical organizations and Commission departments and is then submitted for Commission approval before transmittal to the Council. It is also sent for information to Parliament and the Economic and Social Committee. The core of the programme relates to Eurostat's own projects, but the programme also aims to cover other statistical projects of Community interest carried out by the Member States.

PROPOSALS TO THE COMMISSION WITH STATISTICAL IMPLICATIONS

Directorates-General preparing proposals with statistical implications must consult Eurostat from the outset. A reference to Eurostat's opinion must appear in all final proposals submitted to the Commission.

LIAISON WITH EUROSTAT

Eurostat has its headquarters in Luxembourg (Jean Monnet Building, PO Box 1907, tel. (352) 430.11). There is a liaison office (Mr Liausu, UPB 4/20, tel. 1244) to look after relations with Commission departments in Brussels.

In addition, in each Directorate-General or other department an official is designated to centralize all requests of a statistical nature.

REQUESTS TO MEMBER STATES

Requests to Member States for statistics must be coordinated either by Eurostat or by another department in liaison with it.

STATISTICAL DATA BANKS

Eurostat in close collaboration with user departments in the Commission, has set up a system of statistical data banks using software (CRONOS) which it has developed. This system, by means of conversational terminals, offers rapid access to and easy handling of large volumes of statistical and economic data. The system already covers more than twenty-five subject areas, and will be expanded to further areas in response to user demand (see Part Two). Most of this data is also available on Euronet - the European information network. As stated in the Commission's Fifth Statistical Programme (1982-84), Eurostat intends to set up a number of statistical data banks, containing both structured and other data. In addition to their own terminals, user departments may also consult Mr Dewaleyne (JMO B3/088, tel. 430.11, ext. 2011) or Eurostat's data shop in Brussels (Mrs Cattani, UPB 4/11, tel. 1504).

STATISTICAL STUDIES AND SURVEYS

Through its general responsibility for statistical studies and surveys Eurostat is responsible for study contracts concluded under Article 264 of the budget with a view to making a Community contribution towards the financing of certain surveys and studies. Most of the major statistical surveys carried out by Eurostat are in response to Council decisions.

For further information, contact Mr Hentgen in Luxembourg (tel. 430.11, ext. 2044).

STATISTICAL PUBLICATIONS

Eurostat provides a full range of statistical publications and, as with statistical studies and surveys, is responsible for the relevant part of the Commission budget, namely Item 2711 (Statistical publications). Inquiries on publications should be addressed to Mr Hentgen in Luxembourg (tel. 430.11, ext. 2044).

NOMENCLATURE

Eurostat has an important coordinating role in the field of nomenclature used for statistical or other purposes.

WORKING PARTIES

The main point of contact between Eurostat, the national statistical services and users of statistics, including the Directorates-General concerned, lies in the many working parties, chaired by Eurostat, which formulate and monitor the work programme.

2. RELATIONS WITH OTHER COMMUNITY INSTITUTIONS AND BODIES

C O U N C I L

G E N E R A L

Basic rules

The Council is made up of government ministers of the Community's Member States. The Commission is therefore represented at Council meetings by its Members rather than by officials.

The Commission has the right to ask for the Council or its preparatory bodies to be convened and may ask for an item to be placed on their provisional agendas.

Before it can deliberate the Council requires a quorum of at least five delegations represented by a minister (or state secretary etc.).

The Commission is fully entitled to take part in meetings of the Council and its subsidiary bodies unless the Council decides otherwise (see Articles 3(2) and 16(3) of the Council's Rules of Procedure).

Unless the Council decides otherwise, its proceedings and those of its preparatory bodies are not public. Commission officials must therefore exercise the necessary discretion.

Council meetings are held either in Brussels or - in April, June and October - in Luxembourg.

In many cases, the Treaty and the implementing regulations allow the Council to act by qualified majority, provided that its decision endorses a Commission proposal. Where a decision by qualified majority is possible, the Commission's departments must ensure that this is taken into account when the proposal is being prepared by the experts in the Commission and the Council.

Political cooperation

The Council's meetings should not be confused with political cooperation meetings, which deal with questions not covered by the Treaties, mainly in the field of external relations and more recently in connection with cooperation between judicial authorities. The Member States' Foreign Ministers hold at least four ministerial meetings a year. In addition, when the Foreign Ministers attend ordinary Council meetings, they sometimes hold peripheral discussions on urgent political cooperation matters.

The principal preparatory body is the Political Committee, composed of the Heads of Political Departments in the Foreign Ministries of the Member States. This Committee is assisted by a number of working parties.

Although political cooperation takes place between the Member States acting individually, the Commission does take some part in this work.

For further information contact the Secretariat-General (Relations with Intergovernmental Cooperation between Member States Department, Mr Nuttall, Berlaymont 12/95, tel. 7605).

European Council

At the summit conference in December 1974 the Heads of Government agreed to meet at least three times a year as the Council of the Communities (to deal with Community problems) and as an instrument of political cooperation. These meetings are known as European Councils.

The Commission is represented by its President, accompanied by the Vice-President with special responsibility for the main topics to be discussed.

Each European Council usually includes a frank, wide-ranging discussion, held in as restricted a session as possible and not normally leading to public statements, as well as a session of deliberations aimed at reaching decisions, adopting directives for future action or approving public statements. Sometimes the European Council is also called upon to settle matters held over from ordinary Council meetings.

The ground for the European Council's deliberations is prepared by the Foreign Ministers, meeting as the Council and for political cooperation purposes.

Channels of communication

General responsibility for relations with the Council lies with the Commission Secretariat-General. Under the authority of the Secretary-General, the Deputy Secretary-General (Mr Jenkins) has overall responsibility and is assisted by two divisions: Relations with the Council (I) (Mr Etienne) and Relations with the Council (II) (Mr Stefani). (See the procedure outlined below for entering an item on the agenda of the Council or Permanent Representatives Committee and attendance at meetings.)

Transmission of proposals and other formal

Commission communications

The Secretariat-General makes sure that all the rules are properly observed as regards papers which are transmitted to the Council. Every written communication to the Council must pass through the Secretariat-General.

Only acts of the Commission may be transmitted to the Council. These acts generally take the form of proposals. The decision to make a proposal, or to withdraw it, is taken by the Commission as a whole. The Commission has instructed the Secretariat-General to prepare a periodic list of pending proposals so that the Commission can see what matters are still outstanding and what proposals, if any, should be withdrawn.

The covering letter is signed by the President of the Commission or, where he cannot do so, by a Member.

Proposals must be accompanied by:

- . a financial statement (as a rule it is not necessary to specify within the proposal itself what appropriations are required, see p. 65);
- . a timetable annex (see p. 28);
- . if need be, confirmation that the criteria for initiating the conciliation procedure with Parliament are satisfied (see p. 92).

Commission proposals and communications are always addressed to the Council (not to the Permanent Representatives Committee).

Transmission of working papers

The sole function of a working paper is to support a measure already proposed by the Commission. It must never be used to put forward ideas which do not relate specifically to a Commission proposal, to sound out Member States on new proposals or to shift the discussion of a proposal already put forward onto a different basis. On the other hand, it is desirable for working papers to display a degree of pragmatism and flexibility, given that it may be necessary at a later stage, subject to Commission approval, to make formal changes to proposals, and that the new proposal may well incorporate ideas already accepted at preparatory level and contained in the working paper.

The working paper must have the approval of all departments and Members' Offices concerned. Unless it is purely factual it must also be approved by the Legal Service.

The fact that approval has been given must be mentioned on the covering sheet attached to the working paper when it is sent to the Secretariat-General (Miss Kiesewetter, Berlaymont 11/26A, tel. 2419). Papers sent to the Council are circulated in the Commission by the Secretariat-General. They are not transmitted to Parliament unless the Member of the Commission responsible for the matter and the Vice-President with special responsibility for relations with Parliament specifically decide to do so. Full instructions for obtaining the Commission's approval for working papers and for transmitting them to the Council are set out in SEC(74) 375 and SEC(80) 1274. Staff are reminded that if they submit rough transcripts of their spoken contributions at Council meetings to the chairman or other participants, these must be a simple record of what they say.

Two-way notification of important correspondence

from non-member countries

The Commission copies to the Council any important correspondence or memoranda it receives from non-member countries; the Member States and the Council reciprocate.

The Secretariat-General circulates a copy to Members of the Commission before forwarding it to the Council.

Other forms of briefing on external relations

The Commission keeps the Council informed of any other significant developments in external relations via:

- (a) staff papers;
- (b) non-papers;
- (c) statements to the Permanent Representatives Committee.

The Secretariat-General (Mr Etienne, Berlaymont 11/57, tel. 2361, or Mr Stefani, Berlaymont 12/104, tel. 1770) should be consulted for advice on which method to use on a particular occasion.

The Secretariat-General briefs Members of the Commission on these communications and transmits them to the Council. The rules for ensuring that the Council is kept as up-to-date as possible are given in full in SG(80)D/7119.

COUNCIL MEETINGS

Agendas

All requests to enter an item on the agenda of the Council or Permanent Representatives Committee must be made through the Secretariat-General (Mr Etienne, Berlaymont 11/57, tel. 2361; Mr Stefani, Berlaymont 12/104, tel. 1770).

Any contact with the Office of the President of the Council or with the Chairman of the Permanent Representatives Committee must also be made through the Secretariat-General (Mr Etienne or Mr Stefani).

The agendas of the Council and its preparatory bodies are telexed direct to the Directorates-General and communicated to Members' Offices. The Secretariat-General (Miss Dondelinger, Berlaymont 11/26, tel. 2124) ensures that the telexes reach the correct destination and issues any notices of urgent meetings.

The Registry (tel. 3172) circulates papers from the Council's General Secretariat.

Attendance by Commission Members

Which Commission Members attend Council meetings depends on the kind of meeting. The President of the Commission usually attends only general meetings, assisted by whichever Members are particularly concerned with the items on the agenda. Meetings of a more specific nature (agriculture, transport, etc.) are attended by the Member with special responsibility for that area.

Attendance by officials

There are a number of general rules governing participation in Council meetings; these apply unless the Council decides to restrict attendance even further.

Only officials designated to assist the Member of the Commission directly involved in the discussion are allowed to attend. This means that officials cannot sit in simply to listen to the proceedings; they must leave as soon as the item for which they were invited has been dealt with. Unless the meeting is in restricted session, the officials concerned can sit in an overflow room.

Certain departments (Secretariat-General, Legal Service and Spokesman's Group) are represented throughout the meeting. The Secretariat-General is responsible for reporting the progress of the discussions to those concerned. The meeting room may be entered only on production of an entry card issued by the Secretariat-General. Apart from the cards given to those departments which have to attend the whole meeting, transferable cards are made available to the Chefs de cabinet of the relevant Commission Members and to senior officials directly concerned. These cards are issued in the ante-room by a representative of the Secretariat-General before the item in question is discussed and must be returned immediately after.

The Commission delegation to general Council meetings should consist of not more than six persons; different arrangements may apply for specialized meetings. A list of delegates is drawn up and sent to the Council by the Secretariat-General, after consulting the President's Office (for general meetings) or the Office of the relevant Commission Member (for specialized meetings). Further information may be obtained from Mr Etienne (Berlaymont 11/57, tel. 2361) or Mr Stefani (Berlaymont 12/104, tel. 1770). For matters concerning the issue of entry cards, contact Miss Couprie (Berlaymont 12/102, tel. 3819).

Records of proceedings and minutes

At the end of each Council meeting the Commission Secretariat-General circulates a summary record. The Council's General Secretariat also draws up minutes of the meeting within fifteen days, which are then submitted to the Council for approval. Before approval any Member State or the Commission may ask for the minutes relating to a given item in the agenda to be expanded or amended. The Commission has set up an internal procedure for the approval of these minutes, as follows. The Secretariat-General sends draft summary minutes of the Council meeting to Directorates-General and Members' Offices. The Directorates-General and Offices concerned must inform the Secretariat-General within ten days (from the date of dispatch as stamped on the document by the Secretariat-General) of:

- (a) items discussed by the Council which the Commission should ask to have expanded in the minutes;
- (b) any amendments which should be requested (see SEC(79)1604).

Contacts with the press

The Spokesman's Group is responsible for contact with the press at Council meetings, taking instructions either from the President of the Commission, or from other Members attending.

COUNCIL WORKING PARTIES

The Office of the President of the Council automatically forwards a Commission proposal to the appropriate Council working party. The Commission or a Member State may ask for the proposal to be raised or dealt with immediately by the Council or by the Permanent Representatives Committee. In particularly important cases a policy debate may be held by the Council at the request of the Commission or a Member State.

Whenever the Commission asks for Parliament to be consulted, whether this be mandatory or optional (see p. 88), the Council's General Secretariat initiates a written procedure for the decision to refer the matter to Parliament (and the Economic and Social Committee). By tradition, no Member State ever opposes this.

No discussion may begin in a working party or any other Council body before Parliament has delivered its opinion, provided Parliament meets whatever deadline has been mutually agreed. If Parliament fails to do so, or in cases of exceptional urgency, working parties may nevertheless begin their discussions if the Permanent Representatives Committee agrees; Parliament must then be informed.

Once Parliament has delivered its opinion, the Commission is obliged to consider any amendments requested by Parliament and, if it accepts them, to make a formal alteration to its proposal under the second paragraph of Article 149 of the EEC Treaty. The amended proposal must be put to the Council as quickly as possible so that work can proceed smoothly (see also p. 91).

The aim of proceedings at working party level is to settle technical aspects of proposals. The volume of proposals put to the Council is such that every effort must be made to reach agreement in the working parties. It is generally advisable for working parties to concentrate on technical and economic aspects, leaving legal, political or institutional considerations to be dealt with at a higher level.

The Commission is generally represented in Council working parties by staff from whichever department is concerned, though in some cases the Secretariat-General also attends. It is rare for problems arising in a working party to be referred to the Commission itself.

PERMANENT REPRESENTATIVES COMMITTEE (COREPER)

The working parties report to the Permanent Representatives Committee, which has two functions:

- (i) to seek agreement on outstanding points and deal with certain political and institutional questions;
- (ii) to prepare the ground for discussion in the Council and submit reports drawing attention to the political aspects which are important enough to come before the ministers themselves.

The Permanent Representatives Committee has sole responsibility for preparing Council meetings (except for meetings of Agriculture Ministers, which are prepared by the Special Committee on Agriculture).

The Committee is in two sections. The first (Deputy Permanent Representatives) deals mainly with technical matters, mostly in preparation for specialized Council meetings, with particular reference to the internal development of the Community. The second (the Representatives themselves) deals with the more political aspects of Council business.

Each prepares directly for Council meetings. The first section does not necessarily report to the second.

The Permanent Representatives Committee does not have the power to issue formal instruments as specified in Article 189 of the EEC Treaty. The formal decision is always taken by the Council. If agreement is reached by the Committee, the Council treats the matter as an 'A' item. If no meeting is scheduled to take place within the required time, a written procedure is initiated. Treatment of a matter as an 'A' item or by written procedure means that the Member States and the Commission agree that there is no need for actual discussion at Council level, and in practice the 'A' items are generally approved en bloc. Members can therefore abstain and voting can be by qualified majority on 'A' items or by written procedure as long as the Commission and Member States are in agreement.

In very exceptional cases, particularly where a decision has unusual political importance, an item on which agreement has been reached may still appear as a 'B' item on the Council agenda.

Entry as an 'A' item does not prevent the Commission or a Member State from making a statement. But if the proposed decision is contested, the item is automatically deferred to a later Council meeting.

The written procedure involves obtaining in writing the votes of Council members on an urgent matter. A written procedure is initiated either on the responsibility of the President's Office or at the express request of the Council. Once the procedure has been opened, it is still possible for a Member State or for the Commission - if the matter concerned falls within its jurisdiction, for example where a proposal has been transmitted - to oppose its use and ask for the question to be discussed by the Council. A written procedure therefore involves two questions: the first is on the choice of the procedure itself and the second concerns the substance of the matter. On the second question it is quite in order for the majority voting rules to apply.

The Secretariat-General is responsible for ensuring consistency and continuity in the Commission's relations with the Permanent Representatives Committee. The Commission is represented by the Deputy Secretary-General, Mr Jenkins, assisted by Mr Stefani, Director, at meetings of the second section of the Committee (Permanent Representatives), and by Mr Etienne, Director, at meetings of the first section (Deputy Permanent Representatives). As the Committee is composed of national civil servants, its meetings are attended by Commission officials. Members of the Commission may receive the Permanent Representatives to discuss specific issues. They may also, if invited, attend the Committee's meetings when items of major political importance are being discussed.

For each item on the Permanent Representatives Committee agenda, there must be contact in advance between the Secretariat-General and the relevant departments to ensure that the Commission's views are adequately worked out and positions coordinated. Views to be expressed at Committee meetings must be discussed beforehand by the relevant department and the Secretariat-General, as part of the latter's overall responsibility. The Secretariat-General also reports to the Commission on all Committee proceedings. Where a matter is of particular importance and additional instructions may be required from the Commission, the reports are placed on the Commission's agenda.

