

Official Journal

of the European Communities

ISSN 0378-6988

L 268

Volume 45

4 October 2002

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Economic and Social Committee

2002/769/EC, Euratom:

★ **Rules of procedure (adopted by the plenary session on 17 July 2002)** 1

1

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

II

(Acts whose publication is not obligatory)

ECONOMIC AND SOCIAL COMMITTEE

RULES OF PROCEDURE

(adopted by the plenary session on 17 July 2002)

(2002)/769/EC, Euratom)

PREAMBLE

1. The European Economic and Social Committee represents the various economic and social components of organised civil society. It is an institutional consultative body established by the 1957 Treaty of Rome.
2. The Committee's consultative role enables its members, and hence the organisations they represent, to participate in the Community decision-making process. With views occasionally being diametrically opposed, the Committee's discussions often require real negotiations involving not only the usual social partners, i.e. employers (Group I) and wage-earners (Group II) but also, and this is the distinguishing feature of the Committee, all the other socio-occupational interests represented (Group III). This expertise, these discussions and negotiations and the search for convergence may improve the quality and credibility of the Community decision-making process, inasmuch as they make it more comprehensible and acceptable for Europe's citizens and increase the transparency which is so vital for democracy.
3. Within the European institutional set-up, the Committee fulfils a specific role: it is the prime forum in which the organisations of civil society in the European Union can have their views represented and discussed.
4. As a debating and consultative chamber, the Committee helps to strengthen the democratic credentials of the process of building the European Union, including the promotion of relations between the European Union and socioeconomic groupings in third countries. In so doing it helps to promote a genuine identification with Europe.
5. To carry out its missions successfully, the Committee adopted, on 17 July 2002, the Rules of Procedure which follow, in accordance with Article 260(2) of the Treaty establishing the European Community:

TITLE I

ORGANISATION OF THE COMMITTEE

CHAPTER I

INSTALLATION OF THE COMMITTEE IN OFFICE

Article 1

1. The Committee shall hold office for terms of four years.

2. The first meeting of the Committee following each four-yearly renewal shall be convened by the oldest member, if possible not later than one month after the members of the Committee have been notified of their appointment by the Council.

Article 2

1. The Committee shall consist of the following bodies: the assembly, the bureau, the president and the sections.

2. The Committee shall be divided into three Groups, the composition and role of which are set out in Article 27.

CHAPTER II

BUREAU

Article 3

1. The bureau shall have 24 members and include a representative of each Member State.

2. The bureau of the Committee shall comprise:

- (a) a president, two vice-presidents and 12 members, directly elected by the assembly;
- (b) the section presidents;
- (c) the Group presidents, elected as provided for in Article 27.

3. The president shall be elected in turn from among the members of the three Groups.

4. The president and vice-presidents may not be re-elected for the two years immediately following the expiry of their two-year term of office.

5. The vice-presidents shall be elected from among the members of the two Groups to which the president does not belong.

6. The election of the bureau members shall comply with the principle laid down in Article 3(1) and observing the balance between the Groups formed pursuant to Article 27.

Article 4

1. At its first meeting, held pursuant to Article 1, the Committee, with the interim president in the chair, shall elect from among its members a president, two vice-presidents, the presidents of the specialised sections and the other members of the bureau other than the Group presidents for a term of two years, commencing on the date of the installation of the Committee in office.

2. Only matters pertaining to these elections may be discussed under the chairmanship of the interim president.

Article 5

The meeting at which the bureau of the Committee is elected for the last two years of a four-year period shall be convened by the outgoing president. It shall be held at the beginning of the session of the month in which the term of office of the bureau elected for the first two years of a four-year period expires. The chair shall be taken by the outgoing president.

Article 6

1. The Committee may set up an election panel, drawn from its members and consisting of one representative per Member State, to receive candidatures and to submit a list of candidates to the assembly, taking due account of the provisions of Article 3.

2. The Committee, acting in accordance with the provisions of this Article, shall decide on the list or lists of candidates for the bureau and the presidency.

3. The Committee shall elect the members of the bureau other than the presidents of the Groups and specialised sections, holding more than one ballot if necessary, according to the procedure for voting by list.

4. Only complete lists of candidates conforming to the provisions of Article 3 and accompanied by a declaration of acceptance from each candidate may be admitted to the vote.

5. Those candidates on the list which obtain the highest number and at least one quarter of the valid votes cast shall be declared elected as members of the bureau.

6. The assembly shall then elect the president and the vice-presidents of the Committee by a simple majority from among the bureau members elected in accordance with Article 6(3).

7. The Committee shall then elect the presidents of the specialised sections by a simple majority.

8. Finally, the Committee shall vote on the bureau as a whole. At least two thirds of the total number of valid votes must be cast in favour.

