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ANNEX 1

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**to the**

**Proposal for a**

**COUNCIL DECISION**

**adopting the rules of procedure of the European Development Fund (EDF) Committee**

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**RULES OF PROCEDURE OF THE EUROPEAN DEVELOPMENT  
FUND COMMITTEE**

*Article 1*

*Composition*

The European Development Fund Committee (the Committee) shall comprise the delegations of the Member States (the delegations) and shall be chaired by a representative of the Commission.

An observer from the European Investment Bank (EIB) shall take part in the Committee's proceedings with regard to questions concerning the EIB.

A representative of the General Secretariat of the Council shall attend the meetings as an observer.

*Article 2*

*Referral to the Committee*

A referral shall be made to the Committee in the cases and according to the procedures laid down in the 11th EDF Implementation Regulation<sup>1</sup> and, where appropriate, in the Overseas Association Decision. In respect of the responsibilities conferred upon it by the Overseas Association Decision<sup>2</sup>, the Committee shall be referred to as the 'EDF-OCTs Committee'

*Article 3*

*Convening a meeting*

1. The Committee shall be convened by the Chair, acting on his/her own initiative or at the request of a simple majority of members of the Committee.
2. Joint meetings of the Committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

*Article 4*

*Agenda*

1. The Chair shall draw up the draft agenda and submit it to the Committee.
2. The agenda shall make a distinction between:

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<sup>1</sup> Insert reference of the Council regulation on the implementation of the 11<sup>th</sup> European Development Fund: OJ (...)

<sup>2</sup> Council Decision 2013/755/EU of 25 November 2013, on the association of the overseas countries and territories with the European Union ('Overseas Association Decision'), OJ L344, 19.12.2013

- (a) (a) draft measures to be adopted by the Commission on which the Committee is asked to give an opinion, in accordance with the procedure provided for in Article 14 of the 11th EDF Implementation Regulation;
  - (b) (b) other issues put to the Committee for information or a simple exchange of views, either on the Chair's initiative or at the written request of a Committee Member.
3. Any delegation may request the inclusion of an item on the agenda of meetings of the Committee. Relevant information on these items may be given orally.
4. The agenda shall include approval of the minutes of the previous meeting.

### **Article 5**

#### *Documentation to be submitted to members of the Committee*

1. The Chairman shall send the invitation to the meeting, the draft agenda and draft measures about which the Committee is asked to give an opinion to the members of the Committee well in advance of the meeting, taking into account the urgency and the complexity of the matter, and at least 21 calendar days before the date of the meeting. Other documents related to the meeting, in particular documents accompanying the draft measures, shall, as far as possible, be submitted within the same time-limit.

All documents shall be submitted in accordance with Article 15(2) and 15(3).

2. In duly justified cases, the Chair may, on his/her own initiative or at the request of a member of the Committee, shorten the time-limit for submission of documents referred to in paragraph 1. Except in cases of extreme urgency, the time-limit shall not be shorter than seven calendar days.
3. By way of exception, in duly substantiated cases of extreme urgency (e.g. serious economic, social and political circumstances, natural disasters suffered by the recipient country, humanitarian crisis or other external circumstances of a similar nature requiring a very rapid reaction), the Chair may, at the request of a Committee Member or on his or her own initiative, depart from the periods laid down in paragraphs 1 and 2.
4. Paragraphs 2 and 3 do not apply to Strategy Papers and Multiannual Indicative Programmes and their adjustment as a result of the mid-term and end-of-term reviews referred to in Article 7(2) of the 11th EDF Implementation Regulation.
5. In the case of draft measures submitted to the Committee for its opinion by oral procedure, delegations shall inform the secretariat of the Committee in writing at least three working days before the date of the meeting of the draft measures on which they are able to agree without discussion, and of those measures which they feel should be discussed at the meeting.

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

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

6. On duly justified imperative grounds of urgency, the Commission may also use the procedure set out in Article 14(4) of the 11<sup>th</sup> EDF Implementation Regulation. In

such cases, the Chair shall submit the measures to the Committee at the latest 14 days after their adoption in order to obtain its opinion.

### **Article 6**

#### *Transmission of Programming documents to the Joint Parliamentary Assembly*

In accordance with Article 7(1) of the 11th EDF Implementation Regulation, the Committee's secretariat will transmit the Programming documents to the Joint Parliamentary Assembly for information at the same time as they are sent to the delegations in the Committee.