The appropriate divisions of the Secretariat-General liaise before and during meetings to make sure that the Commission officials who are to take part are on hand as required.

The Secretariat-General also informs the Committee systematically and speedily when Members of the Commission are to receive important visitors from the political world, and the subjects discussed might have implications for Community activities.

EUROPEAN PARLIAMENT

L I A I S O N W I T H P A R L I A M E N T

Routine matters are handled by the Secretariat-General (Division for Liaison with Parliament and the Economic and Social Committee, Mr Peters, Berlaymont 11/15, tel. 2527/3706), under the authority of the Member responsible for relations with Parliament.

The Commission has also set up a Parliamentary Affairs Group, composed of the parliamentary affairs attachés in Members' Offices.

The Parliamentary Affairs Group normally meets on Thursdays. Minutes of the meetings are sent to the Commission, via the Member responsible for relations with Parliament (Secretariat: Mrs Lambert, Berlaymont 11/13, tel. 1909/7513).

The Parliamentary Affairs Group examines:

- (a) Parliament's agenda, to establish the Commission's position on the various items down for discussion; the Group ensures that the Commission, as a collegiate body, follows a consistent line;
- (b) resolutions adopted by Parliament, to decide what action the Commission should take;
- (c) answers to oral questions, to ensure that the Commission's position is consistent with policy;
- (d) answers to written questions, where problems have arisen;
- (e) any other matters involving relations with Parliament.

Any Member may request that the minutes of the Parliamentary Affairs Group be placed on the agenda for the Commission's weekly meeting.

TRANSMISSION OF DOCUMENTS TO
PARLIAMENT

Documents not specifically for Parliament

- (a) Memoranda or reports from the Commission to the Council:
unless there is a decision to the contrary all Commission memoranda or reports to the Council are sent to Parliament.
- (b) Documents prepared by the Commission for the European Council:
the Commission decides on a case-by-case basis whether or not to transmit such documents to Parliament.
- (c) Commissioned studies or reports:
the appropriate Member and the Member responsible for relations with Parliament decide, if necessary after consulting the full Commission, whether or not these documents should be forwarded to the relevant parliamentary committee.
- (d) Commission working papers prepared for Council working parties:
these are not normally forwarded to Parliament unless a specific decision is taken to this effect by the appropriate Member and the Member responsible for relations with Parliament, if necessary after consulting the full Commission; the following general rules apply:
 - (i) documents may be transmitted in their final form only, i.e. after Commission approval;
 - (ii) documents produced for the Council are sent to the Council first;
 - (iii) documents may be transmitted through official channels only, i.e. via the Secretariat-General, which keeps a register of all documents forwarded;
 - (iv) as a general rule documents to be forwarded to Parliament must be in all Community languages; if individual Commission documents are not available in all official languages, Parliament must be consulted on procedure.

Documents specifically for Parliament

Parliament's requests must be formally submitted to and accepted by a Member of the Commission. Officials attending meetings can only accept requests subject to confirmation.

Transmission of the document must be formally authorized by the Member(s) concerned or by the full Commission.

Documents may be transmitted in their final form only, i.e. after approval by the appropriate Member or the full Commission as the case may be.

More flexible arrangements may be made for documents requested by the Committee on Budgets during preparation of the annual budget and by the Committee on Budgetary Control.

Any problems arising in connection with the transmission of documents to Parliament may be raised at the weekly meeting of the Parliamentary Affairs Group.

C O R R E S P O N D E N C E W I T H P A R L I A M E N T

(see SEC(79)1777/3 of 8 October 1979)

Letters addressed to the Commission itself are distributed by the Secretariat-General. The Director-General assigned to deal with the letter is responsible for drafting the reply and, where necessary, liaising with the other Directors-General concerned and the Office of the Member to whom he reports.

Departments receiving letters direct from MEPs must immediately send a copy to the Secretariat-General and the appropriate Member's Office for information. The procedure set out above then applies.

Letters addressed to an individual Member of the Commission are dealt with under the direct responsibility of that Member, who must see to it that they are answered as promptly as possible. He may arrange for the Secretariat-General to initiate a coordination procedure, particularly if the letter is addressed to a number of Members. The Secretariat-General receives a copy of both the letter and the answer unless they are personal.

Where it is obvious that a reply will take some time, an immediate acknowledgement is sent to the MEP. A full reply must follow within one month.

A copy of the reply, to be signed by the Director-General or the Member as the case may be, is sent to the Secretariat-General (Liaison with Parliament Department).

P A R L I A M E N T A R Y C O M M I T T E E S

At present there are fifteen committees and a number of subcommittees covering between them all sectors of Community activity. Parliament's Bureau decides which committee is to be responsible for preparing Parliament's opinion, either on its own or in association with other committees.

The Commission has asked Parliament to arrange parliamentary committee meetings so that Members of the Commission can attend on a monthly basis and to organize joint meetings if what they have to say is likely to interest several committees.

These committee meetings give the Commission an opportunity of sounding out parliamentary opinion, so that it can take Parliament's likely reaction into account when drafting its proposals.

As a rule the Commission is represented at meetings of parliamentary committees by the Member(s) responsible for the matter under discussion, especially where this is politically important. When it is represented by officials, these should be sufficiently senior.

Coordination of attendance by Members and officials is a matter for the Secretariat-General, which can provide information about times, venues, agendas, etc. (Miss Giacobone, Berlaymont 11/12, tel. 2219, or Mr Salmon, Berlaymont 11/12, tel. 2657). Officials from the Secretariat-General attend all committee meetings and circulate a summary report to Members of the Commission and Directors-General.

Parliament frequently arranges press publicity for committee meetings. In such cases the content of statements made by Members of the Commission or senior officials must not be made public without their agreement.

Parliamentary procedure lays down that committee reports must be ready at least ten days before a part-session. Exceptions to this rule are not uncommon, and to keep them to a minimum Parliament has asked the Commission and the Council to try to avoid making urgent requests.

P A R T - S E S S I O N S O F P A R L I A M E N T

Parliament meets in ordinary session for a week every month except August. Sittings are held in Strasbourg as a rule.

A document giving practical information for officials who are required to attend part-sessions can be obtained from the Secretariat-General (Miss Molinier, Berlaymont 11/13, tel. 2678). A calendar of part-sessions for the coming year and a medium-term work programme, giving likely dates for major debates, is published at the end of the preceding year.

Parliament's Bureau may decide to hold extraordinary sessions to debate specific, urgent matters.

A special part-session is usually held in early November for the first reading of the budget.

Most items on the agenda of part-sessions involve the debate (and adoption, possibly after amendment) of motions for resolutions tabled by the relevant parliamentary committees. These are either opinions on Commission proposals or own-initiative reports. Statements are also regularly made to Parliament by Members of the Council or the Commission, who must also be present to handle questions put at Question Time and speak to the debates.

A Member of the Commission (normally the Member responsible for relations with Parliament, but occasionally the President himself) attends meetings of Parliament's Bureau (or Enlarged Bureau) when the agenda and programming of part-sessions are being discussed, so that the Commission's wishes and needs can be made known as authoritatively as possible and undertakings given by both sides. A first draft of the agenda is normally discussed at the weekly meeting of the Parliamentary Affairs Group. Once the Bureau has fixed the draft agenda, requests for changes are virtually ruled out.

The Commission's report on action taken on the opinions and resolutions adopted by Parliament at the previous part-session is dealt with at the Monday sitting.

Question Time for the Commission lasts an hour and a half on Monday afternoons.

Tuesdays are normally given over to one or more political topics.

Wednesdays are largely devoted to matters concerning the Council and political cooperation.

The main business on Thursdays and Fridays is the adoption of opinions on Commission proposals.

The late-night sitting on Thursdays is currently reserved for urgent debates.

The Commission tries to ensure that as many Members as possible are present whenever the House is sitting, particularly for Question Time and presentation of its report on action taken on Parliament's opinions.

The Commission has also agreed that at least two Members must be present on Fridays.

The Member responsible for a matter appearing on the agenda for a part-session must make every effort to attend the debate. If he is unable to attend, he arranges for another Member to replace him. The Office of the Member responsible informs the relevant department of the Secretariat-General of the arrangements made.

FILES FOR MEMBERS ATTENDING PART-SESSIONS

It is recommended that files contain the following items:

Reports with debate

A check-list of the items in the file.

The check-list should be followed by a page giving the name, office and telephone number of the official from whom further information may be obtained. This page must also be signed by the person in the Member's Office transmitting the file.

A note of not more than twenty lines summarizing the Commission's proposal and the objectives pursued under general Community policy in the field concerned.

A brief defining the position that the Commission is to defend before Parliament.

This brief is made up of:

- (a) a speaking note giving the policy line. This must be based on discussions in parliamentary committee(s) and must state whether the Commission's proposal has prompted comments or criticism and if so from what quarters (political group, national group or individual MEP). It will, of course, say what the Commission has done to counter such criticism;
- (b) a detailed statement on each of the amendments presented;
- (c) a note explaining why particular amendments are unacceptable to the Commission;
- (d) the report being discussed by the House. Any further amendments must be added to the file as they are received.

- (e) the Commission's proposal and the associated explanatory memorandum;
- (f) any other background information which might be of assistance to the Member covering the debate. Where appropriate, mention should be made here of any conclusions reached by the Economic and Social Committee and of any preliminary work in the Council.

Items (a) to (e) must be in the mother tongue of the Member covering the debate. Item (f) may be supplied in another language that he knows.

Reports without debate

The file must include items (a), (b), (d) and (e) above. It must also contain a note giving the Commission's policy line in the form of an abridged version of item (c). This note could be useful if the Member has to discuss the report with individual MEPs.

Particular care must be taken in preparing files when the Member responsible is unable to attend a debate. It is for him to produce a comprehensive brief in the mother tongue of the stand-in Member (some secondary items may, however, be drafted in another language which the stand-in Member knows). The complete file must reach the Member who is to speak in the House at least forty-eight hours before the debate. The same rules apply mutatis mutandis when the assistance of an official is required.

CONSULTATION OF PARLIAMENT

(a) Mandatory consultation

The Treaties provide that Parliament must be consulted in certain cases (e.g. Article 43(2) EEC, common agricultural policy; Article 57 EEC, mutual recognition of diplomas; Article 100 EEC, approximation of laws - in most cases; Article 235 EEC).

The Secretariat-General automatically sends Parliament a copy of all proposals on which it is to be consulted.

These must be accompanied by a timetable annex (giving a realistic estimate of the time required by the various institutions to work on the proposal, so that sufficient time may be set aside for consultation of Parliament) and, where appropriate, a financial statement (see p. 65 and Joint programming of work between the institutions, p. 30). The Commission must also indicate in the covering letter to the Council whether the proposal qualifies for the conciliation procedure (see below).

The decision to consult Parliament is taken by the Council, generally by written procedure (see p. 78).

The Council has given an undertaking that, save in an emergency, and subject to its other obligations, it will delay consideration of proposals involving consultation of Parliament until the opinion has been delivered, provided Parliament meets whatever deadline has been set or agreed.

This does not prevent the Council from holding a policy debate as soon as it receives a major Commission proposal or initiative.

(b) Optional consultation

Even though it is not mandatory, Parliament is routinely consulted on all Commission proposals to the Council unless they are confidential, urgent or of minimal political and economic importance.

On important matters consultation of Parliament should always be proposed even if this might cause difficulties or delay the Council decision.

When consultation is optional and not recommended, the department responsible for preparing the Commission's proposal must give the reasons why. On the other hand, no justification is necessary where consultation is optional and requested, since this is normal Commission policy.

Documents on which Parliament is to be consulted are transmitted automatically by the Secretariat-General. If a MEP wishes to receive a document on which Parliament is not to be consulted (because it is confidential, urgent or of minimal importance) the request is referred to the appropriate Member and the Member responsible for relations with Parliament.

The rules for mandatory consultation apply equally to optional consultation.

ADOPTION OF OPINIONS: PARLIAMENT'S PROCEDURES

Parliament may use one of four procedures to deliver its opinion on Commission proposals: the standard procedure of a report with debate, the procedure without debate, the procedure without report and referral to committee.

- (a) In the standard procedure of a report with debate, Parliament deliberates on the basis of the text presented by the appropriate committee and the Commission's original proposal; the Member responsible speaks on behalf of the Commission. If he is unable to attend, the Member standing in for him should be given all possible assistance by the Office of the Member responsible and the relevant Directorate-General. Directorates-General must provide all the necessary material to enable the Member to comment on Parliament's report as a whole and take a clear stand on each proposed amendment to the Commission's proposal.

It is for the Office of the Member responsible, in conjunction with the relevant Directorate-General, to study the amendments proposed by Parliament and pick out any with political implications which might warrant examination at Commission level. This list of amendments is referred to the Parliamentary Affairs Group which selects those to be discussed by the full Commission prior to Parliament's part-session, failing which the Member present in the House will reserve the Commission's position.

Where amendments to a Commission proposal are tabled during a sitting, the Member covering the debate will normally reserve the Commission's position. If the amendments are adopted, the Commission will state its views through appropriate channels.

Directorates-General and other departments have been instructed to take great care in defining the Commission's position on Parliament's opinions, and to cooperate where appropriate. A copy of the Commission's position is sent to the Secretariat-General.

Parliament's new Rules of Procedure, which entered into force in May 1981, changed the procedure for dealing with Commission proposals.

Parliament first votes on the amendments to the proposal discussed in the report of the appropriate committee, then on the proposal, amended or otherwise, then on the motion for a resolution contained in the report and any amendments to this. Finally, Parliament votes on the motion for a resolution as a whole, this vote bringing the consultation procedure to a close.

If the Commission's proposal is amended or rejected, the Chair asks the Commission to state its position. Depending on the Commission's response, Parliament then either passes the resolution and ends the consultation procedure, or refers the proposal to the appropriate committee which must report back within one month (this period may be extended). To-ing and fro-ing between the House and the committee often becomes a game, the object being to put pressure on the Commission to accept Parliament's amendments or to withdraw its proposal.

- (b) When Parliament uses the procedure without debate, the report drawn up by the appropriate committee is put to a vote without any speeches or statements being made by MEPs or Commission representatives. However, any Member of Parliament or the Commission who wishes to comment may ask for a procedure with debate.

Clearly, the procedure without debate can be used only where consultation of Parliament does not allow of any amendments to the Commission's proposal.

The House votes in two stages: first on the proposal itself, and then on the motion to close the consultation procedure.

- (c) The decision to apply the procedure without report is taken by the parliamentary committee concerned. On the Monday of each part-session, the President issues a list of opinions which are to be given by this procedure. If no objections have been received by the Friday, Parliament is deemed to have approved the texts in question.

This procedure is used only where consultation of Parliament does not allow of any amendments to Commission proposals.

The voting procedure is as described under (b).

- (d) The new Rules of Procedure allow Parliament's opinions on technical proposals to be given by a committee, without a vote by the full House, in certain clearly-defined circumstances.

ACTION ON OPINIONS: COMMISSION FOLLOW-UP

The Commission has laid down strict procedures to ensure that its obligations are honoured.

After each part-session the Secretariat-General issues a note detailing the opinions adopted by Parliament, the stand taken on each of these by the Member present in the House and any requests made to the Commission by Parliament. It is the responsibility of Members' Offices, with the help of the Secretariat-General, to see to it that follow-up action is taken without delay.

At the beginning of each part-session, the Commission presents a detailed report on action taken on opinions adopted by Parliament at its previous part-session, in particular where it has altered its proposals accordingly. Information to be included in this report should be sent by the Directorates-General to the Secretariat-General (Mr Tittel, Berlaymont 11/16, tel. 2375).

In the case of highly technical opinions, the appropriate Member of the Commission may subsequently write to the chairman of the parliamentary committee concerned with further information. The text of the letter must be vetted by the Parliamentary Affairs Group for consistency.

The Commission has given Parliament an undertaking that, whenever it accepts its amendments, it will alter its proposal to the Council under the second paragraph of Article 149 EEC, unless this would be inopportune, in which case Parliament is told why. As a rule the alteration should be made before the next part-session. The President of Parliament is informed by letter when an altered proposal is sent to the Council. In cases where the follow-up takes a different form, Members' Offices must send the Secretariat-General an explanatory note giving details. This information will be included in the report to Parliament mentioned above.

Directorates-General must prepare altered proposals under Article 149 with the utmost dispatch. There is a practical reason for this, namely to ensure that Parliament's amendments are considered at the same time as the Commission's proposal. Otherwise the Commission might have to ask the Council to postpone its deliberations, which would be politically unacceptable. In any event, the Commission's undertaking to Parliament should be honoured as a matter of routine.

The Commission has also undertaken to keep the relevant committees informed of all further follow-up action on its part within the institutions in general and the Council in particular.