Article 7

In the event of inability to discharge the duties attaching to his/her post or in the cases provided for in Article 70(2), a member of the bureau shall be replaced for the remainder of his/her term of office in accordance with Article 6.

Article 8

1. Meetings of the bureau shall be convened by the president, acting either *ex officio* or at the request of 10 members.

2. Minutes of each bureau meeting shall be drawn up. These minutes shall be submitted to the bureau for approval.

3. The bureau shall lay down its own procedural rules.

4. It shall lay down the organisation and working procedures of the Committee and adopt provisions for implementing the Rules of Procedure.

5. The bureau and the president shall exercise the budgetary and financial powers provided for in the Financial Regulation and the Committee's Rules of Procedure.

6. The bureau shall determine the implementing arrangements regarding the travel and subsistence expenses of members, their alternates, appointed in accordance with Article 18, and the daily allowances of their experts appointed in accordance with Article 23, in compliance with the budget and financial procedures.

7. The bureau shall have political responsibility for the general management of the Committee. In particular, it shall ensure that the activities of the Committee, its bodies and its staff are in keeping with its institutional aims.

8. The bureau shall be responsible for ensuring that in carrying out the tasks entrusted to it by the Treaty, the Committee makes good use of the human, budgetary and technical resources available to it. The bureau shall, for instance, take part in the budgetary procedure and in the organisation of the secretariat.

9. The bureau may set up *ad hoc* groups, drawn from among its members, to examine any questions falling within its competence. Other members may also be involved in the work of these groups, except when issues concerning finance, the budget or the appointment of permanent staff are discussed.

10. Every six months the bureau shall examine, on the basis of a report drawn up for this purpose, the action taken on opinions delivered by the Committee.

11. At the request of a member or of the secretary-general, the bureau shall clarify the interpretation of the Rules of Procedure and its implementing provisions. Its findings shall be binding subject to the right of appeal to the assembly to make a final decision.

12. At the time of the Committee's four-yearly renewal, the outgoing bureau shall take responsibility for current business until the first meeting of the new Committee.

Article 9

Within the framework of interinstitutional cooperation, the bureau may instruct the president to conclude cooperation agreements with the institutions and other bodies of the European Union.

Article 10

1. The bureau, acting on a proposal from the Groups referred to in Article 27, shall set up a 'budget group' from among its own members to assist it in exercising its budgetary and financial powers.

2. The budget group shall have nine members.

3. For specified matters the bureau may delegate its decision-making power to the budget group.

4. Proposals adopted unanimously by the budget group shall be submitted to the bureau for approval without debate.

5. The budget group shall participate in the drawing up of the budget and ensure that it is implemented properly.

6. The president of the budget group shall take part in negotiations with the budgetary authorities and shall report thereon to the bureau.

7. The budget group's duties shall include advising the president, the bureau and the Committee and exercising control over the various services.

CHAPTER III

PRESIDENCY AND THE PRESIDENT

Article 11

1. The presidency shall comprise the president and the two vice-presidents.

2. The Committee presidency shall meet with the Group presidents to prepare the work of the bureau and the assembly. Any or all of the specialised section presidents may also be invited to attend when necessary or appropriate.

3. As part of the Committee's programme of work, the presidency shall meet with the presidents of the Groups and specialised sections at least twice a year.

Article 12

1. The president shall direct the work of the Committee in accordance with the Treaties and with these Rules.

2. The president shall involve the vice-presidents in his activities on a permanent basis; he/she may delegate to them specific tasks or responsibilities falling within his remit.

3. The president may entrust specific tasks to the secretary-general for a limited period.

4. The president shall have the authority to represent the Committee in its external relations. On certain occasions he/she may delegate this authority to a vice-president or to a member.

5. The president shall report to the Committee on action and measures taken on its behalf between plenary sessions. These reports shall not be followed by a debate.

6. After his/her election, the president shall present his/her work programme for his/her term of office. He/She shall also present a review of achievements at the end of his/her term.

These two presentations may be debated by the assembly.

Article 13

If the president is temporarily unable to carry out his/her duties, he/she shall be replaced during this period by the vice-president belonging to the Group which is to provide the next president.

CHAPTER IV

SPECIALISED SECTIONS

Article 14

1. The Committee shall comprise six specialised sections. Other specialised sections may be set up by the plenary assembly on a proposal from the bureau, in the fields covered by the Treaties.

2. The Committee shall set up its specialised sections at the inaugural session following each four-yearly renewal.

3. The list of specialised sections and their terms of reference may be examined at the time of each four-yearly renewal.