### **Article 7**

#### *Opinion of the Committee*

1. Where a matter is put to the Committee for its opinion, it shall be discussed under the conditions and according to the procedure set out respectively in Article 14(3) and 14(4) of the 11th EDF Implementation Regulation and in Article 8(2) and 8(3) of the Internal Agreement.
2. Unless a member of the Committee objects, the Chair may, without proceeding to a formal vote, establish that the Committee has delivered a positive opinion, by consensus, on the draft measures.
3. When the oral procedure is used, and a substantive change is made or new factual elements are added to the draft measures during the meeting, the Chair, on his or her own initiative or at the request of a Member State, may postpone the vote on a particular agenda item until the end of the meeting or a later meeting.
4. If, in the situation described in paragraph 3, the Chair does not decide to postpone the vote as requested by one (or more) delegation(s), this (these) delegation(s) may enter a reservation which may be withdrawn within a maximum of three working days starting from the day following the meeting. The Committee's opinion shall be recorded as definitive upon expiry of this period. The Commission shall inform Member States of the definitive position adopted by the Member State(s) whose delegation(s) entered a reservation in the Committee.
5. If a delegation so requests, voting on an issue can be postponed if the documents relating to a specific agenda point have not been sent to members within the timeframe laid down in Article 5(1) and 5(2). In that case, the Chair may decide to extend the period of consultation, but no longer than the end of the next meeting. If necessary, the written procedure provided for in Article 11 of these rules of procedure may be applied.

However, at the proposal of the Chair or at the request of a Committee member, the Committee may decide by a simple majority of members to keep this point on the agenda because of the urgency of the matter.

6. In the context of an examination of annual or multi-annual action programmes, any delegation may request the withdrawal of a project or programme from the action programme. If this request is supported by a blocking minority of delegations, as laid down in Article 8(3) of the Internal Agreement, in connection with Article 8(2) of the Internal Agreement, the action programme shall be adopted by the Commission without the project or programme concerned. Unless the Commission, in line with the views of the delegations in the Committee, wishes not to pursue the withdrawn project or programme, it shall, at a later stage, be re-submitted to the Committee outside the action programme in the form of an individual measure which shall then

be adopted by the Commission in accordance with the procedure set out in Article 14 of the 11th EDF Implementation Regulation.

### **Article 8**

#### *Exchange of views*

1. Each delegation can invite the Commission at any moment to provide the Committee with information and to have an exchange of views on issues related to the tasks described under Article 14(2) of the 11th EDF Implementation Regulation. Any evaluation, including recommendations and follow-up actions may also be discussed in the EDF Committee at the request of a Member State, in line with article 18(2) of the 11th EDF Implementation Regulation.
2. Such exchanges of views may lead to the formulation of recommendations by the delegations, which the Commission shall take into account. The minutes of the Committee shall reflect the interventions made. An intervention supported by a qualified majority of delegations, as laid down in Article 8(3) of the Internal Agreement, in connection with Article 8(2) of the Internal Agreement, shall be recorded as a recommendation.

### **Article 9**

#### *Representation and quorum*

1. Each delegation is considered to be one Committee member. Each Member State shall decide the composition of its delegation and shall inform the Chair thereof.
2. With the Chair's approval, delegations may be accompanied by non-governmental experts, at the expense of the Member State concerned.

Within a reasonable time and no later than five calendar days before the date of a committee meeting, the following information shall be communicated to the Chair:

- (a) the composition of each delegation, except where such composition is already known to the Chair;
- (b) the names and functions of any experts accompanying the delegations and the reasons for which their presence is required.

If the Chair does not object to the participation of an expert in advance of the concerned Committee meeting, the permission is considered to be granted.

3. A delegation may, if necessary, represent a maximum of one other Member State. The Chair of the Committee shall be notified in writing at the latest before the start of the meeting by the delegation which is represented.
4. The quorum required for the deliberations of the Committee to be valid is that permitting a qualified majority opinion to be issued in accordance with Article 14(3) and 14(4) of the 11th EDF Implementation Regulation.