OWN-INITIATIVE RESOLUTIONS: COMMISSION FOLLOW-UP

After each part-session the Secretariat-General issues extracts from the resolutions adopted by Parliament to allow the departments concerned to decide what if anything can be done. Parliament is informed in the monthly report of any action taken (see p. 86).

C O N C I L I A T I O N P R O C E D U R E (see SEC(75) 1148 of 21 March 1975)

In view of the increase in Parliament's budgetary powers, it was felt that Parliament should play an effective part in the procedure for preparing and adopting decisions involving the charging or crediting of large amounts of expenditure or

revenue to the Community. A conciliation procedure was accordingly devised, and adopted in a joint declaration by Parliament, the Council and the Commission in March 1975 (1).

Conciliation takes place between the Council and a delegation from Parliament whenever the Council intends to depart appreciably from an opinion adopted by Parliament. The Commission participates in the conciliation procedure.

The Commission must indicate to the Council whether the proposal would qualify for the conciliation procedure. Directorates-General submitting proposals to the Commission which call for a Council decision should therefore indicate whether the act satisfies the following criteria:

- (i) it must be of general application;
- (ii) it must have appreciable financial implications;
- (iii) its adoption must not be required by existing acts.

If all three requirements are met, the Secretariat-General will say so in the covering letter to the Council and inform Parliament accordingly.

It should be noted that the Commission's view on the applicability of the procedure is in no way binding. Conciliation can still be requested by the Council, or by Parliament in its opinion.

(1) OJ C 89, 22.4.1975.

Once Council deliberations have begun, the Commission must see to it that the conciliation procedure is initiated if it finds that the Council intends to depart from the opinion adopted by Parliament.

The procedure normally takes up to three months; however, if the act has to be adopted before a specific date or if the matter is urgent, the Council may fix a shorter deadline.

When the Council intends to depart from Parliament's opinion, it concludes its proceedings by adopting a 'joint position' which it transmits to Parliament. Parliament examines this position and decides whether to request conciliation. If it does, a date is agreed for the meeting of the Conciliation Committee.

When the positions of the two institutions are sufficiently close, Parliament may deliver a new opinion, after which the Council takes definitive action.

O R A L Q U E S T I O N S

GENERAL

The official in the Secretariat-General responsible for coordinating answers to oral questions is Mr Zahlen (Berlaymont 11/9A, tel. 6843) under the authority of Mr Peters. As soon as the question arrives, the Secretariat-General assigns it to the Member(s) and Directorate(s)-General responsible. Copies are sent to all other departments. The draft answers are prepared by the relevant Directorates-General and Office(s), and vetted by the Parliamentary Affairs Group (see also p. 82).

All concerned must make every effort to keep answers for Question Time as brief as possible.

Oral questions, and any supplementary questions asked during the debate which follows, are answered by the appropriate Member of the Commission or by the Member standing in for him.

If a MEP is not in the House for Question Time and has failed to appoint a deputy his question is answered in writing and published in an Annex to the Report of Proceedings (answers should therefore be in publishable form) or alternatively held over for the next part-session.

After Question Time a political group or at least twenty-one members may ask for an urgent and topical debate (débat d'actualité et d'urgence). It is therefore imperative that the Member of the Commission, and the officials assisting him, remain in the House until the end of Question Time.

ORAL QUESTIONS WITH OR WITHOUT DEBATE

Files for Members answering these questions must contain the following items in the correct order:

- (a) a check-list of items in the file; this must also give the name, office and telephone number of the official from whom further information can be obtained;
- (b) the question;

- (c) the answer;
- (d) material for reply to possible supplementaries;
- (e) any other information that might be helpful: notably a note on the circumstances prompting the question, any technical explanations required, copies of earlier written or oral questions on the same subject, and the answers given.

Items (a) to (d) must be in the mother tongue of the Member answering the question. Item (e) may be supplied in another language that the Member knows.

QUESTION TIME

Files for Members answering questions tabled for Question Time should be the same as for oral questions with or without debate. The actual answers must, of course, be very brief. Copies of these files must reach the Secretariat-General (Liaison with Parliament Department) not later than 1800 hours on the Thursday preceding the part-session.

Where the Member normally responsible for the area covered by a question is unable to attend, his Office must prepare the file. It must ensure that the departments concerned allow it enough time to examine their contributions before the file is passed to the Office of the stand-in Member. The deadline for this is 1300 hours on the Monday on which the part-session begins.

A file which does not contain items (a) to (e) is not acceptable. The file will also state whether an official will be present in the House to assist the Member. This official must report to the Member of the Commission on arrival and remain at his disposal.

WRITTEN QUESTIONS

The official in the Secretariat-General responsible for coordination of answers to written parliamentary questions is Mr Burattini (Berlaymont 11/6, tel. 2324), under the authority of Mr Peters.

The Commission has promised Parliament to take special care in preparing its answers and to keep delays in replying to a minimum. Directorates-General must therefore give top priority to written questions. Parliament's Rules of Procedure allow one month for reply; every effort should be made to meet this deadline.

Answers are prepared as follows:

The Secretariat-General sends all Members and Directorates-General the original language version of the question with a suggestion as to which Directorate-General might reply. As soon as the official text in all Community languages arrives from Parliament, it is distributed to the Member(s) and Directorate(s)-General to whom the question has been assigned.

The Directorate-General responsible drafts an answer and has it approved by the Director-General or an authorized senior official. The answer is sent to the Member's Office concerned, the Legal Service and the Secretariat-General within five days of official transmission of the question. In practice departments have more than five days to reply because unofficial distribution of the original language version of the question is normally a couple of days ahead of official transmission.

If more than one Directorate-General is responsible for an answer, the necessary contacts are organized by the department with overall responsibility in such a way as to ensure that a joint answer can be drafted within the five days allowed.

The Secretariat-General has two days to seek the opinion of the Legal Service, check that the answer is consistent with general Commission policy and earlier answers, and submit any comments it may have to the Office(s) of the Member(s) concerned.

The Office(s) is/are allowed two days to comment and send the text approved by the appropriate Member(s) to the Secretariat-General.

Where there is a difference of opinion between Members, the Member with overall responsibility seeks a compromise.

The Secretariat-General arranges for translation and seeks Commission approval by a written procedure lasting five days.

Standard answers (holding answers, references to previous answers, and so on) are approved by the President and the Member responsible for relations with Parliament under the delegation procedure, and transmitted to Parliament direct.

Each week the Secretariat-General produces a memorandum for the Commission pinpointing delays at any stage of the procedure for all questions in hand. The memorandum is discussed at the weekly meeting of the Parliamentary Affairs Group.

Once the associated operations (translation, typing, reproduction, and so on) are complete the Secretariat-General sends the Commission's answer to Parliament giving the name of the Member on whose authority the answer was produced. In certain cases the answer is also transmitted to the Council for information in line with the procedure agreed between the two institutions.

I N T E R P A R L I A M E N T A R Y D E L E G A T I O N S

Parliament has formed delegations to maintain contact with the parliaments of certain non-member countries or groups of countries with which the Community has formal relations.

In some cases interparliamentary contacts derive directly from agreements between the Community and the countries concerned, e.g. the ACP-EEC Consultative Assembly and the ACP-EEC Joint Committee under the Lomé Convention, and the EEC-Turkey Joint Parliamentary Committee. The cooperation agreements with the Maghreb countries, the Mashreq countries and Yugoslavia also make provision for promoting interparliamentary contacts. In other cases contacts have been established on the initiative of either the European Parliament or the parliaments of the countries or groups of countries concerned (e.g. Canada, Latin America, the ASEAN countries, etc.).

The Commission has agreed on the following arrangements for attendance at meetings between European Parliament delegations and parliamentary delegations from non-member countries:

- (a) It (Members and officials) plays a full part in meetings organized by joint parliamentary bodies set up under agreements between the Community and non-member countries (for example the ACP-EEC Consultative Assembly, the EEC-Turkey Joint Committee, etc.).

It is up to the Member responsible for relations with the country concerned, in liaison with the Member responsible for relations with Parliament, to decide who is to represent the Commission. An official/department receiving an invitation direct must inform both the Office of the Member to whom he/it reports and the Secretariat-General (Liaison with Parliament Department).

- (b) As a rule the Commission does not take part in any other interparliamentary meetings but it has no objection to briefing Parliament's delegations.

C O N T A C T S W I T H P A R L I A M E N T A R Y
C O M M I T T E E S O F M E M B E R S T A T E S
(see SEC(77)4064 of 17 November 1977)

The Commission wishes to give every possible assistance to parliamentary committees of Member States. However, it must be emphasized that the only parliamentary body to which the Commission is responsible is the European Parliament. Any contacts with national committees must therefore be purely unofficial and the Commission must not, under any circumstances, allow itself to become involved in national political controversy.

Detailed rules for unofficial attendance by Members and officials at meetings of national parliamentary committees have been drawn up by the Commission.

They provide guidance on what information may be divulged.

Copies may be obtained from the Secretariat-General (Mr Fitzmaurice, Berlaymont 11/17, tel. 5258).

Staff wishing to attend these meetings must obtain permission from the Member to whom they report. He may decide to consult the President or the Member responsible for relations with Parliament or to inform the full Commission. As a rule statements made to national parliamentary committees - whether by a Member or by staff - are confidential; however, they may be made public by Commission decision on a proposal from the Member concerned.

The Secretariat-General (Mr Fitzmaurice, under the authority of Mr Peters), in conjunction with the Offices of the President and of the Member responsible for relations with Parliament, is responsible for coordinating visits to the Commission by committees or individual members of national parliaments. Directorate-General X, which is responsible for the practical arrangements, is also consulted.

C O U R T O F J U S T I C E

The rules to be followed in relations with the Court of Justice are contained in the Statute of the Court and in the Rules of Procedure, with which agents must comply. Agents are appointed by the Director-General of the Legal Service from among the members of the Legal Service, and they are directly responsible for the conduct of their case.

Any instrument which relates to a legal proceeding must therefore be sent immediately to the Legal Service to ensure compliance with procedural time limits, which are often very short.

C O U R T O F A U D I T O R S

C O N S U L T A T I O N

Mandatory consultation

Article 209 of the EEC Treaty and Article 183 of the Euratom Treaty require the Council to obtain the opinion of the Court of Auditors before taking a decision on Commission proposals:

- (a) to make financial regulations;
- (b) to determine methods of collecting budget revenue or measures to meet cash requirements;
- (c) to lay down rules concerning the responsibility of authorizing officers and accounting officers.

Article 78h of the ECSC Treaty, dealing with the ECSC budget, makes consultation mandatory in the first and third cases only.

The second and third cases are clear enough.

In the first case - financial regulations - the Court's opinion must be obtained on the general Financial Regulation or any other measure derogating from it, including provisional or transitional measures in the field it covers. In such cases the Commission mentions the need for consultation of the Court in the letter transmitting the proposal to the Council.

Optional consultation

The Commission may recommend that the Council consult the Court on other proposals with budgetary implications. The Directorate-General or other department responsible for the Commission proposal should state whether it considers consultation justified or not, and why. The Commission decides on a case-by-case basis.

R E L A T I O N S W I T H T H E C O M M I S S I O N

Mr Tugendhat has issued two instructions (dated 1 February 1978 and 8 November 1979) on the Commission's relations with the Court of Auditors; a summary is given below.

In the interests of upholding the Commission's collective responsibility and ensuring that its staff are consistent in their dealings with the Court of Auditors, relations with the Court are coordinated by the Directorate-General for Budgets (DG XIX), under the authority of the Member of the Commission with special responsibility for budgets. The Liaison with Financial Control Bodies Division (XIX-C-2: tel. 7648/6270)

bears the brunt of this task. Each Directorate-General or other department designates one of its staff to liaise with the Directorate-General for Budgets on all matters relating to external audits. Departments must forward to the Directorate-General for Budgets, for information, copies of all correspondence with the Court of Auditors, and brief reports of any departmental discussion concerning external audit matters.

If a general issue affecting relations between the Court of Auditors and the Commission is raised on any occasion, the department concerned must consult the Director-General for Budgets.

Any department which receives a request from the Court of Auditors to provide information to aid it in drawing up 'observations on specific questions', an 'opinion' or a special report must immediately inform the Directorate-General for Budgets. The Director-General then notifies the Member with special responsibility for budgets, who will inform the full Commission if he thinks it desirable.

Any document or item of information which the Court of Auditors needs to carry out its duties must be sent to it 'at its request'. The Court of Auditors, or one of its members, will give the Director-General or head of department concerned advance notice of an audit, specifying the names of the officials who will be involved and the tasks assigned to them.

Contact with the Commission is, as a rule, established via the head of the division or specialized department concerned, unless the latter has designated one of his administrators for this purpose and informed the Court of Auditors in advance.

Directors-General and heads of department are instructed to ensure that these rules are followed.

Information is normally supplied to the Court of Auditors on the spot, in Commission departments. Exceptionally, on receipt of a reasoned request from the Court, the Director-General or head of department concerned may authorize an official to go to Luxembourg.

The Court's powers to investigate revenue, expenditure or 'specific questions' are not restricted to an ex post facto audit, but extend to current files, as soon as the first commitment of expenditure has been made. Directorates-General and other departments must therefore give the Court's officials every

opportunity to consult any files they wish, provided that these fall within their terms of reference, and contain documents dated after the Commission's decision. Documents classified ' ' for official use only ' ' or papers preparing the ground for a Commission decision should not be disclosed to the auditors, given the need to safeguard the Commission's independence and discretionary powers.

Any questions which the Court of Auditors may put concerning the actual organization and operation of Commission departments must be answered only by the Director-General for Personnel and Administration, or, for the Joint Research Centre, the JRC's Director-General, after consulting the Director-General for Budgets. The same officials are alone entitled to disclose to the Court any relevant reports compiled by the Commission, and then only once they have been finalized. However, the Treaties do not accord the Court of Auditors the right to attend meetings of management committees of Community Funds; staff concerned should be informed accordingly.

For on-the-spot inspections in the Member States the Directorate-General for Financial Control coordinates arrangements involving the various Directorates-General and other departments within the Commission, and liaises with the Court of Auditors.

If several Commission departments are involved in an inspection visit, the department with overall responsibility sends one composite report to the Court of Auditors.

EUROPEAN INVESTMENT BANK (EIB)

RELATIONS WITH THE COMMISSION

The Commission is represented on the Board of Directors of the Bank by a director and an alternate and thus has a say in all decisions taken under Article 11 of the Statute, including the granting of loans and guarantees, the fixing of their terms and the raising of loans.

All applications for loans or guarantees from the Bank are submitted to the Commission for an opinion as provided in Article 21 of the Statute. Where the Commission delivers an unfavourable opinion, the Board of Directors may not grant the loan or guarantee concerned unless its decision is unanimous, the director nominated by the Commission abstaining.

The Bank's relations with the Commission as regards EIB operations in ACP countries (financed from EDF funds) or in Mediterranean countries (financed from the Community budget) are set out, respectively, in an Internal Agreement and in Conventions.

Following the Council Decision of 29 March 1977 empowering the Commission to issue loans on behalf of Euratom, the proceeds of which will be lent for the purpose of financing investment projects relating to the industrial production of electricity in nuclear power stations and to industrial fuel cycle installations, an amendment to the arrangements governing cooperation between Euratom and the EIB was recorded in the Council minutes.

A cooperation agreement signed between the Bank and the Commission on 27 November 1978 gave the Bank a mandate to grant loans under the New Community borrowing and lending Instrument launched by the Council on 16 October 1978 (Decision 78/870/EEC) to promote investment in the Community.

Once the Commission has pronounced on the eligibility of each project, the Bank examines the loan applications, decides on the amount and terms of the loans to be granted and administers them on behalf of the Community.

I N T E R D E P A R T M E N T A L C O O R D I N A T I O N

On 2 July 1975 the Commission took a decision (COM(75)Min 346) setting up an interdepartmental working party - the chairman and secretarial services to be provided by the Directorate-General for Economic and Financial Affairs - to prepare the opinions which the Commission is required to deliver under Article 21(2) of the Bank's Statute and to draft general guidelines for presentation to the Commission providing a framework for the Bank's activities.

The working party meets every week. The members are representatives of Directorates-General I, II, III, IV, V, VI, VII, VIII, XI, XII, XIV, XVI, XVII, XVIII, XIX and XX, the Legal Service and the Task Force for the Coordination of Financial Instruments; they are authorized to commit their department.

Under a Commission decision of 9 February 1977, the Member of the Commission with special responsibility for economic and financial affairs is authorized to deliver opinions on its behalf and under its responsibility on condition that they have been endorsed unanimously by the working party.