Article 15

1. The number of members of the specialised sections shall be decided by the Committee on a proposal from its bureau.

2. Apart from the president, every member of the Committee must be a member of at least one specialised section.

3. No member may belong to more than two specialised sections, although the bureau of the Committee may allow exceptions where justified by the need to ensure fair representation of the Member States.

4. The members of the specialised sections shall be appointed by the Committee. Appointments shall be for two years and shall be renewable.

5. The procedure laid down for the appointment of specialised section members shall also be followed for the replacement of such members.

Article 16

1. The bureau of a specialised section, elected for a term of two years, shall comprise nine members including a president and two vice-presidents.

2. Elections of specialised section presidents and of other members of specialised section bureaux shall be conducted by the Committee.

3. Specialised section presidents and other members of specialised section bureaux may be re-elected.

4. The presidency of three specialised sections shall be rotated between the Groups every two years. The same Group may not hold the presidency of any specialised section for a period exceeding four consecutive years.

Article 17

1. It shall be the task of the specialised sections to draw up opinions or information reports on questions referred to them in accordance with Article 32.

2. The specialised sections may set up from among their members a study group or drafting group or appoint a rapporteur working alone to deal with the questions referred to them. The rapporteur shall be responsible for monitoring action taken on opinions after their adoption at the plenary session and, in due course, shall report to the specialised section.

3. The appointment of rapporteurs and, where appropriate, co-rapporteurs, the composition of study and drafting groups shall be decided on the basis of proposals from the Groups.

4. Study groups may not become permanent bodies, save in exceptional cases for which the Committee bureau's prior authorisation is required for the same two-year period.

Article 18

1. Any member of the Committee unable to attend a meeting of a study group to which he/she belongs may arrange to be represented by an alternate at that meeting.

2. The name and capacity of the alternate selected shall be communicated to the bureau of the Committee for its approval.

3. The alternate shall carry out the same duties in the study groups as the member whom he/she replaces.

CHAPTER V

SUBCOMMITTEES AND RAPPORTEUR-GENERAL

Article 19

1. On the initiative of the bureau, the Committee may, in exceptional cases, set up subcommittees drawn from its members to produce, for submission to the assembly, draft opinions or information reports on general or specific matters coming within the purview of two or more specialised sections.

2. In the periods between plenary sessions the bureau may set up subcommittees, subject to subsequent confirmation by the Committee. In no case may a subcommittee be set up for more than one issue. A subcommittee shall be automatically dissolved as soon as the draft opinion or information report which it has prepared is voted on by the Committee.

3. Subcommittees set up for questions coming within the purview of two or more specialised sections shall be made up of members of those specialised sections.

4. The rules governing specialised sections shall be applicable, *mutatis mutandis*, to subcommittees.

Article 20

The Committee may appoint a rapporteur-general for any question submitted to it.

CHAPTER VI

OBSERVATORIES, HEARINGS, EXPERTS*Article 21*

1. The Committee may set up observatories when the nature, extent and specific character of the subject to be dealt with calls for particular flexibility in terms of the working methods, procedures and instruments to be used.

2. An observatory shall be set up by a decision of the plenary assembly, ratifying a decision taken earlier by the bureau on a joint proposal from the Groups or from a specialised section.

3. The decision to set up an observatory shall define the object, structure, composition, duration and working rules in each case.

Article 22

If an issue under discussion is of sufficient importance, the various bodies and working units of the Committee may invite guest speakers from outside the Committee to a hearing. If the use of guest speakers involves additional costs, the body or unit concerned must seek prior authorisation from the Committee bureau and submit a programme giving reasons why it considers that certain aspects call for outside assistance.

Article 23

In so far as this is essential for carrying out certain tasks, the president may, on his/her own initiative, or on a proposal from the Groups, specialised sections or rapporteurs, appoint experts under the terms laid down by the bureau in line with the provisions of Article 8(6).

CHAPTER VII

CONSULTATIVE COMMISSIONS*Article 24*

1. The Committee shall have the option of setting up consultative commissions. These shall be made up of members of the Committee and of delegates from areas of civil society that the Committee wishes to involve in its work.

2. Such commissions shall be set up by a decision of the plenary assembly which shall confirm a decision taken by the bureau. The decision setting up such commissions shall define their object, their structure, their composition, their duration and their rules.

3. In accordance with Article 24(1) and (2), a 'consultative commission on industrial change' (CCIC) may be set up, made up of members of the European Economic and Social Committee and delegates from professional organisations representing the coal and steel sector and related sectors.

CHAPTER VIII

DIALOGUE WITH ECONOMIC AND SOCIAL ORGANISATIONS IN EU AND NON-EU STATES*Article 25*

1. The Committee, on the initiative of the bureau, may maintain structured relations with economic and social councils and similar institutions and with civil society organisations of an economic and social nature in the European Union and non-EU countries.