### **Article 10**

#### *Third parties and experts*

1. Representatives of acceding countries shall be invited to attend the meetings of the Committee as from the date of signature of the Treaty of Accession.
2. The Chair may decide to invite representatives of other third parties or other experts to talk on particular matters, on his/her own initiative or at the request of a member

of the Committee. However, a simple majority of Member States may oppose their participation in the meeting.

3. Representatives of third parties and experts referred to in paragraphs 1 and 2 and those mentioned in Article 9(2) shall not be present at and shall not participate in voting of the Committee.

### ***Article 11***

#### *Written procedure*

1. In duly justified cases, the Chair may obtain the Committee's opinion by written procedure. The Chair shall send the Committee members the draft measures and shall lay down a time limit for delivery of an opinion according to the urgency of the matter.

Delegations have in principle 21 calendar days from the sending of the proposals to adopt a position. Any Committee delegation which does not express its opposition or intention to abstain before the deadline laid down in the letter is considered to have given its tacit agreement to the proposal.

In cases of urgency or extreme urgency, the same deadlines as those laid down in Article 5(2) and 5(3) shall apply. The case of urgency or extreme urgency must be duly substantiated in writing by the Commission.

2. However, if a Committee member requests that the draft measures be considered in the course of a meeting of the Committee, the written procedure shall thereby terminate and the proposed measures shall be carried over to the next meeting of the Committee.
3. The Commission informs the Members of the Committee in writing on the outcome of a written procedure without delay, and no later than 14 calendar days after the expiry of the time-limit.

### ***Article 12***

#### *Secretarial support*

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

### ***Article 13***

#### *Minutes and summary report of the meetings*

The minutes of each meeting shall be drawn up under the auspices of the Chair and shall contain the opinions expressed on the proposed measures and the positions expressed during the meeting. The minutes shall be sent to the members of the Committee without delay and no later than 1 month after the meeting.

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

### ***Article 14***

#### *Attendance list*

1. At each meeting, the Chair shall draw up an attendance list specifying the authorities or bodies to which the participants belong. The attendance list will be distributed to the participants during the course of the meeting.

2. At the beginning of every meeting, any delegation whose participation in the work constitutes a conflict of interest with regard to a particular point on the Agenda must inform the Chair of this situation, and any person designated by the Member States, as well as experts who have been authorised by the Chair to participate in the meeting in accordance with Article 9(2) and Article 10(2), and representatives of third parties who have been invited to attend the meeting in accordance with Article 10 shall inform the Chair of any conflict of interest with regard to a particular item on the agenda.

In the event of such a conflict of interest, the person concerned shall, at the request of the Chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

### *Article 15*

#### *Correspondence*

1. Correspondence relating to the Committee shall be addressed to the Commission, for the attention of the Committee secretariat.
2. Correspondence addressed to delegations by the secretariat shall also be sent to the Permanent Representative of the Member State concerned in the most rapid and reliable electronic way. Where a Permanent Representation indicates to the Commission a specific central electronic address for correspondence related to work of the Committees, that address shall be used for correspondence. In addition, correspondence may be submitted directly to the persons designated by the Member States to represent them in the Committee.
3. Save in exceptional circumstances, correspondence between the Commission and delegations shall be sent in both directions by the computerised means provided for.

### *Article 16*

#### *Access to documents and confidentiality*

1. Requests for access to Committee documents shall be handled in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>3</sup>. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom<sup>4</sup>. If the request is addressed to a Member State, that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.
2. The Committee's discussions shall be confidential.
3. Documents submitted to members of the Committee, experts and representatives of third parties shall be confidential, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the Commission.
4. The members of the Committee, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The Chair shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them.

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<sup>3</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

<sup>4</sup> OJ L 345, 29.12.2001, p. 94.

### ***Article 17***

#### ***Protection of personal data***

The processing of personal data by the committee and its working groups shall be in conformity with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>5</sup> on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, under the responsibility of the Chair acting as the controller, within the meaning of point (d) of Article 2 of that Regulation.

### ***Article 18***

#### ***Running costs***

1. The Committee's running costs, including travel expenses for one participant per Member State, shall be borne by the Commission.  
  
If the allocated financial appropriation allows it and within the limits of the latter, the Commission shall cover the travelling expenses of two delegation members who submit a request to this effect.
2. The Commission shall make available to the Committee the premises and material resources necessary for its work.

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<sup>5</sup> OJ L 8, 12.1.2001, p. 1