Under the Commission's decision of 1 April 1981 (COM(81)Min 599), the same Member is also authorized:

- (a) to decide on the eligibility of projects for finance under the New Community Instrument pursuant to Article 2 of Decision 78/870/EEC;
- (b) to decide whether investment projects are eligible for interest rate subsidies under the European Monetary System pursuant to Article 5 of Regulation (EEC) No 1736/79;
- (c) to decide to grant interest rate subsidies to assist reconstruction in the areas of Italy devastated by the earthquake of November 1980, pursuant to Article 3 of Decision 81/19/EEC.

Approval must be given by the EIB interdepartmental working party within two months of application being made by the European Investment Bank; failing this, the matter automatically goes before the Commission. By 30 April each year the Member concerned reports to the Commission on the use made of the powers delegated.

An identical procedure is in operation for Euratom loans.

E C O N O M I C A N D S O C I A L C O M M I T T E E

C O N S U L T A T I O N

The EEC and Euratom Treaties provide that the Economic and Social Committee must be consulted in the following fields:

agricultural policy (Article 47 EEC);
freedom of movement for workers (Article 49);
right of establishment (Article 54 EEC);
freedom to provide services (Article 63 EEC);
transport (Articles 75 and 79 EEC);
approximation of laws (Article 100 EEC);
social policy (Article 118 EEC);
European Social Fund (Articles 126 and 127 EEC);
common vocational training policy (Article 128 EEC);
health and safety (Articles 31 and 32 Euratom);
investment projects in the nuclear field (Articles 40 and 41 Euratom).

The Council and the Commission may also consult the Economic and Social Committee in any other case where they consider it appropriate (Articles 198 of the EEC Treaty and 170 of the Euratom Treaty). With regard to the ECSC, a similar function is performed by its own Consultative Committee under Articles 18 and 19 of the ECSC Treaty (see p. 102). The Council and the Commission may set the Economic and Social Committee a time-limit for the submission of its opinion, but this may not be less than ten days (see also Timetable for Commission proposals, p. 28).

The opinions of the Economic and Social Committee have no binding force, but the Commission and the Council do in fact accord them considerable weight, so that the Committee makes an important contribution to the Community decision-making process.

The Paris Summit in 1972 explicitly recognized the Committee's right to advise on its own initiative on the full range of Community affairs. The Committee has also been authorized since then to publish its opinions in the Official Journal.

RELATIONS WITH THE COMMISSION

Members of the Commission may attend meetings of the Economic and Social Committee and its constituent bodies and may speak at such meetings. Duly authorized officials may attend meetings and answer questions which fall within their area of responsibility.

Liaison between the Commission and the Economic and Social Committee is the responsibility of the Secretariat-General, (Mr Paterno-Castello, Berlaymont 11/9, tel. 5378, under the authority of Mr Peters). Coordination between Commission departments is obviously essential, so as a general rule the Secretariat-General must be contacted before any formal approach is made to the Committee.

CONSULTATIVE COMMITTEE OF THE EUROPEAN COAL AND STEEL COMMUNITY

TREATY BASIS AND COMPOSITION

The Consultative Committee is the oldest of the Community's advisory bodies (Article 18 of the ECSC Treaty); in composition and functions it set the pattern for the Economic and Social Committee subsequently established under the Rome Treaties (see p. 105).

The Members of the Consultative Committee are appointed in their personal capacity by the Council and serve a two-year term.

The Committee consists of equal numbers of representatives of producers, of workers and of consumers and dealers from the coal and steel industries (three groups). At present there are eighty-four members.

The Council designates representative producers' and workers' organizations which have the right to put forward names for appointment. Names of consumers and dealers are put forward by Member Governments.

D E L I B E R A T I O N A N D C O N S U L T A T I O N

The matters on which the Committee may deliberate or on which it may or must be formally consulted are specified in the ECSC Treaty, the principal cases being:

Article 19, first paragraph (1)
Cases in which the Commission considers consultation appropriate.

Article 19, second paragraph
Submission of the general objectives and programmes drawn up under Article 46.

Article 19, second paragraph
Duty of the Commission to keep the Committee informed of the broad lines of its action under Articles 54 (investment), 65 (agreements) and 66 (concentrations).

Article 46, fourth paragraph
Submission of general objectives and programmes.

Article 53, subparagraph (a) of first paragraph (1)
Financial arrangements common to several undertakings.

Article 53, second paragraph (1)
Financial arrangements made by Member States.

Article 54
Regular information from the Commission on its investment activity.

(1) Consultation.

Article 55(2), first subparagraph (1)
Technical and economic research.

Article 56(1)
Non-repayable aid towards re-employment of workers made redundant
by new technical processes or equipment.

Article 58(1) (1)
Manifest crisis.

Article 58(3) (1)
Ending of the system of production quotas.

Article 59(1), first subparagraph (1)
Serious shortage.

Article 59(5) (1)
Restrictions on exports.

Article 59(6), first subparagraph (1)
Ending of allocation arrangements introduced because of serious
shortage.

Article 60(1), second subparagraph (1)
Prohibited pricing practices.

Article 60(2)(a) (1)
Type of price lists and conditions of sale.

Article 60(2)(b), first subparagraph
Fixing of price limits.

Article 61, first paragraph (1)
Maximum and minimum prices.

(1) Consultation.

Article 62, first paragraph (1)
Equalization payments between undertakings.

Article 65
Regular information by the Commission on its activities regarding agreements.

Article 66
Regular information by the Commission on its activities regarding concentrations.

Article 67(2), first subparagraph (1)
Interference with conditions of competition.

Article 67(3) (1)
Interference with conditions of competition.

Article 68(2) (1)
Charging of abnormally low prices.

Article 68(3), first subparagraph (1)
Lowering of the standard of living of workers.

Article 95, first paragraph (1)
Cases not provided for in the Treaty.

The opinions of the Committee, which the Treaty requires to be sent to the Council as well as to the Commission, are not binding on the executive.

The Commission may set the Committee a time-limit for the submission of its opinion, but the period allowed may not be less than ten days. Under the fourth paragraph of Article 19, the Committee is entitled to meet to discuss matters on its own initiative, but its resolutions are not binding on the Commission.

(1) Consultation

RELATIONS WITH THE COMMISSION

Members of the Commission may attend meetings of the Committee and put the Commission's views. Commission officials may also address the Committee provided they are authorized to speak for it on the matter under consideration.

Relations between the Commission and the Committee are coordinated by the Registry of the Secretariat-General (Mr Gachot, Berlaymont 11/106, tel. 2403/7791).

Official letters from the Commission, its Members and departments to the Consultative Committee are transmitted by the Secretariat-General (Mr Raes, Berlaymont 11/97, tel. 7791).

The Chairman of the Consultative Committee addresses his correspondence to the President of the Commission, with a copy to the Secretariat-General.

The Committee's budget forms part of the Commission's budget. The Committee's accounts are kept by the Official Journal and Official Relations with Member States Division of the Secretariat-General (Mr Stempels, Berlaymont 11/69, tel. 2566/2426).

RELATIONS WITH THE TWO SIDES OF INDUSTRY AND THE EUROPEAN YOUTH FORUM

Following the recommendation in point 6 of the final communiqué of the Paris Summit in 1972, the Commission decided in July 1973 to establish systematic relations with labour and management at the level of the Commission itself, its Members, Directors-General and departments. For this purpose the Commission set up an administrative unit reporting to the President - the Social Partners Office - to maintain regular contact with the two sides of industry (specifically, the Community-level federations of trade unions and employers' organizations).

FRAMEWORK FOR RELATIONS

At Commission level

Two working meetings are held each year to exchange views on the broad lines of Community policies, on topical issues,

and on the Commission's work programme and the state of play in implementing it. This gives the two sides of industry an opportunity to discuss more specific policies in some areas. Attendance is restricted.

Members of the Commission and Directors-General

Individual Members of the Commission regularly (two or three times a year) invite representatives of labour and management to a discussion of problems in the fields for which they have special responsibility. These meetings are carefully prepared by advance distribution of working papers.

At department level

Meetings on one or more topical issues are held each month. These meetings were originally confined to the trade unions but are now open to employers' organizations too.

C O N S U L T A T I O N O N S P E C I F I C P R O P O S A L S

The Commission needs to ascertain the position of the two sides of industry before the final decision-making stage is reached. They must therefore be kept informed of work in progress and consulted before a Commission decision is taken.

Prior consultations with the trade unions

The 1976 budget was the first in which Parliament approved the inclusion of funds to finance the setting-up of a system of prior consultations with the trade unions. The aim is to prepare the ground for the main consultations by means of wide-ranging discussions among the different trade unions.

D U T I E S O F T H E S O C I A L P A R T N E R S O F F I C E

Information

(a) For trade unions and employers' organizations

Duties here are:
to collect and pass on information on work in progress;

to organize, in association with the enlarged secretariat of the European Trade Union Confederation (ETUC), systematic briefings on new developments in Community policy in general, with particular reference to areas in which trade unions have hitherto been relatively uninvolved;
to organize, or ensure that other Commission departments organize, regular briefings on all areas of Community policy;
to provide a regular documentation service.

(b) For the Commission

Duties here are:

to collect information on structural or personnel changes within trade unions and employers' organizations;
to pass on information on decisions taken by the trade unions and employers' organizations and on proceedings at the drafting stage.

Prior consultations (trade unions only)

This involves organizing informal meetings to allow trade union representatives to exchange views on some matter in advance of formal consultation by the Commission, or to enable the Commission to respond to an initiative from the trade union side.

Consultations

Work here consists of organizing consultations to discuss proposals and policies at the drafting stage.

Coordination

Duties here are:

to ensure that letters from trade unions and employers' organizations are answered and that these replies are coordinated where two or more departments are involved;

to coordinate generally when it comes to determining which employers' and workers' organizations should be consulted.

It is essential that all departments (excluding Directorates-General V and VI, which do not come within the Office's terms of reference), keep the Social Partners Office (Mr König, Berlaymont 11/1, tel. 2609) regularly informed of work in progress, meetings planned and correspondence concerning the Commission's relations with the two sides of industry.

RELATIONS WITH THE EUROPEAN YOUTH FORUM

The European Youth Forum, set up in June 1978, acts as an information centre and a channel for consultation and expression for youth organizations.

The Social Partners Office in the Secretariat-General is responsible for maintaining close contact with the Forum and coordinating relations between the forum and Directorates-General.

3. EXTERNAL RELATIONS

RELATIONS WITH NON-MEMBER COUNTRIES

Article 228 of the EEC Treaty states: ''Where this Treaty provides for the conclusion of agreements between the Community and one or more States or an international organization, such agreements shall be negotiated by the Commission''.

The Commission is also responsible for administering Community agreements. The Community may conclude agreements on the basis of the following Articles of the Treaty:

- . Article 113 (trade agreements);
- . Article 238 (association agreements);
- . Article 235;
- . other Articles, wherever common rules exist (Case 22/70 AETR (Case 22/70 AETR / 1971 / ECR 263)).

The Commission may, however, have dealings with individual countries without necessarily wishing to negotiate an agreement, for the Commission is the point of contact with non-member countries on all matters concerning Community interests.

For instance, the Commission may contact a non-member country at any time to exchange information or discuss a matter of mutual interest. The procedure to be followed varies according to the level at which the meeting takes place.

Generally, and particularly when discussions are at a high level, a technical brief is compiled by the desk officer in the appropriate division.

The general rules of procedure and protocol naturally have to be followed in all cases.

A G R E E M E N T S W I T H N O N - M E M B E R C O U N T R I E S

1. Negotiation

The negotiation proper of an agreement is generally preceded by exploratory talks with the country concerned, during which the Commission makes as comprehensive a survey as possible of the practical basis for an agreement, the points to be negotiated and the provisions to be contained in the agreement. This exploratory stage is kept informal and is conducted at Commission departmental level.

Prior agreement of the Council is not needed for such exploratory talks, but it is obviously desirable that the Council should be kept closely informed.

At the conclusion of the exploratory talks, a report is submitted to the Commission - together, where appropriate, with a draft recommendation for a Council decision authorizing the Commission to open negotiations.

As a general rule, this draft recommendation contains the directives which the Commission must normally follow during the negotiations. Once the Commission has given its approval, the recommendation is presented to the Council.

If the Council agrees, it adopts the decision and the Commission is authorized to open the negotiations proper. The negotiations are conducted by the Commission - in consultation with the special committee established for this purpose under Article 113 in the case of a trade agreement, and with representatives of the Member States in other cases.

On completion of the negotiations, the Commission sends a report to the Council and, if the negotiations have been successful, a recommendation for a regulation or decision concluding the agreement, together with the draft of the agreement as negotiated.

2. Conclusion

There are two alternative procedures for concluding an agreement:

(a) Simplified procedure

The Council decides to conclude the agreement and authorizes the President of the Council to designate the persons empowered to sign the agreement and confer upon them the powers they require to bind the Community.

(b) "Full-dress" procedure

The Council first approves the substance of the draft agreement and authorizes the President of the Council to designate the persons empowered to sign the agreement subject to its being concluded (decision sui generis).

The Council then decides to conclude the agreement.

In the cases provided for in the EEC Treaty, the Council is obliged to consult Parliament before concluding an agreement. The Council's practice is to consult Parliament after the agreement has been signed.

In the case of trade agreements (Article 113) the Council informs Parliament of their content and scope after they have been signed but before they are concluded.

ACCREDITATION OF HEADS OF MISSION OF NON-MEMBER COUNTRIES AND QUESTIONS OF PROTOCOL

When a country wishes to establish official relations with the European Communities, there are a number of distinct procedural stages to be gone through:

establishment of diplomatic relations
agr ation of a Head of Mission
arrival of the Head of Mission
initial contact, first visit and request for audience
presentation of credentials
visits
departure of the Head of Mission.

Any questions on accreditation, or on precedence, styles of address, official titles, acceptance of decorations from non-member countries, official messages of congratulations or condolences, etiquette, etc., may be referred to the Protocol Department (tel. 2325, 6925, 2310 or 1943).

C O R R E S P O N D E N C E A N D C O N T A C T W I T H
M I S S I O N S O F N O N - M E M B E R C O U N T R I E S
I N B R U S S E L S

Any correspondence or other form of contact with the mission of a non-member country is normally handled by the department in Directorate-General I or Directorate-General VIII within whose geographical area of responsibility the country in question lies. Cooperation between these two Directorates-General - especially as regards relations with non-associated developing countries, Mediterranean countries and international organizations - is governed by a joint memorandum of the Directors-General, dated 10 June 1975.

On specialist matters, however, liaison with missions falls to the Directorate-General responsible for the particular field, in close cooperation with the appropriate geographical department in DG I or DG VIII. (For contacts with state-trading countries, see p. 124.)

Commission staff who receive invitations from missions of non-member countries should consult their immediate superior or the Assistant to their Director-General if they suspect that relations with that country might be sensitive.

Matters of protocol are normally dealt with by, or in close cooperation with, the Protocol Department.

CONTACT WITH MEMBER STATES' EMBASSIES IN NON-MEMBER COUNTRIES

External delegations in non-member countries keep the embassies of Member States informed of any Commission action which affects their host country.

If the Commission has no representative in the country, the Secretariat-General sends the information direct to Member States' embassies on the spot. At the same time it sends copies to delegations and information offices in other countries affected by the action so that they may brief Member States' representatives.

VISITS AND MISSIONS TO NON-MEMBER COUNTRIES

OFFICIAL VISITS BY MEMBERS OF THE COMMISSION (see SEC(79) 1934)

Notification and coordination within the Commission

Before a Member of the Commission agrees to pay an official visit to a non-member country, he must memo the Member responsible for relations with the country to be visited (Member with special responsibility for external relations, Member with special responsibility for development, or Member with special responsibility for enlargement, as the case may be).

The President is sent a copy of the memo, for information, and notified of the reply. If this is negative, the President decides whether or not the visit should go ahead.

Each Chef de cabinet must inform the weekly meeting of Chefs de cabinet of any visits planned by his Member of the Commission. This is recorded in the report of the meeting.

Notification of Permanent Representatives

The Secretariat-General informs the Permanent Representatives by telex when a Member of the Commission is to visit a non-member country. Copies of the telexes are sent to the embassy of the Member State in the chair at the Council - and to the Commission's delegation or information office - in the country concerned.

The telexes contain the following information, which is passed on by the Secretariat-General as it is received:

- (i) name of country or countries and dates (as soon as the report of the Chefs de cabinet's meeting appears);
- (ii) all relevant details available, including time of arrival and flight number (about a fortnight before departure);
- (iii) further details as they become known (any last-minute information).

The Secretariat-General (Relations with the Council (II) Division, Mr Colmant, Berlaymont 12/107A, tel. 2125/1981, or Miss Nicaise, Berlaymont 12/106B, tel. 7502) must receive this information in good time. The Permanent Representative of the Member State in the chair at the Council has repeatedly drawn the Commission's attention to the importance of advance information.

Notification of Commission delegations and information offices in non-member countries

Visits to non-member countries are prepared with the assistance of the Commission delegation or information office on the spot - assuming there is one - in conjunction with the headquarters department responsible for relations with the country to be visited. The delegation or information office must therefore be notified of the visit as far in advance as possible.