2. In the same way, it shall undertake actions designed to foster the establishment of economic and social councils or similar institutions in countries which do not yet have them.

Article 26

1. The Committee, on a proposal from the bureau, may appoint delegations to maintain relations with the various economic and social components of organised civil society in States or associations of States outside the European Union.

2. Cooperation between the Committee and partners from organised civil society in the candidate countries shall take the form of joint consultative committees if these have been formed by the Association Councils. Otherwise it shall take place in contact groups.

CHAPTER IX

THE GROUPS AND CATEGORIES*Article 27*

1. The Committee shall be made up of three Groups of members representing respectively employers, employees and the various other economic and social components of organised civil society.

2. The Groups shall elect their presidents and vice-presidents. These Groups shall participate in the preparation, organisation and coordination of the business of the Committee and its constituent bodies, and help supply them with information. Each Group shall be provided with a secretariat.

3. The Group presidents shall be members of the bureau in accordance with Article 3(2)(c).

4. The Group presidents shall assist the Committee presidency in the formulation of policy and, where appropriate, in the monitoring of expenditure.

5. The Group presidents shall meet with the Committee presidency to assist in preparing the work of the bureau and the assembly.

6. The Groups shall make proposals to the assembly for the election of specialised section presidents under Article 6(7) and of specialised section bureaux under Article 16.

7. The Groups shall make proposals for membership of the budget group to be set up by the bureau under Article 10(1).

8. The Groups shall make proposals for the membership of observatories and consultative commissions to be set up by the assembly under Articles 21 and 24 respectively.

9. The Groups shall make proposals for the membership of delegations and joint consultative committees to be set up in accordance with Article 26(1) and (2) respectively.

10. The Groups shall make proposals for rapporteurs and for the composition of study and drafting groups to be appointed/set up by the specialised sections under Article 17(3).

11. In applying Articles 27(6) to 27(10), the Groups shall take account of the representation within the Committee of the Member States, the various components of economic and social activity, terms of reference and the criteria of good management.

12. Members may, on a voluntary basis, join one of the Groups subject to the approval of their eligibility by the members of that Group. No member shall belong to more than one Group at the same time.

13. The general secretariat shall provide members not belonging to a Group with the material and technical support required for the performance of their duties. Their participation in study groups and other internal bodies shall be the subject of a decision by the Committee president after consultation of the Groups.

Article 28

1. Members of the Committee may, on a voluntary basis, form categories representing the various economic and social components of organised civil society in the European Union.

2. A category may be made up of members from the three Groups within the Committee. No member shall belong to more than one category at the same time.

3. The creation of a category shall be subject to approval being granted by the bureau, who shall inform the assembly.

TITLE II

PROCEDURE OF THE COMMITTEE

CHAPTER I

CONSULTATION OF THE COMMITTEE

Article 29

1. The Committee shall be convened by its president to produce opinions requested by the Council, the Commission or the European Parliament.

2. It shall be convened by its president, on a proposal from its bureau and with the agreement of the majority of its members, to deliver, on its own initiative, opinions on any question pertaining to the tasks assigned to the European Union.

Article 30

Requests for opinions referred to in Article 29(1) shall be addressed to the president of the Committee. The president, in consultation with the bureau, shall organise the work of the Committee, taking account as far as possible of the time limits set in the request for an opinion.

Article 31

The Committee may, on a proposal from the bureau, decide to prepare an information report with a view to examining any question pertaining to the policies of the European Union.

CHAPTER II

Article 37

ORGANISATION OF WORK

A. WORK OF THE SPECIALISED SECTIONS

Article 32

1. When an opinion or information report is to be produced, the bureau, in accordance with Article 8(4), shall designate the specialised section which is to be responsible for preparing the work in question. Where the matter for consideration is clearly within the purview of a given specialised section, the president shall designate that section and inform the bureau of his/her decision.

2. The president of the specialised section concerned shall be notified by the Committee president of the decision and of the time limit for the completion of the section's work.

3. The Committee president shall inform the members of the Committee of the referral to the section and of the date on which the subject is to be dealt with by the plenary session.

Article 33

Specialised sections shall not discuss matters jointly.

Article 34

The Committee president, in agreement with the bureau, may authorise a specialised section to hold a joint meeting with a European Parliament committee, or a Committee of the Regions commission or with another specialised section of the Committee.

Article 35

Specialised sections to which a question has been referred in accordance with these Rules shall be convened by their president.

Article 36

1. Meetings of the specialised sections shall be prepared by the specialised section presidents in consultation with the section bureau.

