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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.11.1999
COM(1999) 601 final

Proposal for a

COUNCIL DECISION

**on a Community position within the EU-Chile Joint Council on the rules of procedure of
the Joint Council**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Framework Co-operation Agreement between the European Community and its Member States and the Republic of Chile, which entered into force on 1 February 1999, establishes a Joint Council. In accordance with article 34 of the Agreement, the Joint Council must establish its own rules of procedure.

The Commission is sending to the Council a proposal for a Council decision concerning the Community position on the rules of procedure annexed thereto with a view to a Joint Council decision.

Proposal for a

COUNCIL DECISION

on a Community position within the EU-Chile Joint Council on the rules of procedure of the Joint Council

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Whereas article 34 of the Framework Co-operation Agreement between the European Community and its Member States and the Republic of Chile provides that the Joint Council of that Agreement shall establish its own rules of procedure.

HAS DECIDED AS FOLLOWS:

To adopt, as a Community position within the EU-Chile Joint Council, the annexed draft decision.

Done at Brussels,

For the Council
The President

Draft

DECISION OF THE JOINT COUNCIL

established by the Framework Co-operation Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, of 21 June 1996

RULES OF PROCEDURE OF THE JOINT COUNCIL

THE JOINT COUNCIL,

Having regard to the Framework Co-operation Agreement between the European Community and its Member States of the one part, and the Republic of Chile, of the other part, signed in Florence on 21 June 1996, hereinafter referred to as "Agreement" and in particular Articles 33 to 37 thereof,

Whereas that Agreement entered into force on 1 February 1999,

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1 - Presidency

1. Every meeting of the Joint Council shall be presided alternatively by a representative of the Presidency of the Council of the European Union and a representative of the Republic of Chile.

Article 2 - Meetings

1. The Joint Council shall meet at ministerial level, at regular intervals and when circumstances require if the Parties so agree.
2. Each session of the Joint Council shall be held in a place mutually agreed by the Parties.
3. The meetings of the Joint Council are jointly convened by the Secretaries of the Joint Council.

Article 3 - Representation

1. The members of the Joint Council may be represented if they are prevented from attending.
2. A member wishing to be represented shall notify the Chairman of the name of his representative before the meeting at which he is to be so represented. The representative of a member of the Joint Council shall exercise all the rights of that member.

Article 4 - Delegations

1. The members of the Joint Council may be accompanied by officials. Before each meeting, the Chairman of the Joint Council shall be informed of the intended composition and of the Head of the delegation of each Party.

Article 5 - Secretariat

1. An official of the General Secretariat of the Council of the European Union and an official of the diplomatic mission towards the European Union of the Republic of Chile shall act jointly as Secretaries of the Joint Council.

Article 6 - Documents

1. When the deliberations of the Joint Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Joint Council by the two Secretaries.

Article 7 - Correspondence

1. All correspondence addressed to the Joint Council or to the Chairman of the Council shall be forwarded to both Secretaries of the Joint Council.
2. The two Secretaries shall ensure that correspondence is forwarded to the Chairman of the Joint Council and, where appropriate, circulated as documents referred to in Article 6 to other members of the Joint Council. Correspondence circulated shall be sent to the General Secretariat of the Commission, the Permanent Representations of the EU Member States and the diplomatic mission towards the European Union of the Republic of Chile.
3. Correspondence from the Chairman of the Joint Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Joint Council at the addresses indicated in the preceding paragraph.

Article 8 - Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Joint Council on the basis of suggestions by the Parties. It shall be forwarded by the corresponding secretary to the addressees referred to in Article 7 not later than fifteen days before the beginning of the meeting. The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Secretaries not later than twenty-one days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda. The agenda shall be adopted by the Joint Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

Article 9 - Minutes

1. Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.
2. The minutes shall, as a general rule, indicate in respect of each item on the agenda :
 - the documentation submitted to the Joint Council;
 - statements the entry of which has been requested by a member of the Joint Council;
 - the proposals made, the recommendations made, the statements agreed upon and the conclusions adopted on specific items.
3. The minutes shall also include a list of members of the Joint Council or their representatives who participated at the meeting.
4. The draft minutes shall be submitted to the Joint Council for approval at its next meeting. The draft minutes also can be agreed in writing by both Parties. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and be filed by the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7.

Article 10 - Recommendations

1. In the cases provided for in the Articles 33 – 36 of the Agreement, the Joint Council shall make recommendations or proposals by common agreement between the Parties. During the inter-session period, the Joint Council may make recommendations or proposals by written procedure if both Parties so agree. A written procedure consists of an exchange of notes between the two Secretaries, acting in agreement with the Parties.
2. The recommendations and proposals of the Joint Council within the meaning of Articles 33 - 36 of the Agreement shall be entitled "recommendation" or "proposal" respectively, followed by a serial number, by the date of their adoption and by a description of their subject.
3. The recommendations and proposals of the Joint Council shall be authenticated by the two Secretaries and two authentic copies signed by Heads of delegation of the two Parties.
4. Recommendations and proposals shall be forwarded to each of the addressees referred to in Article 7 above as documents of the Joint Council.

Article 11 - Publicity

1. Unless otherwise decided, the meetings of the Joint Council shall not be public.

2. Each Party may decide on the publication of the recommendations and proposals of the Joint Council in its respective official publication.

Article 12 - Expenses

1. Each of the parties shall defray the expenses they incur by reason of their participation in the meetings of the Joint Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.
2. Expenditure in connection with organisation of meetings, interpretation at meetings, translation and reproduction of documents shall be borne by the Party which hosts the meeting.