The Copenhagen office is responsible for all visits to Scandinavia (Finland, Iceland, Norway and Sweden).

MISSIONS BY COMMISSION OFFICIALS

General rules

Notification of Permanent Representatives

The Secretariat-General informs the Permanent Representatives by telex when Commission officials are to visit a non-member country. Copies of the telexes are sent to the embassy of the Member State in the chair at the Council, in the country concerned.

For this purpose the Secretariat-General must have the following information:

- (i) name of country and date;
- (ii) purpose of the visit or broad outline of the programme;
- (iii) plans or requests for contacts with the embassies of the Member States, or at least of the Member State in the chair at the Council, in the country concerned.

This information must reach the Secretariat-General (Relations with the Council (II) Division, Mr Colmant, Berlaymont 12/107A, tel. 2125/1981, or Miss Nicaise, Berlaymont 12/106B, tel. 7502) in sufficient time for the Permanent Representatives, at least of the Member State in the chair at the Council, to be notified ten days before the official arrives. If the information is supplied less than ten days in advance it will not be possible to arrange talks with Member States' diplomatic representatives or guarantee a coordination meeting.

Notification of Commission delegations and information offices in non-member countries

Visits to non-member countries are prepared with the assistance of the Commission delegation or information office on the spot - assuming there is one - in conjunction with the headquarters department responsible for relations with the country to be visited. The delegation or information office must therefore be notified of the visit as far in advance as possible. If the Secretariat-General telexes information to the Permanent Representatives (see above) it will automatically send a copy to the Commission delegation or information office on the spot.

Visas and other formalities

The Protocol Department (tel. 3337 and 4202) will provide staff going on mission with information concerning visas and other formalities required for entering and staying in the countries to be visited. Where necessary, this department will obtain the visas, provided that applications and passports reach it eight days before the planned departure date.

The Protocol Department will also inform the Secretariat-General of visa applications it receives, to assist the latter in informing the Permanent Representatives (see above). The interdepartmental coordination measures laid down for missions to countries outside Europe (see below) do not constitute an automatic visa application; staff must still apply to the Protocol Department.

Special provisions

The general rules set out above apply to missions to all non-member countries. These are supplemented by interdepartmental coordination measures for missions to countries outside Europe, and by special provisions for attendance at meetings and conferences held by international organizations. There are also special arrangements for missions to state-trading countries (see Relations between Commission staff and nationals of state-trading countries, p. 124).

Missions to countries outside Europe

(Administrative Notices No 267 of 22 February 1980)

The procedure for authorizing missions to countries outside Europe by staff of departments other than the Directorate-General responsible for relations with the part of the world to be visited is as follows:

(a) The Directorate-General responsible for relations with the area (for DG I, Mr Houliston, Berlaymont 3/59, tel. 5453/5296; for DG VIII, Mr Brenner, Berlaymont 8/103, tel. 6097) must be informed of the proposed mission before it is authorized. Depending on the circumstances notification may be made by sending a copy of the application for a travel order, by memorandum or by telex. In exceptional cases of extreme urgency the appropriate Director-General, or a senior member of his staff, may be contacted direct.

(b) The Directorate-General has two working days within which to raise any objections, failing which it is deemed to have approved the mission. It may object only on the basis of its assessment

of the political situation in the country to be visited; assessment of the purpose of the mission is the exclusive responsibility of the Directorate-General and the Member of the Commission authorizing the mission.

(c) If objections are raised, the two Directors-General or Members of the Commission involved (the one authorizing the mission and the one responsible for the area) will endeavour to find a solution. If agreement is still not reached, the question is referred to the President for a final decision.

(d) The travel order must be signed by the appropriate authorizing officer. He must ensure that in the space headed "Applicant's comments" an entry is made to the effect that the DG responsible for relations with the area has approved the mission, stating whether consultations were necessary (see the two examples in Annex 16).

(e) A copy of the notification of the proposed mission (see (a) above) and of the travel order signed by the Member of the Commission authorizing the mission must be sent to the Secretariat-General (Mr Colmant, Berlaymont 12/107A, tel. 2125/1981, or Miss Nicaise, Berlaymont 12/106B, tel. 7502), which will, where appropriate, notify the Permanent Representatives, in particular of the Member State in the chair at the Council, and the Commission's delegation in the country to be visited.

The above rules do not apply to DG X staff visiting information offices, or to staff in Members' Offices accompanying a Member of the Commission, nor do they affect the arrangements for missions to non-member countries by the Financial Controller and the Commission's Accounting Officer under the Financial Regulation.

These special provisions relating to non-member countries do not exempt staff from the normal rules on missions, particularly the requirement that applications for travel orders must reach the Missions Office at least four days before the date of departure.

ATTENDANCE AT MEETINGS AND CONFERENCES HELD BY INTERNATIONAL ORGANIZATIONS

(a) If meetings or conferences to be held in countries outside Europe fall clearly within the area of responsibility of a single Member of the Commission, that Member draws up an attendance list of Commission staff in consultation with the Office(s) of Member(s) whose departments should also be represented.

The department most concerned must therefore ensure that the list is drawn up and sent to the Secretariat-General (Internal Coordination Division).

The Secretariat-General sends the list to the Commission, for information, as soon as possible and certainly well before the date on which the meeting or conference is scheduled to begin.

(b) If the meeting or conference does not fall clearly within the area of responsibility of a single Member of the Commission, the attendance list is drawn up by the Secretariat-General, under the authority of the President and in consultation with the Office(s) of Member(s) concerned.

So that this can be done, the department involved contacts the Secretariat-General (Internal Coordination Division), which then makes inquiries of appropriate Directors-General, the Offices of Members to whom they report, and the President's Office.

The final list is sent to the Commission, for information, as soon as possible and certainly well before the date on which the meeting or conference is scheduled to begin.

(c) The lists compiled under either procedure must be kept as short as possible.

(d) A copy of the list is sent to the administration with the travel orders signed by the authorizing officer.

A P P O I N T M E N T O F H E A D S O F E X T E R N A L
D E L E G A T I O N S A N D I N F O R M A T I O N
O F F I C E S I N N O N - M E M B E R C O U N T R I E S

The Secretariat-General notifies Member States of appointments via the Permanent Representatives, who then inform their ambassadors in the country concerned.

Any particulars of appointments - and any inquiries - should be addressed to the Secretariat-General (Mr Eeckhout, Berlaymont 12/100, tel. 2557/7455).

R E L A T I O N S B E T W E E N C O M M I S S I O N S T A F F A N D
N A T I O N A L S O F S T A T E - T R A D I N G C O U N T R I E S

The Commission has a number of special rules on relations with state-trading countries (e.g. Albania, Bulgaria, China, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Kampuchea, Laos, Mongolia, North Korea, Poland, Romania, the USSR and Viet Nam.

Visits to the Commission

Staff must give their Director-General or head of department advance notice of any talks which they are to have with diplomatic representatives or other persons (academics, journalists, etc.) from state-trading countries. After their talks, staff must make a written report to their Director-General or head of department, with a copy to the Directorate-General for External Relations (I-G).

Missions

When staff travel on mission to a state-trading country:

- . the application for a travel order must be countersigned by the Directorate-General for External Relations, which must be given time to make its views known; no commitments may be entered into before this is done;
- . officials must contact the Security Office before departure and again on their return (see p. 68);
- . a copy of the mission report to the Director-General or head of department must be sent to the Directorate-General for External Relations (Protocol Department).

Conferences and other meetings

Whenever one of the Commission's departments is organizing an international conference or meeting and proposes to invite people from state-trading countries, the Directorate-General for External Relations (Protocol Department) must be consulted.

Any scientific or technical paper which is to be presented to the meeting by a Commission department or official must be cleared by the Directorate-General for the Information Market and Innovation (DG XIII).

V I S I T S T O T H E C O M M I S S I O N B Y V I P s F R O M
 N O N - M E M B E R S T A T E S O R I N T E R N A T I O N A L
 O R G A N I Z A T I O N S
 (see SEC(79) 1934)

When a VIP from a non-member country or international organization proposes to visit the Commission, either the country's mission to the Communities, its government, the organization concerned or the Commission's own external delegation notifies the Commission, generally in writing, often by telephone with a written confirmation following later.

If the prospective visitor is a government minister, the Chef de cabinet concerned must, as soon as he learns of the visit, inform the weekly meeting of Chefs de cabinet, and this fact will be recorded in the report of that meeting. This ensures that the Protocol Department is also aware of the visit (although it will normally have been informed already). The Protocol Department, after consulting the department responsible for relations with the country concerned and in consultation with the Office of the appropriate Member of the Commission, will then:

- (i) prepare, in conjunction with those involved, a detailed programme for the visit;

- (ii) inform all the Commission's departments which may be concerned;
- (iii) request the department responsible for relations with the country concerned to prepare a brief for the Member(s) of the Commission who will receive the visitor;
- (iv) inform the House Services Division of Directorate-General IX so that it can organize the reception at the Commission's headquarters;
- (v) inform the Security Office so that the necessary security arrangements can be made;
- (vi) see to the practical organization of the visit (lunch, dinner, receptions, photographer, flags, cars, arrival and departure);
- (vii) contact the Belgian Ministry of Foreign Affairs if the visit concerns both the Commission and the Belgian Government.

INVITATIONS TO PERSONS OUTSIDE THE
COMMUNITY TO ATTEND SEMINARS AND OTHER
MEETINGS ORGANIZED BY THE COMMISSION

Where experts in regular contact with the Commission are invited to attend meetings in their specific field, the normal procedure should be followed, i.e. the Directorate-General involved sends the invitation. However, the Directorate-General responsible for relations with the country concerned should be notified, at least in the case of major meetings.

Invitations to representatives of non-member countries, international organizations or specialized agencies of the United Nations to attend seminars, colloquia, symposia and so on, i.e. one-off meetings aimed at increasing public awareness and attracting a fairly varied audience, should be channelled via the Directorate-General for External Relations, which is in a better position to assess the political advisability of inviting nationals of non-member countries (particularly state-trading countries) and the security risks involved, and will consult or notify the Commission delegation, if there is one, in the cities where these organizations are based (e.g. New York, Paris, Geneva).

Copies of all invitations should be sent to the Secretariat-General for information.

INVITATIONS TO COMMISSION STAFF TO
ATTEND SEMINARS AND OTHER MEETINGS
ORGANIZED OUTSIDE THE COMMUNITY

When asked to do so by the Secretariat-General, DG X coordinates attendance by Commission staff at colloquia, seminars and symposia organized outside the Community. All requests from Directorates-General or other departments to attend such meetings are therefore handled centrally by DG X (Mr Breschi, Berlaymont 2/49, tel. 7641/6289).

RELATIONS WITH INTERNATIONAL
ORGANIZATIONS

GENERAL PROVISIONS

Article 229 of the EEC Treaty requires the Commission 'to ensure the maintenance of all appropriate relations with the organs of the United Nations' and to 'maintain such relations as are appropriate with all international organizations'. The Commission, acting on behalf of the Community, has therefore entered into agreements, often in the form of exchanges of letters, with numerous international organizations, working out ways and means of cooperation by exchange of documentation and information, attendance at meetings, consultation and so on. Agreements of this kind operate with UNESCO, WHO and UNIDO. Where they involve participation in the meetings of the organization in question, the Commission normally attends as an observer on behalf of the Community. As a rule the Commission informs the Council when it concludes working agreements based on Article 229.

Articles 113 and 114 of the EEC Treaty

These Articles confer upon the Community exclusive authority in matters of international commercial policy. The Commission is responsible for conducting negotiations on the basis of directives issued by the Council in line with its proposals. Should the Commission decide that an agreement ought to be concluded, this is done by the Council on behalf of the Community. The same procedure applies to association agreements concluded under Article 238.

Taking this a step further, the Court of Justice ruled in its AETR judgments (1) that the Community also has exclusive power to negotiate and conclude international agreements where it has adopted provisions laying down common rules, whatever form these may take, or where it is required under Community law, from a given date, to use this authority with a view to adopting common rules.

The Court of Justice holds that Article 235, which gives the Community institutions much more comprehensive powers of action, also entitles the Council to take all appropriate measures in the field of external relations. The Court has also ruled (2) that whenever the Community is given powers under Community law for the purpose of attaining a specific objective, it may enter into whatever international commitments are necessary for the attainment of that objective.

This means that the Community's authority extends to all international agreements on issues which fall within its jurisdiction. In such cases, the Community should therefore have negotiator status (as in GATT matters) and be a contracting party (as in international commodity agreements and Council of Europe conventions).

The Community has observer status in numerous international organizations (e.g. United Nations General Assembly, ECOSOC, UNCTAD). Although this does not entirely reflect the real nature of the Community, observer status none the less means that the Community as such has a voice at meetings dealing with matters falling within its jurisdiction or relevant to the common market.

As the items on the agenda do not always allow of an absolutely clearcut distinction, use is made of the "dual" delegation (with representatives both of the Commission and of the Member State currently chairing the Council), the choice of spokesman depending primarily on the extent to which the subject under discussion is of a Community nature. The Commission normally acts as spokesman on matters falling within the competence of the Community.

(1) Judgment in Case 22/70 Commission v Council /1971/ ECR 263, confirmed and clarified by the Judgment in Joined Cases 3, 4 and 6/76 Kramer /1976/ ECR 1279 (AETR = European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport).

(2) Opinion 1/76 of 26 April 1977.

Article 116 calls for common action on the part of the Member States 'within the framework of international organizations of an economic character' in respect of all matters 'of particular interest to the common market'.

The reference here then is to areas where the Member States still have jurisdiction, but where the implementation of common action is decided on by the Council on a proposal from the Commission: Article 116 is a 'residual' or 'peripheral' provision compared with Article 113 and the other legal bases for Community action in external relations. Its purpose is to preclude Member States taking separate action within international organizations to the detriment of the satisfactory operation of the common market, so it is of considerable significance. Article 116 may also be used as an alternative to the exercise by the Community of its own power in external matters when particular circumstances so require.

There are special arrangements for attendance by Commission staff at meetings and conferences held by international organizations in countries outside Europe (see Missions by Commission officials, p. 119).

The Community (or the Commission) has established official relations with the main United Nations bodies and other international organizations which deal with matters falling within the scope of the Treaties.

RELATIONS WITH THE UNITED NATIONS (1)

Established by the San Francisco Charter, the United Nations system comprises principal organs (General Assembly, Security Council, Economic and Social Council or ECOSOC, Trusteeship Council, International Court of Justice and Secretariat), subsidiary bodies (e.g. UNCTAD, UNDP, UNIDO, UNEP, World Food Council) and specialized agencies (e.g. FAO, UNESCO).

(1) UN Information and Liaison Office: rue d'Arlon 108, 1040 Brussels (tel. 230.23.75).

(a) General Assembly

UN Headquarters, New York. Consists of all members of the UN (at present 154). The Community was granted observer status by General Assembly Resolution of 11 October 1974, whereby the Community participates in the work of the Assembly and its subsidiary bodies, without voting rights. The Community has the right to speak in General Assembly committees, being particularly concerned by the work of the Second Committee (Economic and Financial), the Sixth Committee (Legal) and the specialized subcommittees. The committees meet at the same time as the General Assembly, which meets once a year in regular session (for about three months) and holds special sessions as required. The Community also takes part in the Committee of the Whole, which the General Assembly set up in 1977 to monitor the introduction of the new international economic order.

The Community is represented by a dual delegation, either the Member State currently in the chair in the Council or the Commission acting as spokesman. The Commission's Delegation to the UN in New York provides logistic support. Prior on-the-spot coordination among the Member States, with Commission participation, has become fairly systematic (for questions of a political nature too - a special working party of the Committee of Heads of Political Departments ensures coordination between the Ten for matters concerning the United Nations).

(b) ECOSOC

UN Headquarters, New York. Makes recommendations to the General Assembly, receives reports from the specialized agencies, may set up commissions (e.g. the regional economic commissions or, on a different level, bodies such as the Commission on Transnational Corporations). Holds two sessions per year, in April and July. Has responsibility for economic and social activities but also has political character as one of the principal organs of the United Nations. The Community has had observer status since 1967, with dual representation. The Commission usually makes a statement on behalf of the Community during the July session, which deals more specifically with economic questions. ECOSOC is at present undergoing structural reorganization which will strengthen its role.

The regional economic commissions, subsidiary bodies of ECOSOC, are: the Economic Commission for Europe (ECE), the Economic Commission for Latin America, the Economic Commission for Africa, the Economic and Social Commission for Asia and the Pacific, and the Economic Commission for Western Asia.

ECE: Secretariat in Geneva. Holds one public session each year (in April). Has a number of committees (development of trade, inland transport, etc.), subcommittees and working parties. Is being called upon to play an increased role in the United Nations system and in the economic and technical dialogue between East and West as a result of the Final Act of Helsinki Conference. The Community takes part in its work in an advisory capacity, with dual representation.