2. Meetings shall be chaired by the specialised section president or, in his/her absence, by one of the vice-presidents.

1. A quorum shall exist at specialised section meetings if over half of the full members are present or represented.

2. If there is not a quorum, the president shall close the meeting and arrange for a further meeting to be held at a time which he/she considers appropriate, but during the course of the same day; at that further meeting a quorum shall exist irrespective of the number of members present or represented.

Article 38

The specialised sections shall draw up opinions with reference to the draft opinion submitted by the rapporteur and, where appropriate, the co-rapporteur.

Article 39

1. Specialised section opinions shall contain only texts adopted by the specialised section in accordance with the procedure laid down in Article 56.

2. The text of proposed amendments which have been rejected, together with the result of the voting thereon, shall be appended to the opinion if the amendments received at least one quarter of the votes cast.

Article 40

Specialised section opinions, together with all the documents appended thereto in accordance with Article 39, shall be sent by the president of the specialised section to the president of the Committee and shall be laid before the Committee by its bureau as soon as possible. These documents shall be sent to the members of the Committee in good time.

Article 41

Concise minutes of each specialised section meeting shall be drawn up and submitted to the specialised section for approval.

Article 42

The president, in agreement with the bureau or where appropriate the assembly, may refer a question back to a specialised section if he/she considers that the procedure laid down in these Rules for drawing up opinions has not been adhered to or that further study is necessary.

Article 43

1. Without prejudice to Article 17(2), the preparatory work of the specialised sections shall be carried out, in principle, within a study group.

2. The rapporteur, assisted where appropriate by one or more co-rapporteurs and an expert, shall study the question referred, collect the views expressed and, on this basis, compile the draft opinion, which shall be sent to the president of the specialised section.

3. There shall be no voting at study group meetings.

*B. PROCEEDINGS OF THE PLENARY SESSIONS**Article 44*

The assembly, comprising all the members of the Committee, shall meet in plenary session.

Article 45

1. Sessions shall be prepared by the president in consultation with the bureau. The bureau shall meet before each session, and where appropriate during a session, to organise the proceedings.

2. The bureau may set a time limit for the general discussion of each opinion at the session.

Article 46

1. The draft agenda drawn up by the bureau on a proposal from the Committee presidency in collaboration with the Group presidents shall be sent by the Committee president to all Committee members and to the Council, the Commission and the European Parliament at least 15 days before the opening of the relevant session.

2. The draft agenda shall be submitted to the assembly for approval at the opening of each session. Once the agenda has been adopted, the items must be examined during the sitting for which they are scheduled. The documents necessary for the Committee's deliberations shall be sent to the members in accordance with Article 40.

Article 47

1. A quorum shall exist at session sittings if more than half of the members of the Committee are present or represented.

2. If there is not a quorum, the president shall close the sitting and arrange for a further sitting to be held at a time he/she considers appropriate but during the same session; at that further sitting there shall be a quorum whatever the number of members present or represented.

Article 48

When the agenda is submitted for adoption, the inclusion of any topical item shall be announced, where appropriate, by the president.

Article 49

The draft agenda may be amended by the Committee for the purpose of examining draft resolutions submitted by one or more Groups in accordance with the procedure in force.

Article 50

1. The president shall open session sittings, preside over discussions and ensure that these Rules are observed. The president shall be assisted by the vice-presidents.

2. If the president is absent, the vice-presidents shall deputise. If the vice-presidents are absent, the oldest member of the bureau shall deputise.

3. The Committee shall base its deliberations on the work of the specialised section competent to report to the assembly on the questions concerned.

4. Where a text has been adopted by a specialised section with no votes against, the bureau may propose to the assembly that the text be voted on without a discussion. This procedure shall be applied unless a member objects.

5. If a text fails to secure a majority of votes in the assembly, the president of the Committee may, with the consent of the assembly, refer the opinion back to the competent specialised section for re-examination or appoint a rapporteur-general, who shall submit a new draft opinion at the same or another session.

Article 51

1. Proposals for amendments must be drawn up in writing, signed by the proposers and lodged with the secretariat before the opening of the relevant session.

2. In the interests of efficient organisation of the proceedings of the assembly, the bureau shall fix the arrangements for the lodging of proposals for amendments.

3. The Committee shall, however, allow proposals for amendments to be lodged up to the opening of the relevant session sitting, provided such proposals are signed by at least 10 members.

4. Proposals for amendments must specify the part of the text to which they refer and be supported by a brief explanatory statement.

5. As a general rule, for each amendment the assembly shall hear only the proposer, a member who is against the proposed amendment and the rapporteur.

6. When a proposal for an amendment is examined, the rapporteur may put forward compromise proposals orally with the agreement of the proposer of the amendment. The Committee shall then vote on these compromise proposals.