(c) United Nations Conference on Trade and Development (UNCTAD)

Established as a permanent organ of the General Assembly in 1964. Secretariat in Geneva. Concerned with all matters relating to the economic development of the Third World (e.g. trade matters such as international commodity agreements, integrated programmes, generalized preferences, financing and invisibles, transfer of technology). Sessions held in Geneva in 1964, New Delhi in 1968, Santiago in 1972, Nairobi in 1976 and Manila in 1979.

Adopts recommendations and has as its permanent organ a Trade and Development Board, which has set up four main committees and a number of other committees and groups of experts. The Community has observer status, with dual representation.

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

(a) General Agreement on Tariffs and Trade (GATT)

Came into force in 1948. A Treaty turned organization whose aim is to reduce barriers to trade. Secretariat in Geneva. Has a Council of Representatives and a number of committees (concerned with trade negotiations, trade in agricultural products, trade and development). The Agreement contains a set of rules, which include the possibility of retaliatory action, designed to ensure the balance of concessions resulting from accession negotiations or the successive rounds of tariff negotiations held under GATT. The basic principle is most-favoured-nation treatment. Free-trade areas and customs unions are permitted on certain conditions. Multilateral trade negotiations opened in 1973 and were completed in 1979. The Community is not a contracting party to the General Agreement but it negotiates and signs protocols as such, which means that it is treated de facto as a contracting party. The Commission is the Community's spokesman.

(b) Organization for Economic Cooperation and Development (OECD)

Set up in 1961, in particular to coordinate member countries' economic policies and aid to developing countries. Secretariat in Paris (1). Comprises the Council, which meets at ministerial level once a year, the Executive Committee and specialized committees (e.g. the Economic Policy and Trade Committees). The Development Assistance Committee (DAC), of which the Commission is a member, attempts to harmonize its members' aid policies and programmes. The International Energy Agency (IEA) was set up within the OECD in November 1974. Article 231 of the EEC Treaty requires the Community

(1) Provides a forum for dialogue and consultation between Western industrialized countries (twenty-four members).

to 'establish close cooperation with the OECD, the details to be determined by common accord'. This cooperation was the subject of Supplementary Protocol No 1 to the Convention on the OECD. Representation of the Communities at the OECD is governed by the institutional provisions of the Treaties, and the Commission participates in the Organization's work.

The Commission takes part in most OECD meetings of interest to the Community and in the prior coordination meetings between Member States. The Community participates in several international agreements concluded under the auspices of the OECD.

(c) Council of Europe

Founded in 1949 to further the cause of European unity, improve living conditions in Europe and uphold the principles of parliamentary democracy and human rights. Headquarters in Strasbourg. Has twenty-one members at present, including all ten Community countries. Structure includes Parliamentary Assembly, Committee of Ministers, and Commission and Court of Human Rights.

Article 230 of the EEC Treaty requires the Community to 'establish all appropriate forms of cooperation with the Council of Europe'.

Arrangements for cooperation between the EEC Commission and the Committee of Ministers set up in 1959. Joint meetings of members of the European Parliament and Parliamentary Assembly.

Cooperation between the Council of Europe and the Commission on matters of common concern (such as education and the environment) enables each of them, with the different resources at their disposal, to consolidate and complement the other's efforts (e.g. the Community has acceded to Council of Europe conventions). Council of Europe Liaison Office: rue de la Loi 155, 1040 Brussels (tel. 736 50 91).

COORDINATION BETWEEN COMMISSION DEPARTMENTS

Generally speaking, the Directorate-General for External Relations - and the other Directorates-General concerned - receives the correspondence emanating from international organizations. Similarly, correspondence addressed to international organizations (replies to invitations, various requests, etc.) is channelled through DG I. It circulates the documentation - including invitations to meetings - which comes from the United Nations and the OECD. It is recommended that the Directorate-General for External Relations be consulted on all matters, particularly institutional ones, concerning international organizations or international agreements.

HOUSE RULES FOR LIAISON BETWEEN
HEADQUARTERS AND EXTERNAL
DELEGATIONS (1)

ROLE OF DELEGATIONS (2)

The Commission's delegations in non-member countries or to international organizations help it to discharge all its external responsibilities.

INTERNAL STRUCTURE: RESPONSIBILITY TO HEADQUARTERS

All the departments of a delegation come under the authority of its head, who reports to either the Director-General for External Relations or the Director-General for Development, whichever is responsible for relations with the host country.

Information services operating within delegations constitute administrative and operational units for the purposes of the information programme and budget adopted each year by the Commission. The head of the information service is responsible, under the authority of the head of delegation, for implementing the programme of information activities and managing the relevant budget appropriations.

CHANNELLING OF INSTRUCTIONS

Instructions from headquarters are as a rule sent by the appropriate Director-General to the head of delegation, who sees that they are carried out. Instructions to heads of information services from the Spokesman and Director-General for Information are transmitted via the head of delegation.

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- (1) These rules do not apply to liaison with information offices in Madrid, Lisbon and Ankara.
 - (2) A list of delegations can be found in Annex II to the Commission directory.

Instructions issued direct by the President or another Member of the Commission are copied, for information, to the Member(s) and Director(s)-General responsible for relations with the country concerned.

CORRESPONDENCE

Correspondence with a delegation is addressed to its head. Correspondence which does not come from the Directorate-General responsible for relations with the country concerned must be copied to it.

Correspondence from delegations is usually addressed to the Director-General for External Relations or to the Director-General for Development. In special circumstances heads of delegation may write direct to the Member responsible or to the President, with a copy to the appropriate Director-General.

The Directorate-General responsible for relations with the country concerned circulates all correspondence from delegations to Members and to other departments, as appropriate. A copy is also sent to the Secretariat-General, listing the Members' Offices and departments which have been circulated.

Correspondence and instructions on information matters pass through the Spokesman's Group and the Directorate-General for Information.

WEEKLY TELEX TO HEADS OF DELEGATIONS AND INFORMATION OFFICES IN NON-MEMBER COUNTRIES

Each Friday the Secretariat-General telexes information on Community activities to heads of delegations and information offices in non-member countries. Contributions from headquarters departments are collected by Mr Colmant (Berlaymont 12/107A, tel. 2125/1981).

CODED MESSAGES

From headquarters to delegations

Messages to be encoded are addressed to the Cipher Office by the special office in the department concerned. At the same time a copy is sent to the Directorate-General responsible for relations with the country concerned.

When the message has been encoded and transmitted, the Cipher Office circulates copies as follows (1):

Messages from DG I:	DG I; Mr Haferkamp's Office
Messages from other departments:	Department responsible; DG I; Office of Member responsible;
Messages from a Member of the Commission to a head of delegation:	Office of Member responsible; Mr Haferkamp's Office

From delegations to headquarters

Messages from delegations are addressed to the Director-General responsible for relations with the country concerned. The Cipher Office forwards them to the special office in the appropriate departments reversing the process for outgoing messages.

DIPLOMATIC BAG

Any written communication, other than telexes, in clear or in code, must be sent from headquarters to the delegations, and vice versa, by diplomatic bag (2). A list of times for the dispatch of diplomatic bags is annexed.

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- (1) This applies only to delegations in countries under the responsibility of DG I, which are as yet the only ones linked to the cipher system. Further instructions will be issued once delegations reporting to other departments, particularly DG VIII, are connected to the system.
 - (2) Confidential or secret documents must be placed in two envelopes, the inner one only being sealed and stamped with the security classification. This arrangement may be used for official documents only.

REPRESENTATIONS TO THE AUTHORITIES OF NON-MEMBER COUNTRIES

Official representations to the authorities of non-member countries are normally made by the Commission delegation on the spot on instructions from either the Directorate-General responsible for relations with the country concerned or the relevant Member of the Commission. As a general rule the country's mission accredited to the Communities should be kept informed.

ROUTINE CONTACTS

Routine contacts in non-member countries are handled by the Commission delegation.

MISSIONS TO NON-MEMBER COUNTRIES

Missions to countries where the Commission has a delegation are arranged with the assistance of the delegation in conjunction with the Directorate-General responsible for relations with the country. The delegation must be notified in good time so that it can make the necessary arrangements and ensure that the mission runs smoothly. Staff planning missions to these countries must therefore notify the relevant Directorate-General (DG I or DG VIII) well before the date of departure. For missions to countries outside Europe a special procedure has been laid down for coordination with the relevant Directorate-General (SEC(80) 104). In any case the Secretariat-General must be notified so that it can, if necessary, inform the Permanent Representatives, particularly of the Member State in the chair at the Council.

OFFICIAL VISITS FROM NON-MEMBER COUNTRIES

Delegations inform the Directorate-General to which they report when VIPs in their host country are planning an official visit to the Commission. This Directorate-General coordinates arrangements with the other departments concerned, in particular the Directorate-General for Information.

ASSISTANCE FROM HEADQUARTERS DEPARTMENTS

Headquarters departments are required to assist delegations in their work. This generally takes the form of providing information on any matter involving relations with the country concerned. Departments must pass on all available information promptly. Advice may be obtained from the appropriate quarters in DGs I and VIII (Assistant to the Director-General for External Relations or the department in the Directorate-General for Development responsible for relations with Commission delegations).

TIMES AND DESTINATIONS OF DIPLOMATIC BAGS

Country of Destination	Town	Deadline for depositing mail at Berl. 1/123
ALGERIA	Algiers	Tu 10.00
AUSTRALIA	Canberra	Mo/Th 10.00
AUSTRIA	Vienna	Tu/Th 10.00
BARBADOS	Bridgetown	Th 10.00
BENIN	Cotonou	Th 10.00
BOTSWANA, LESOTHO AND SWAZILAND	Maseru	We 10.00
BURUNDI	Bujumbura	Mo 10.00
CAMEROON	Yaoundé	We 10.00
CANADA	Ottawa	Mo/Th 10.00
CENTRAL AFRICAN R.	Bangui	Mo 10.00
CHILE	Santiago	Th 10.00
COMOROS	Moroni	Th 10.00
CONGO	Brazzaville	Fr 10.00
DENMARK	Copenhagen	Tu/Th 10.00
DJIBOUTI	Djibouti	We 10.00
EGYPT	Cairo	Mo 10.00
ETHIOPIA	Addis Ababa	Fr 10.00
F. R. Germany	Karlsruhe	Mo/We 16.00
FIJI, SAMOA	Suva	Fr 10.00
GABON	Libreville	Mo 10.00
GAMBIA	Banjul	Tu 10.00
GHANA	Accra	Th 10.00
GREECE	Athens	Th 16.00
GUINEA	Conakry	Fr 10.00
GUINEA-BISSAU	Bissau	Mo 10.00
GUYANA	Georgetown	Mo 10.00
IRELAND	Dublin	Tu/Fr 10.00
IRELAND (European Foundation)	Dublin	We 10.00
ISRAEL	Tel Aviv	Mo 10.00
ITALY	Ispra	Mo/Tu/Th/Fr 16.00
ITALY	Milan	Tu/Th 16.00
ITALY	Rome	We/Fr 16.00
IVORY COAST	Abidjan	Th 10.00

JAMAICA	Kingston	We 10.00
JAPAN	Tokyo	Mo/We 16.00
JORDAN	Amman	Tu 10.00
KENYA	Nairobi	Fr 10.00
LEBANON	Beirut	Mo 10.00
LIBERIA	Monrovia	Th 10.00
MADAGASCAR	Antananarivo	Fr 10.00
MALAWI	Lilongwe	Fr 10.00
MALI	Bamako	Tu 10.00
MAURITANIA	Nouakchott	Tu 10.00
MAURITIUS	Port Louis	Fr 10.00
MOROCCO	Rabat	Mo 10.00
NETHERLANDS	Petten	Mo/We 16.00
NL ANTILLES	Willemstad	Mo 10.00
NIGER	Niamey	Fr 10.00
NIGERIA	Lagos	9e 10.00
PAPUA NEW GUINEA	Port Moresby	Fr 10.00
PORTUGAL	Lisbon	Tu/Fr 16.00
RWANDA	Kigali	Tu 10.00
SENEGAL	Dakar	Fr 10.00
SIERRA LEONE	Freetown	Tu 10.00
SOMALIA	Mogadiscio	Th 10.00
SPAIN	Madrid	Tu/Th 10.00
SUDAN	Khartoum	Mo 10.00
SURINAM	Paramaribo	Fr 10.00
SWITZERLAND	Geneva	Mo/We 16.00
SYRIA	Damascus	Tu 10.00
TANZANIA	Dar Es Salaam	Mo 10.00
THAILAND	Bangkok	Fr 16.00
TOGO	Lomé	Fr 10.00
TRINIDAD	Port of Spain	Th 10.00
TUNISIA	Tunis	Tu 10.00
TURKEY	Ankara	Tu/Fr 16.00
UGANDA	Kampala	Tu 10.00
UK	London	Tu/Th 16.00
USA	New York	Mo/We 16.00
USA	Washington	Tu/Fr 16.00
UPPER VOLTA	Ouagadougou	Th 10.00
VENEZUELA	Caracas	Fr 10.00
YUGOSLAVIA	Belgrade	Mo 10.00
ZAIRE	Kinshasa	Tu 10.00
ZAMBIA	Lusaka	Fr 10.00
ZIMBABWE	Salisbury	We 16.00

INSCRIPTION D'UN DOCUMENT A L'ORDRE DU JOUR DE LA COMMISSION

Accord des Cabinets responsables			
	Date	Noms	Visa
Cab. de M.			
Cab. de M.			
Cab. de M.			
Cab. de M. le Président			

A compléter par le Secrétariat général	
Reçu le:	à h
Rév. dem: F.D.E.	le: à h
I.N.DK.GR.	le: à h
Rév. reçues: F.D.E.	le: à h
I.N.DK.GR.	le: à h

NOTE DE LA DG / / AU SECRETARIAT GENERAL
A l'attention de M. DEPAUS BERL. 11/109

Fiche de renseignements à compléter pour l'inscription d'un document à l'OJ de la Commission

I. Acte soumis à l'approbation de la Commission:

a) **Titre:**

.....

.....

.....

.....

b) **Publication au Journal Officiel (*)**: OUI - NON (2)

c) **Classification du document (*)**: normal - document interne - confidentiel - secret.

d) **Indication de la langue dans laquelle l'acte a été rédigé à l'origine (*)**: **F - D - E - I - N - DK - GR**

e) **Incidences financières de la proposition sur le budget des Communautés européennes (*)**: OUI - NON.

Les actes ayant une incidence financière sur le Budget communautaire doivent être accompagnés d'une note précisant celle-ci et donnant son estimation (voir Manuel des procédures page 65 et Annexe 15).

II. Documents à transmettre au Secrétariat général:

a) **Communication à la Commission** comportant:

- formulation précise de la décision souhaitée
- indication des résultats de la consultation éventuelle d'un groupe interservices ou d'organismes extérieurs
- résumé ne dépassant pas 20 lignes (pour les documents de plus de 4 pages)
- fiche financière (voir point I, f ci-dessus) à établir dans toutes les langues.

Dispositifs	Consultations	Résumé
.....
.....
.....

b) **TEXTE** de l'acte,

et en cas de transmission au Conseil, d'un **EXPOSE**
DES MOTIFS

c) **COPIES** de l'acte

(6 copies de toutes les langues nécessaires en vue d'une révision par les juristes linguistiques)

1) Sont joints:

2) Eventuellement seront
transmis en date du:

en F			
en D			
en E			
en I			
en N			
en DK			
en GR			

(*) Biffer les mentions inutiles.

(1) Voir Manuel des Procédures, page 3 et pages 10-12 présentation des documents et page 25).

(2) La mention «A NE PAS PUBLIER» est à reproduire dans les sept langues, en haut à droite sur la 1ère page de l'acte.

III. Pour les actes à transmettre au Conseil

- a) *Consultation* (*): - du Parlement Européen: ● obligatoire (Base juridique: Art.) ;
 ● facultative
 ● Au cas où la consultation ne serait pas demandée veuillez indiquer les raisons: *Urgence/Importance mineure/Caractère confidentiel.*
(voir Manuel des procédures pages 87-88).
- du Comité Economique et Social ou du Comité Consultatif CECA
 ● obligatoire (Base juridique: Art.) ;
 ● facultative
- de la Cour des Comptes
- b) *ANNEXE CALENDRIER à ajouter (voir Manuel des procédures page 28).*

IV. Préparation et contrôle du document

a) Direction(s) générale(s) ou Service(s) coresponsable(s)	Visa du fonctionnaire compétent (ou note signée par lui attestant l'accord)	Date	Téléphone
1.
2.
3.
N.B.: Transmission de la communication aux Cabinets des Membres de la Commission, dont les services ont été consultés pour obtenir leur approbation sur le document (*)			OUI — NON
b) Direction(s) générale(s) ou Service(s) associés	Visa du fonctionnaire compétent (ou note signée par lui attestant l'accord)	Date	Téléphone
1.
2.
3.
4.
5.
6.
7.
8.