7. In the case of a counter-opinion, the purpose of which is to set out a generally divergent view to the specialised section opinion, it is for the bureau to decide, in consultation with the specialised section president and the rapporteur, whether this amendment can be submitted as it stands to the Committee, or whether the matter should be referred back to the specialised section for further study.

8. Where appropriate, the president of the Committee, in consultation with the president and the rapporteur of the competent specialised section, may propose to the Committee that any amendments be dealt with in such a way as to ensure that the final text is consistent.

Article 52

1. The president, either on his/her own initiative or at the request of a member, may invite the Committee to decide on a limitation of speaking time, the adjournment of a sitting or the closure of a discussion. Once a discussion has been declared closed, no member may speak except to explain his/her vote; such explanations of voting shall be made after the relevant vote has been taken and shall not exceed the speaking time allotted by the president.

2. A member may at any time request and be given precedence to speak during a discussion for the purpose of submitting a procedural motion.

Article 53

1. Minutes of each plenary session shall be drawn up and submitted to the Committee for its approval.

2. The final version of such minutes shall be signed by the president and the secretary-general of the Committee.

Article 54

1. Opinions of the Committee shall consist of, in addition to the legal basis of the opinion, an explanatory statement and the views of the Committee on the question as a whole.

2. The result of the voting on the opinion as a whole shall be set out in a preamble to the text of the opinion. Where a recorded vote is held, the names of the voters shall be given.

3. If proposed amendments are rejected by the plenary session but receive at least one quarter of the votes cast, their texts and explanatory statements shall be appended to the relevant Committee opinions, together with the results of the voting. This requirement shall also apply to counter-opinions.

4. Specialised section opinion texts that are rejected in favour of amendments adopted by the assembly shall also be appended to Committee opinions together with the results of the voting, provided that at least one quarter of the votes cast were in favour of retention of the specialised section opinion texts.

5. When one of the groups formed within the Committee under Article 27 or one of the categories of economic and social activity formed under Article 28 adopts a divergent but uniform standpoint on a matter submitted to the assembly for examination, its position may be summarised in a brief statement to be appended to the opinion, where the debate on that matter has been concluded by a recorded vote.

Article 55

1. Opinions adopted by the Committee and minutes of Committee sessions shall be sent to the European Parliament, the Council and the Commission.

2. The follow-up to opinions shall be monitored by the rapporteur with the assistance of the general secretariat.

TITLE III

GENERAL PROVISIONS

CHAPTER I

METHODS OF VOTING

Article 56

1. The valid forms of votes shall be votes for, votes against and abstentions.

2. Except where otherwise provided in these Rules, adoption of the texts and decisions of the Committee and its constituent bodies shall be by a majority of the votes cast for and against.

3. Voting shall be by open ballot, by recorded vote, or by secret ballot.

4. Voting on a proposed amendment shall be by recorded vote if one quarter of the members of the Committee so request. The final vote on opinions shall also be a recorded vote if 10 or more members so wish.

5. Voting shall be by secret ballot where a majority of the members of the Committee so request.

6. If the public or recorded vote by the plenary session or specialised section is a tie (an equal number of votes for and against), the chairman of the meeting shall have a casting vote.

7. The acceptance by the rapporteur of an amendment shall not constitute a reason for not voting on that amendment.

CHAPTER II

URGENCY PROCEDURE AND WRITTEN PROCEDURE

Article 57

1. Where the urgency results from a deadline for the submission of its opinion imposed on the Committee by the Council, by the European Parliament or by the Commission, the urgency procedure may be applied if the president finds that this is necessary to enable the Committee to adopt its opinion in good time.

2. In cases of urgency at Committee level the president may, immediately and without consulting the bureau beforehand, take all requisite steps to enable the Committee to carry out its work. He/She shall inform the members of the bureau of the steps which he/she takes.

3. Arrangements made by the president under the urgency procedure shall be submitted to the following session of the Committee for confirmation.

Article 58

Certain opinions of the Committee which are the subject of a mandatory referral by the Council or the Commission but only require a formal opinion from the Committee may be adopted by a written procedure by decision of the bureau on a proposal from the specialised section concerned.

Article 59

1. Where the urgency results from the deadlines imposed on a specialised section, the president of that section may, with the agreement of the president of the Committee and in consultation with the specialised section bureau, organise the work of the section otherwise than as provided in these Rules.

2. Arrangements made by the president of a specialised section under the urgency procedure shall be submitted to the following meeting of that section for confirmation.

CHAPTER III

ABSENCE AND REPRESENTATION

Article 60

1. Any member of the Committee who is unable to attend a meeting to which he/she has been duly invited must give the president concerned advance notice of his/her absence.