- a) L'accord doit être donné au niveau approprié.
 b) En cas de désaccord, indiquer les motifs sur cette fiche ou joindre une note séparée.

Bruxelles, le
 Luxembourg,

Accords des Cabinets responsables		
	Noms	Date
Cab. de M.		
Cab. de M.		
Cab. de M.		
Cab. de M. le Président		

A compléter par le Secrétariat général	
Arrivé le:	à h
Dicté le:	à h
DG	P.E. / Délai H
Rév. dem. F.D.E.	le: à h
I.N.DK.GR.	le: à h
Rév. reç. F.D.E.	le: à h
I.N.DK.GR.	le: à h

DG / /

NOTE AU SECRETARIAT GENERAL

A l'attention de M. WEHRENS, BERL. 11/100

FICHE DE RENSEIGNEMENTS à compléter pour l'engagement d'une PROCEDURE ECRITE (1)

I. Acte soumis à l'approbation de la Commission:

a) Titre:

.....

.....

.....

- b) *Publication au Journal Officiel* (*): OUI – NON (2)
- c) *Classification du document* (*): normal – document interne – confidentiel – secret.
- d) Indication de la langue dans laquelle l'acte a été rédigé à l'origine (*): **F – D – E – I – N – DK – GR**
- e) Incidences financières de la proposition sur le budget des Communautés européennes (*): OUI – NON.

Les actes ayant une incidence financière sur le Budget communautaire doivent être accompagnés d'une note précisant celle-ci et donnant son estimation (voir Manuel des procédures Annexe 15 et page 65).

II. Documents à transmettre au Secrétariat général:

- a) TEXTE de l'acte,
et en cas de transmission au Conseil
d'un EXPOSE DES MOTIFS sont joints:
- b) COPIES de l'acte
(8 copies de la langue originale et 6 copies
des autres langues, en vue d'une révision
par les juristes linguistes) sont jointes:
- c) COMMUNICATION A LA COMMISSION avec formulation précise de la décision souhaitée sont joints:

en F	
en D	
en E	
en I	
en N	
en DK	
en GR	

en F	
en D	
en E	
en I	
en N	
en DK	
en GR	

en F	
en D	
en E	

(*) Biffer les mentions inutiles.

(1) Voir Manuel des Procédures, pages 17-21 et pages 10-12 (présentation des documents);

(2) La mention «A NE PAS PUBLIER» est à reproduire dans les sept langues, en haut à droite sur la 1ère page de l'acte.

III. (Evtl.) PROCEDURE ECRITE ACCELEREE indiquez les motifs de l'urgence et le délai souhaité (1):

.....

IV. Direction(s) générale(s) ou Service(s) RESPONSABLE(S):

	Fonctionnaire compétent	Téléphone	Bureau
1.
2.
3.

V. Direction(s) générale(s) ou Service(s) ASSOCIE(S):

	POUR ACCORD	Donné par		
		Nom du fonctionnaire	Date	Téléphone
1.
2.
3.
4.
POUR AVIS FAVORABLE				
Service juridique				

VI. Pour les actes à transmettre au Conseil

- a) *Consultation* (*): – du Parlement Européen: obligatoire (Base juridique: Art.
 facultative
 Au cas où la consultation ne serait pas demandée veuillez indiquer les raisons: *Urgence / Importance mineure / Caractère confidentiel. (voir Manuel des procédures pages 87-88).*
- du Comité Economique et Social ou du Comité Consultatif CECA
 obligatoire (Base juridique: Art.);
 facultative
- de la Cour des Comptes OUI – NON (*)
- b) ANNEXE CALENDRIER à ajouter (voir Manuel des procédures page 28).
- c) *Memorandum complémentaire*: Indication du § de l'action nouvelle.....

VII. (Evtl.) Avis du (ou des) comité(s) consulté(s) avec indication du motif pour les votes «CONTRE» et les «ABSTENTIONS»:

.....

Bruxelles, le
 Luxembourg,

.....
 Directeur général

(*) Biffer les mentions inutiles.

(1) L'accélération peut être autorisée sur rapport du Secrétariat Général par le Président lorsqu'il s'agit d'un acte normatif devenu particulièrement urgent en raison des circonstances imprévisibles et exceptionnelles afin de tenir compte d'un délai légal fixe ou d'autres circonstances politiques importantes.

DG/ / /

NOTE AU SECRETARIAT GENERAL
à l'attention de M. WEHRENS
Berl. 11/100

FICHE DE RENSEIGNEMENTS
à compléter en vue d'une décision par
HABILITATION (1)

A compléter par le Secrétariat général	
Arrivé:	à h
Accord Cabinet	
Transm.:	à h
à	
H	Contr.:

I. Titre:**II. Direction(s) générale(s) ou Service(s) RESPONSABLE(S):**

nom du fonctionnaire à consulter, tél. et service:

III. Direction(s) générale(s) ou Service(s) ASSOCIE(S):

noms des fonctionnaires ayant donné l'accord, dates, services, et pour le Service juridique, nom du fonctionnaire ayant marqué son avis favorable, ou, le cas échéant, l'accord du GROUPE INTERSERVICES:

IV. Indication éventuelle du délai dans lequel l'acte doit être adopté **avec justification:****V. LANGUES (*)**

- | | | |
|--|------------------------------------|-----------------------------|
| a) Indication des langues nécessaires: | F - D - E - I - N - DK - GR | (copies à transmettre: |
| b) Révision par les Juristes linguistes: | nécessaire - pas nécessaire | 8 de la langue originale et |
| c) Indication de la langue originale | F - D - E - I - N - DK - GR | 6 des autres langues) |

VI. a) Indication sommaire, mais claire, du contenu de l'acte (2):b) Indication éventuelle de **l'avis d'un Comité:**c) Ajoutez, le cas échéant, **une fiche financière** (voir Manuel des procédures page 65 et Annexe 15).**VII. a) Référence** à la décision autorisant l'habilitation:b) **Publication** au J.O. (*): **OUI - NON**c) **Classification** du document (*): normal - document interne - confidentiel - secret**VIII. Pour les actes à transmettre au Conseil (*)****Consultation (*)**: a) **du Parlement européen**: obligatoire (base juridique: Art.)
facultative

Au cas où la consultation ne serait pas demandée veuillez indiquer les raisons: Urgence / Importance mineure / Caractère confidentiel (voir Manuel des procédures pages 87 et 88)

b) **du Comité économique et social**: obligatoire (base juridique: Art.)
facultativec) **de la Cour des Comptes:** **OUI - NON (*)****Annexe calendrier** à ajouter (voir Manuel des procédures page 28).**Memorandum complémentaire**: Indication du § de l'action nouvelle ,.....**IX. COPIE** du dossier a été envoyée au Cabinet de MBruxelles,
Luxembourg, le

(*) Biffer les mentions inutiles.

(1) Voir Manuel des procédures pages 22 à 25.

(2) Utilisez, le cas échéant, le verso de ce formulaire.

.....
(signature)

DECISION D'HABILITATION

Conformément à l'article 27 du règlement intérieur provisoire de la Commission et à la décision de la Commission du 23 juillet 1975 (doc. COM (75) PV 349), fixant les principes et conditions selon lesquels la Commission peut déléguer ses pouvoirs, ainsi qu'en vertu de la décision de la Commission, autorisant la procédure d'habilitation dans le cas présent (mentionnée sous le point VII a) de ce formulaire), j'adopte l'acte/les actes ci-joint(s), au nom de la Commission et sous la responsabilité de celle-ci.

- Annexes:** 1.
2.
3.
4.

Bruxelles, le

Le Membre de la Commission habilité

.....
(signature)

.....
(nom du Membre)

STANDARD LETTER ON THE IMPLEMENTATION OF DIRECTIVES BY
MEMBER STATES (TO BE SENT BY THE DIRECTOR-GENERAL CONCERNED
TO THE MEMBER STATES SOME TWO OR THREE MONTHS AFTER ADOPTION
OF THE DIRECTIVE)

Sir,

On the Council/Commission of the
European Communities adopted the Directive concerning
..... The President of the Council/Commission
notified (Member State) on

Article of the Directive requires Member
States to bring into force such laws, regulations and
administrative provisions as are necessary to comply with the
Directive within from notification, and
to inform the Commission forthwith.

May I therefore draw your attention to the fact that
..... is the final date by which full effect
must be given to the Directive in your country and ask your
Government to ensure that the necessary steps are taken.

As your Government is aware, the purpose of the Directive
is (brief description of the reasons for and
aims of the Directive).

So that the Commission can meet its obligations under the
EEC Treaty and, if necessary, help your Government to take
the necessary steps in preparation for the implementation of
this Directive, may I ask your Government to inform the
Commission of the implementing provisions, in the fullest
possible detail, as soon as possible before the date
laid down.

The Commission should be sent a Note giving adequate details
of the measures which have been or are to be introduced to
give effect to the Directive.

To the Note should be appended copies of all the measures (in
officially published form or photocopies) - whether laws,
regulations or administrative provisions - which are to
implement the rules of the Directive under your national legislation,
including both provisions already in force when the Directive
comes into effect and new provisions adopted upon notification
of the Directive.

If it is to serve a useful purpose, the information supplied
must be complete and must be so set out as to enable the
Commission to verify the national measures in question. Your
Government should therefore send to the Commission, together
with the implementing texts, tables which set out opposite
each Article and if necessary each paragraph or subparagraph
of the Directive the corresponding sections of the national
measures which give effect to the Directive, irrespective of
whether these national measures are laws, regulations, or
administrative provisions, and irrespective of whether they were
already in force when the Directive came into effect or were adopted
upon notification of the Directive.

It should also be stated whether these provisions are final and adequate for the purpose, or whether further provisions must still be adopted to ensure the full incorporation of the Directive into national law.

Once the Directive has been completely and correctly implemented, the Commission must also be notified of any subsequent amendment to the implementing measures.

I have the honour to be, Sir, yours faithfully,

STANDARD LETTER (REMINDER) ON THE IMPLEMENTATION OF DIRECTIVES
BY MEMBER STATES (TO BE SENT BY THE DIRECTOR-GENERAL CONCERNED
TO THE MEMBER STATES SOME THREE MONTHS BEFORE THE TIME-LIMIT
FOR IMPLEMENTATION EXPIRES)

Sir,

On the Council/Commission of the European Communities
adopted the Directive concerning The President
of the Council/Commission notified (Member
State) on

Article of the Directive requires Member States to
bring into force such laws, regulations and administrative
provisions as are necessary to comply with the Directive within
..... from notification, and to inform the Commission
forthwith.

In its letter of the Commission asked your Government
to notify it of all national measures which had been or
were to be introduced to ensure the correct implementation
of the Directive.

The Commission has not yet been so notified.

May I remind you that is the final date by which
full effect must be given to the Directive in your country and
ask your Government to take all necessary steps and to inform
the Commission in the manner set out in its letter of
.....

I have the honour to be, Sir, yours faithfully,

ANNEX 6

STANDARD LETTER OF FORMAL NOTICE TO BE SENT IN THE EVENT OF
FAILURE TO NOTIFY THE COMMISSION OF MEASURES TO TRANSPOSE DIRECTIVES

Sir,

I have the honour to draw your Government's attention to the matter of the incorporation into national law of the Directive (title of Directive).

The penultimate article of the Directive requires Member States to bring into force such laws, regulations and administrative provisions as are necessary to comply with its provisions within months of the date of notification, and to inform the Commission forthwith.

As the Directive was notified on the time-limit expired on

So far as the Commission is aware, the authorities have not yet brought into force the measures necessary to incorporate the Directives into national law, no communication regarding the adoption of such measures having reached the Commission to date.

The Commission therefore considers that (Member State) has failed to fulfil its obligations under the Directives.

In these circumstances, acting under Article 169 of the Treaty, the Commission would ask the Government to submit its observations on the contents of this letter within two months of receiving it.

After taking note of these observations, the Commission may, if necessary, deliver a reasoned opinion under Article 169. It may also deliver a reasoned opinion if the observations fail to reach it within the time stated.

I have the honour to be, Sir, yours faithfully,

STANDARD DRAFT REASONED OPINION RELATING TO FAILURE TO NOTIFY
THE COMMISSION OF MEASURES TO TRANSPOSE A DIRECTIVE OR
DIRECTIVES, TO BE DISPATCHED IN THE FOLLOWING CIRCUMSTANCES

- Factual - failure to fulfil the obligation to inform the Commission before the expiry of the time-limit laid down in the Directive(s) concerned of the measures taken to comply therewith;
- failure, as far as the Commission is aware, to fulfil the obligation to comply with the Directive(s) before the expiry of the time-limit(s) laid down;
 - the reply to the Article 169 letter (giving formal notice) confirms the default and states that the necessary measures will be adopted as soon as possible, but no precise date is given and no drafts of the measures to be adopted are enclosed.
- Legal - no denial of the legal obligation upon the Member State in question to take action of some kind in order to comply with the Directive(s) concerned;
- no denial either of other aspects of that obligation.

MODEL 1

DRAFT REASONED OPINION

I. The purpose of Council/Commission Directive(s)/
...../..... of is (1).
Article(s) (.....) thereof provide(s) that
Member States shall bring into force the laws, regulations or
administrative provisions necessary to comply with the
Directive(s) within months following its
(their) notification, and that they shall forthwith inform the
Commission thereof.

The Directive having been notified on
the time-limit expired on (2).

(1) Indicate briefly the purpose of the Directive(s).
(2) If reference is to be made in the same Reasoned Opinion to more than one Directive, it would be preferable to repeat the first paragraph for each such Directive.

The third paragraph of Article 189 of the Treaty establishing the European Economic Community provides that directives shall be binding, as to the result to be achieved, on each Member State to which they are addressed. The first paragraph of Article 5 of the Treaty provides that Member States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Treaty or resulting from action taken by the institutions of the Community.

II. The obligation on the part of(1) to take measures in order to comply with the Directive(s) referred to above (, in particular by (2),) is not disputed (, as is clear from the letter from of).

III. Since(1) has not informed the Commission of the provisions adopted to comply with the Directive(s) concerned, and since the Commission is in possession of no other information enabling it to conclude that(1) has adopted the necessary provisions, it is compelled to assume that(1) has not yet adopted such provisions and has thus failed to fulfil its obligations under the abovementioned provisions of the Treaty. It has therefore given the Government of (1) the opportunity, by letter ref. of in accordance with the procedure laid down in Article 169 of the Treaty, to submit within a period of its observations on these infringements of the provisions of the Treaty.

It would appear from the observations submitted by the Office of the Permanent Representative of (1) by letter ref. of that the (1) authorities are in the process of preparing the measures necessary to comply with the Directive(s) concerned.

As far as the Commission is aware, such measures have not yet been adopted by the (1) authorities and, in any event, the Commission has not been informed thereof by the said authorities.

The Commission considers that it is the duty of the (1) authorities to initiate, in due time, the procedures necessary for incorporating the Directive(s) concerned into (1) law so that such process is complete within the time-limit(s) laid down, irrespective of the nature of such procedures, and to inform the Commission thereof.

In these circumstances the Commission is obliged to find that(1) has not yet adopted the measures relating to the abovementioned Directive(s), which it should have brought into force by

(1) Insert the name of the Member State concerned, or the appropriate adjective of nationality.

(2) An example should be given of the kind of action to be taken.

FOR THE ABOVE REASONS
THE COMMISSION

having, by letter of....., given the.....(1)
Government the opportunity to submit its observations(2),

HEREBY DECLARES AS ITS REASONED OPINION

delivered pursuant to the first paragraph of Article 169 of the Treaty establishing the European Economic Community, that, by failing to adopt the laws, regulations or administrative provisions necessary to comply with Council/Commission Directive(s)...../...../EEC of.....concerning....., (1) has failed to fulfil its obligations under that (those) Directive(s).

Pursuant to the second paragraph of Article 169 of the Treaty, the Commission requests.....(1) to take the measures necessary to comply with this Reasoned Opinion within(3) following notification thereof.

Done at Brussels,

For the Commission

-
- (1) Insert the name of the Member State concerned, or the appropriate adjective of nationality.
 - (2) It might be advisable to add at this point ''and having examined those submitted by letter from the Permanent Representative ofof.....''.
 - (3) This period should not normally exceed two months.

STANDARD DRAFT REASONED OPINION

relating to failure to implement a Directive or Directives,
to be dispatched in the following circumstances

- Factual
- failure to fulfil the obligation to inform the Commission before the expiry of the time-limit laid down in the Directive(s) concerned of the measures taken to comply therewith;
 - failure, as far as the Commission is aware, to fulfil the obligation to comply with the Directive(s) before the expiry of the time-limit(s) laid down;
 - no reply to the Article 169 letter (giving formal notice).
- Legal
- no denial of the obligation upon the Member State in question to take action of some kind in order to comply with the Directive(s) concerned;
 - no denial either of other aspects of that obligation.