2. Where a member of the Committee fails to attend more than three consecutive plenary sessions of the Committee without appointing a member to represent him/her and without a reason recognised as valid, the president may, after consulting the bureau and inviting the member concerned to explain his/her absence, call upon the Council to remove that member from office.

3. Where a member of a specialised section fails to attend more than three consecutive meetings of the section without appointing a member to represent him/her and without a reason recognised as valid, the president of that specialised section may, after inviting the member concerned to explain his/her absence, call upon him/her to yield his seat on the specialised section to another member.

Article 61

1. Any member of the Committee who is unable to attend a Committee session or a specialised section meeting may, after notifying the president concerned, delegate his/her voting right, in writing, to another member of the Committee or specialised section.

2. No member may hold more than one delegated voting right at a plenary session or specialised section meeting.

Article 62

1. Any member of a specialised section, study group or delegation who is unable to attend a meeting to which he/she has been duly invited may, after giving written notice to the president concerned directly or through his/her Group secretariat, arrange for another member of the Committee to represent him/her at the relevant meeting.

2. Such proxies shall be valid solely for the meeting in respect of which they are issued.

3. At the time of the constitution of a study group, any member designated as a member of that study group may ask to be replaced by another member of the Committee. Such replacement shall apply for a specific question and for the duration of the work of the specialised section on that question. It may not be revoked.

CHAPTER IV

PUBLICATION AND DISTRIBUTION OF COMMITTEE TEXTS — ADMISSION OF THE PUBLIC

Article 63

1. The Committee shall publish its opinions in the *Official Journal of the European Communities* in accordance with the procedure laid down by the Council and the Commission after consultation of the Committee bureau.

2. The names of the members of the Committee, its bureau and its specialised sections, and all changes in the membership thereof, shall be published in the *Official Journal of the European Communities* and on the Committee's website.

Article 64

1. The Committee shall ensure the transparency of its decisions, in accordance with Article 1 of the EU Treaty.

2. The secretary-general shall be responsible for taking the measures necessary to guarantee the public's right of access to the corresponding documents.

3. Any citizen of the European Union may write to the Committee in one of the official languages and receive a reply written in the same language (in accordance with Article 21(3) of the EC Treaty).

Article 65

1. Plenary sessions of the Committee and meetings of the specialised sections shall be public.

2. Certain debates that do not concern consultative work may be declared confidential by the Committee, acting on a request from a concerned institution or body or on a proposal from the bureau.

3. Other meetings shall not be public.

Article 66

1. Members of the European institutions may attend and address meetings of the Committee and its constituent bodies.

2. Members of other bodies and duly authorised officials of the institutions and these other bodies may be invited to attend, address or answer questions at meetings, under the direction of the president of the meeting.

CHAPTER V

TITLES, PRIVILEGES, IMMUNITIES AND STATUTE OF MEMBERS, QUAESTORS

Article 67

1. Members of the Committee shall have the title 'member of the European Economic and Social Committee'.

2. The provisions of Article 11, Chapter IV of the Protocol on the privileges and immunities of the European Communities of 8 April 1965, annexed to the Treaty, shall apply to the members of the European Economic and Social Committee.

Article 68

1. The members' statute shall contain the rights and duties of Committee members, as well as the rules governing their activity and their relations with the institution and its services.

2. It shall also determine the measures that may be taken in the event of violations of the Rules of Procedure or of the statute.

Article 69

On a proposal from the bureau, the assembly shall elect, for each two-year period, three members, who have no other permanent responsibilities within the Committee structure, to form the quaestors' group with the following functions:

- (a) to monitor and ensure the proper implementation of the members' statute;
- (b) to draw up appropriate proposals for perfecting and improving the members' statute;
- (c) to endeavour, by taking appropriate steps, to resolve any cases of doubt or dispute arising from application of the members' statute;
- (d) to be responsible for relations between the members of the Committee and the general secretariat as regards application of the members' statute.

CHAPTER VI

TERMINATION OF MEMBERS' TENURE OF OFFICE, INCOMPATIBILITIES

Article 70

1. Membership of the Committee shall expire at the end of the four-year term laid down by the Council at the time of the Committee's renewal.

2. Individual membership shall cease on resignation, on removal from office, through death, in the case of force majeure or in the event of an incompatibility of functions arising.

3. The functions of a member of the Committee shall be incompatible with those of a member of a government, a parliament, a Community institution, the Committee of the Regions or the board of directors of the European Investment Bank, and with the post of official or other servant of the Communities in active employment.

4. Resignations shall be in writing and shall be addressed to the president of the Committee.

5. The circumstances in which members may be removed from office are laid down in Article 60(2). In such cases the Council shall initiate the replacement procedure, if it decides to terminate membership.