MODEL 2

DRAFT REASONED OPINION

- I. The purpose of Council/Commission Directive(s)..../...../
.....of.....is.....(1).
Article(s)....(...) thereof provide(s) that Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with the Directive(s) within... months following its (their) notification, and that they shall forthwith inform the Commission thereof.
The Directive(s) having been notified on....., the time-limit(s) expired on.....(2).
The third paragraph of Article 189 of the Treaty establishing the European Economic Community provides that directives shall be binding, as to the result to be achieved, on each Member State to which they are addressed. The first paragraph of Article 5 of the Treaty provides that Member States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Treaty or resulting from action taken by the institutions of the Community.
- II. The obligation on the part of.....(3) to take measures in order to comply with the Directive(s) referred to above, in particular by.....(4), is not disputed.

-
- (1) Indicate briefly the purpose of the Directive(s).
(2) If reference is to be made in the same Reasoned Opinion to more than one Directive, it would be preferable to repeat the first paragraph for each such Directive.
(3) Insert the name of the Member State concerned, or the appropriate adjective of nationality.
(4) An example should be given of the kind of action to be taken.

III. Since.....(1) has not informed the Commission of the provisions adopted in order to comply with the Directive(s) concerned, and since the Commission is in possession of no other information enabling it to conclude that.....(1) has adopted the necessary provisions, it is compelled to assume that.....(1) has not yet adopted such provisions and has thus failed to fulfil its obligations under the abovementioned provisions of the Treaty. It has therefore given the Government of.....(1) the opportunity, by letter ref..... of....., in accordance with the procedure laid down in Article 169 of the Treaty, to submit within a period of..... its observations on these infringements of the provisions of the Treaty.

Up to now, no official reply to that letter has been received. The Commission considers that it is the duty of the.....(1) authorities to initiate, in due time, the procedures necessary for incorporating the Directive(s) concerned into.....(1) law so that such process is complete within the time-limit(s) laid down, irrespective of the nature of such procedures, and to inform the Commission thereof.

In these circumstances the Commission is obliged to find that(1) has not yet adopted the measures relating to the abovementioned Directive(s)....., which it should have brought into force by.....

(1) Insert the name of the Member State concerned, or the appropriate adjective of nationality.

FOR THE ABOVE REASONS
THE COMMISSION

having, by letter of....., given the.....(1) Government the opportunity to submit its observations

HEREBY DECLARES AS ITS REASONED OPINION

delivered pursuant to the first paragraph of Article 169 of the Treaty establishing the European Economic Community, that, by failing to adopt the laws, regulations or administrative provisions necessary to comply with Council/Commission Directive(s)/...../EEC of....concerning.....,(1) has failed to fulfil its obligations under that (those) Directive(s).

Pursuant to the second paragraph of Article 169 of the Treaty, the Commission requests (1) to take the measures necessary to comply with this Reasoned Opinion within.....(2) following notification thereof.

Done at Brussels,

For the Commission

-
- (1) Insert the name of the Member State concerned, or the appropriate adjective of nationality.
(2) This period should not normally exceed two months.

STANDARD LETTER OF REMINDER TO BE SENT IN THE EVENT OF FAILURE
BY A MEMBER STATE'S AUTHORITIES TO REPLY TO A REQUEST
FOR INFORMATION REGARDING A COMPLAINT

(to be sent by the Director-General concerned
two months after the initial request for information)

Sir,

On.....a complaint was lodged with the Commission
concerning.....

A request for additional information regarding that complaint was
sent to the authorities of your country on.....

This request has not yet been answered.

I should be obliged if you would ask your Government to provide the
Commission as soon as possible with the information it requires to
investigate the matter.

I have the honour to be, Sir, yours faithfully,

STANDARD TELEX OF REMINDER TO BE SENT IN THE EVENT OF FAILURE
TO REPLY WITHIN ONE MONTH TO THE LETTER OF
REMINDER
(to be sent by the Director-General concerned)

Sir,

In my previous letter dated.....I drew your attention to the complaint lodged with the Commission on..... concerning.....

The Commission has not yet received the information regarding that complaint which the competent authorities of your country were asked on.....to provide.

I would remind you in this connection that Article 5 of the EEC Treaty requires Member States, inter alia, to facilitate the achievement of the Community's tasks.

In the present instance the Commission cannot carry out its task under Article 155 of the EEC Treaty unless it receives the information requested.

I should be obliged if you would press your Government to provide the Commission with this information within a month of receipt of this telex.

I have the honour to be, Sir, yours faithfully,

STANDARD LETTER OF FORMAL NOTICE
TO BE SENT IN THE EVENT OF FAILURE
TO REPLY TO THE TELEX OF REMINDER

Sir,

In a letter dated....., the Commission drew the attention of the competent authorities of your country to the complaint.....and asked them to provide certain information needed for investigation of this matter.

Despite a letter of reminder dated.....and a telex dated....., no reply to that letter has been forthcoming.

In this connection the Commission would again draw the attention of your Government to Article 5 of the EEC Treaty, which requires Member States, inter alia, to facilitate the achievement of the Community's tasks.

In the present instance the Commission has been unable to carry out its task under Article 155 of the EEC Treaty and assess the issue which has been raised in the light of Article.....(or Community law or Regulation.....or Directive.....). The Commission accordingly considers that the..... Government has failed to fulfil its obligations under Article 5 of the EEC Treaty.

In these circumstances, the Commission would ask the..... Government, in accordance with Article 169 of the Treaty, to submit its observations within thirty days, and reserves the right to deliver a reasoned opinion should the said observations not be received within that period.

I have the honour to be, Sir, yours faithfully,

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,

Office of the United Kindom Permanent Representative
rond-point Schuman 6
1040 Brussels

(Permanent Representation of Ireland
avenue Galilée 5
1030 Brussels)

Re: (state aid scheme)

Sir,

The Secretariat-General hereby acknowledges receipt of your
..... dated concerning your Government's
proposal to grant aid under the scheme referred to above.

The period allowed for scrutiny started to
run on, the day the notification reached the Commission.

However, if within fifteen working days of that date initial
examination shows that this notification is incomplete, your
Government will be asked to supply the additional information
the Commission needs to make its assessment. In that case
the period allowed for scrutiny will not start to run until
this information is received.

p.p. The Secretary-General
J. J. Nuss

To the Permanent Representative of

Re: (state aid scheme)

By letter dated (ref.....) registered on
..... (SG(81)A/..... of) you notified the
Commission in accordance with Article 93(3) EEC of your
Government's proposal to grant aid under the scheme referred
to above.

(Details of information required by the Directorate-General
responsible)

Since no decision can be taken without this information, the
Commission considers the notification incomplete. For this
reason the two-month period allowed for scrutiny cannot now
begin to run until the notification has been expanded
sufficiently to enable the Commission to give a definite ruling.

May I remind you that under the terms of the Treaty your
Government's proposal must not be put into effect until the
Commission has made its decision known.

I would appreciate it if you could ensure that the additional
information requested reaches the Commission as soon as possible
and in any event no later than

(Signature of Director-General)

PUBLICITY ANNEX

Layout

1. Nature of proposal/decision/communication
2. Policy objective
3. Target audiences
4. Points to be put across
5. Action to be taken by:
 - (a) Spokesman's Group
 - e.g. . press conferences
 - . press releases
 - . BIO notes for Information Offices
 - (b) Directorate-General for Information
 - headquarters
 - e.g. . preparation of background material (in association with the departments concerned)
 - . radio and television slots
 - . audio-visual material
 - . specialized publications
 - . magazine articles
 - . exhibitions
 - . activities aimed at specialists
 - Information Offices
 - e.g. . on-the-spot briefings
 - . activities geared to specific regions
 - . activities in association with specialist organizations
6. Report to be produced by (date)

MODELE REVISE DE
DEMANDE D'AUTORISATION ET FICHE FINANCIERE RELATIVE A UNE
ETUDE OU ENQUETE A EFFECTUER POUR LE COMPTE DE LA COMMISSION

N° de référence de l'étude ou enquête
Sera attribué par le secrétariat du
comité consultatif des études

1. Titre et objet de l'étude
(en langue originale avec traduction en français) (a)
2. Motivation de l'étude et résultats attendus
3. Comment envisage-t-on de mettre en oeuvre les résultats de l'étude?
4. Critère d'opportunité et critère de rentabilité auxquels l'étude est supposée répondre (b)
5. Est-ce que l'étude répond à :
 - un défaut de connaissances spécifiques au sein des services de la Commission (c)
et/ou
 - une insuffisance en dotation de personnel de la direction générale concernée (d)
6. Fonctionnaire responsable de l'étude
(nom, prénom, grade, unité administrative)
7. Etudes antérieures connexes:
(pour chacune, n° de référence de l'étude, PV Commission, titre, date, coût, résultats)

(a) La traduction française de cette rubrique est actuellement requise pour la documentation automatisée (CIRCE/ECDOC). La rubrique doit être remplie avec suffisamment de détails pour identifier les documents concernés et les mots-clés qui seront introduits dans le système CIRCE/ECDOC.

(b) Expliciter les raisons du choix du critère d'opportunité et du choix du critère de rentabilité.

(c) Il s'agit de l'expertise dans des matières très spécialisées qui normalement n'est pas disponible dans les services.

(d) Cette motivation doit obéir aux critères arrêtés par décision de la Commission du 5 novembre 1980 (cf. COM/80/PV 579, point VII E).

8. Durée prévue de réalisation de l'étude (e)
9. Prévoit-on la publication de l'étude?
10. Estimation du coût de l'étude (en ECU et en monnaie contractuelle) (f)
 - 10.1. Modalités de financement (g)
 - 10.2. Décomposition du coût estimé de l'étude (h)
11. Imputation de la dépense (exercice/poste budgétaire)
12. Service associé
 - a) à l'exploitation de l'étude
 - b) à l'exploitation du résultat de l'étude
13. Nom(s) et adresse(s) du(des) contractant(s) envisagé(s) (i)
(Institut ou expert individuel)

(e) Indiquer:

- si la durée d'exécution n'excède pas la période de validité des crédits,
- si la durée d'exécution dépasse la période de validité des crédits: dans ce cas, préciser le fractionnement de l'engagement selon les exercices budgétaires,
- s'il s'agit d'une étude à réaliser en plusieurs phases: dans ce cas, préciser la durée et le coût de chaque phase.

(f) Aussi longtemps que les monnaies nationales seront utilisées.

(g) Préciser si l'étude est financée à 100% par la Commission.

S'il s'agit d'une participation financière, préciser l'organisme extérieur qui participe au financement et les pourcentages de participation de la Commission et de l'organisme extérieur.

(h) La décomposition du coût devra faire ressortir notamment:

- (i) Les dépenses relatives aux honoraires: indiquer l'équivalent en nombre d'hommes/mois à temps plein du temps que le(s) contractant(s) consacrera(ont) à l'étude
- (ii) Les dépenses relatives aux déplacements
- (iii) Le cas échéant, les dépenses relatives à du matériel
- (iv) Le cas échéant, les frais de traduction.

(i) Indications à donner ici, si possible, et seulement à titre indicatif.

La proposition d'engagement de la dépense devra obligatoirement désigner le(s) contractant(s) et être accompagnée d'une copie du présent document et du projet de contrat.

LAYOUT OF THE FINANCIAL STATEMENT
to accompany proposals for new projects (1)

1. Budget heading and number. Title of project.
2. Legal basis.
3. Description of project: objectives, persons concerned, other details.
4. Justification of project.
5. Financial implications for operating appropriations.
 - 5.1 In the case of a project of limited duration: total cost for the expected duration.
 - 5.2 Proportion (%) financed from the Community budget, the national budgets and other sectors (at national level).
 - 5.3 Five-year timetable of appropriations required:
 - 5.3.1 Commitment appropriations and payment appropriations where the distinction exists or must be envisaged (2); otherwise, non-differentiated appropriations.
 - 5.3.2 Method of calculation (hypotheses regarding quantities and prices; connection with general economic situation; factors of uncertainty).
6. Financial implications for staff and current administrative appropriations (3).
 - 6.1 Staff working exclusively on the project (number, with category and grade).
 - 6.2 Appropriations to cover the above staff (first year, second year) until full rate of budgetary expenditure is reached (Title 1 of general budget).
 - 6.3 Appropriations for administrative expenditure (first year, second year) until full rate of budgetary expenditure is reached (Title 2 of general budget).
 - 6.4 Method of calculation for 6.2 and 6.3.

(1) For further details, see Explanatory note on the financial statement.

(2) Provisional rule: the distinction between commitment appropriations and payment appropriations should be made wherever the commitment appropriation envisaged for year n will result in payments extending beyond year n+1 (payment spread over three years at least).

(3) To be fixed in liaison with DG IX and DG XIX.

7. Financing of operating expenditure (indicate the method selected).
 - 7.1 Project can be financed from appropriations in the relevant chapter of the current budget.
 - 7.2 Project can be financed from appropriations transferred between chapters of the current budget.
 - 7.3 Supplementary budget required.
 - 7.4 Appropriation(s) to be entered in future budget(s).
8. Implications for revenue (where appropriate).
 - 8.1 Five-year timetable for each category of revenue (levy, sugar production/storage levy, customs duties, VAT, other categories to be specified).
 - 8.2 Method of calculation.
9. Type of control.

COMMISSION
DES
COMMUNAUTÉS EUROPEENNES

Demande d'ordre de mission

(à adresser en DOUBLE EXEMPLAIRE à la section des missions
après signature par l'ordonnateur (*))

Nom : _____ Prénoms : _____ Cat./Grade : _____ N° personnel : _____

Service (DG) : _____ Adr. admin. (2) : _____ Tél. : _____

Lieu(x), objet et durée de la mission : _____

Départ probable de : _____ le _____ à _____ heures

Retour probable à : _____ le _____ à _____ heures

La mission est-elle combinée avec un congé (cf. note de service 8/61) : oui / non (3)

Modes de transport utilisés (4) : _____

Etes-vous bénéficiaire d'une carte de réduction sur les transports publics : oui / non (3)

Dans l'affirmative indiquer la nature et le montant de cette réduction : _____

Demande d'avance en devises : oui / non (3)

(A remplir par l'ordonnateur (1))

Mission autorisée le : _____

nom : _____

par qualité (1) : _____

(signature)

(signature du chargé de mission)

Visa et mention de la section des missions :

Mention du bureau des voyages concernant les titres de transport procurés avec indication du prix et du numéro d'enregistrement :

Observations :

DG I. (M. HOULISTON) informée le 4 mars 1981.
Pas d'observations dans les deux jours ouvrables.

Visa de la division du contrôle financier

N° :

Date :

Poste :

(1) Président, vice-président, membre de la Commission, secrétaire général, directeur général, chef de cabinet, porte-parole.

(2) Pour les agents résidant à Bruxelles : bâtiment, étage, bureau; pour les agents ne résidant pas à Bruxelles : indiquer l'adresse complète.

(3) Rayer la mention inutile.

(4) La commande de billets doit être passée directement au bureau des voyages.

**COMMISSION
DES
COMMUNAUTÉS EUROPEENNES**

Demande d'ordre de mission

(à adresser en DOUBLE EXEMPLAIRE à la section des missions
après signature par l'ordonnateur (1))

Nom : _____ Prénoms : _____ Cat./Grade : _____ N° personnel : _____

Service (DG) : _____ Adr. admin. (2) : _____ Tél. : _____

Lieu(x), objet et durée de la mission : _____

Départ probable de : _____ le _____ à _____ heures

Retour probable à : _____ le _____ à _____ heures

La mission est-elle combinée avec un congé (cf. note de service 8/61) : oui / non (3)

Modes de transport utilisés (4) : _____

Etes-vous bénéficiaire d'une carte de réduction sur les transports publics : oui / non (3)

Dans l'affirmative indiquer la nature et le montant de cette réduction : _____

Demande d'avance en devises : oui / non (3)

(A remplir par l'ordonnateur (1))

Mission autorisée le : _____

nom : _____

par qualité (1) : _____

(signature)

_____, le _____

(signature du chargé de mission)

Visa et mention de la section des missions :

Mention du bureau des voyages concernant les titres de transport procurés avec indication du prix et du numéro d'enregistrement :

Observations :

DG VIII. (M. BRENNER) informée le 10 avril 1981.
Contacts intervenus entre M. CHEYSSON et M.....
Le 13 avril 1980, qui ont abouti à un accord.

Visa de la division du contrôle financier

N° :

Date :

Poste :

(1) Président, vice-président, membre de la Commission, secrétaire général, directeur général, chef de cabinet, porte-parole.

(2) Pour les agents résidant à Bruxelles : bâtiment, étage, bureau; pour les agents ne résidant pas à Bruxelles : indiquer l'adresse complète.

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