6. In the case of resignation, death, force majeure or incompatibility of functions, the president of the Committee shall notify the Council, which shall verify the vacancy and initiate the replacement procedure. In the case of resignation, however, the resigning member shall remain in office until the date on which the appointment of his/her replacement takes effect, unless the resigning member indicates otherwise.

7. In all the cases referred to in the second paragraph of this Rule, the replacement shall be appointed for the remainder of the current term of office.

CHAPTER VII

ADMINISTRATION OF THE COMMITTEE

Article 71

1. The Committee shall be assisted by a secretariat headed by a secretary-general, who shall discharge his/her duties under the direction of the president, representing the bureau.

2. The secretary-general shall attend the meetings of the bureau in an advisory capacity and shall keep the minutes of those meetings.

3. He/She shall give a solemn undertaking, before the bureau, to discharge his/her duties conscientiously and with complete impartiality.

4. The secretary-general shall be responsible for giving effect to decisions taken by the assembly, the bureau and the president pursuant to the Rules of Procedure; he/she shall report in writing every three months to the president on the criteria and arrangements which have been adopted or are envisaged for handling administrative or organisational problems and staff matters.

5. The secretary-general may delegate his/her powers within the limits decided by the president.

6. The bureau, acting on a proposal from the secretary-general, shall draw up the establishment plan for the general secretariat in such a way that it can ensure the efficient functioning of the Committee and its constituent bodies and help the members in the performance of their duties, in particular in the organisation of meetings and the preparation of opinions.

Article 72

1. The powers which the Staff Regulations of officials of the European Communities confer on the appointing authority shall be exercised as follows:

- with respect to the secretary-general, by the bureau,
- with respect to officials in grades 1, 2 and 3 of category A and grade 3 of the language service, by the bureau, acting on a proposal from the secretary-general, as regards application of Articles 13, 29, 30, 31, 32, 40, 41, 49, 50, 51, 78 and 90(1) of the Staff Regulations; by the president, acting on a proposal from the secretary-general, as regards application of the other provisions of the Staff Regulations, including Article 90(2),
- with respect to officials in grades 4 and 5 of category A and of the language service, by the president, acting on a proposal from the secretary-general,
- with respect to officials in grades 6 to 8 of category A and of the language service and with respect to officials in categories B, C and D, by the secretary-general.

2. The powers which the Conditions of employment of other servants of the European Communities confer on the authority competent to conclude contracts of service shall be exercised as follows:

- with respect to temporary staff in grades 6 to 8 of category A and of the language service and with respect to temporary staff in categories B, C and D, by the secretary-general; with respect to temporary staff in grades 4 and 5 of category A and of the language service, by the president, acting on a proposal from the secretary-general; with respect to other temporary staff, by the bureau, acting on a proposal from the secretary-general,
- with respect to special advisers, by the president, in accordance with Article 82 of the Conditions of employment of other servants,

- with respect to auxiliary staff in category A, Group I, by the president, acting on a proposal from the secretary-general; with respect to all other auxiliary staff, by the secretary-general,
- with respect to local staff, by the secretary-general.

3. The president shall exercise the powers conferred on the institution by Article 110 of the Staff Regulations with a view to implementing the general provisions for giving effect to the Staff Regulations and the rules adopted by agreement between the institutions.

4. The bureau may delegate to the president the powers vested in it by this Article.

5. The secretary-general may delegate the powers vested in him/her by this Article.

Article 73

1. The president shall have a private secretariat.

2. The staff of the secretariat shall be engaged under the budget as temporary staff, the powers of the authority competent to conclude contracts of service being exercised by the president.

Article 74

1. Before 1 June of each year the secretary-general shall submit to the bureau the draft estimates of the expenditure and revenue of the Committee for the next financial year. The bureau shall draw up the estimates of the expenditure and revenue of the Committee. It shall forward these estimates in accordance with the procedure and within the time limits laid down in the Financial Regulation of the European Communities.

2. The president of the Committee, acting in accordance with the Financial Regulation, shall implement or cause to be implemented the statement of expenditure and revenue.

Article 75

Correspondence to the Committee shall be addressed to the president or the secretary-general.

CHAPTER VIII

GENERAL PROVISIONS*Article 76*

The terms used in these Rules of Procedure for the various offices are not gender-specific.

Article 77

1. The Committee may decide by an absolute majority of its members that these Rules should be revised.

2. If such a decision is taken, the Committee shall set up a panel, which shall be known as the Rules of Procedure Panel. The Committee shall appoint a rapporteur-general to produce a draft text of the new Rules.

3. The date on which the new Rules of Procedure shall enter into force shall be decided at the time of their adoption by the Committee.

Article 78

These Rules of Procedure shall enter into force on the first day of the month following their adoption by an absolute majority of Committee members.
