

Provisional Rules of Procedure of the EEC Council (18 March 1958)

Caption: Provisional Rules of Procedure of the Council of the European Economic Community (EEC) dated 18 March 1958.

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Provisional Rules of Procedure of the Council dated 18 March 1958

Article 1

The Council shall meet, as a general rule, on the first Tuesday of each month.

The President may convene the Council on any other date which he determines after having consulted the other Members of the Council and the Commission.

Article 2

The President shall draw up the provisional agenda for each session. This agenda shall be sent to the other members and to the Commission at least 10 days before the beginning of the meeting.

The provisional agenda shall contain the items in respect of which a request for inclusion on the agenda, together with, where appropriate, any documents relating thereto, has been submitted to the Secretariat, by a Member or by the Commission, at least 14 days before the beginning of that meeting.

Items may be placed on the provisional agenda only if the documents relating to those items have been sent to the members and to the Commission by, at the latest, the date on which that agenda is sent out.

The Secretariat shall notify the Members of the Council and the Commission of any requests for the inclusion of items on the agenda and documents in respect of which the deadlines specified above were not met.

The agenda shall be adopted by the Council at the beginning of each meeting. Unanimity in the Council shall be required for the inclusion on the agenda of any item other than those appearing on the provisional agenda.

Article 3

(a) Meetings of the Council shall not be public, save where the Council unanimously decides otherwise.

(b) The Commission shall be invited to take part in the deliberations of the Council. However, the Council may decide to deliberate without the presence of the Commission.

(c) The members of the Council and of the Commission may arrange to be accompanied by officials who assist them, subject to the unanimous agreement of the Council.

The names and functions of such officials shall be notified in advance to the General Secretariat.

(d) Admission to meetings of the Council shall be subject to the production of a pass.

Article 4

Subject to the provisions concerning the delegation of voting rights referred to in Article 5 below, a member of the Council who is prevented from attending a meeting may arrange to be represented.

Article 5

Members of the Council shall vote in the alphabetical order of the Member States, beginning with the member who, according to that order, follows the member holding the office of President.

The delegation of voting rights shall be allowed only if voting rights are delegated to another Member of the Council. It shall be subject to an authorisation in writing lodged with the Secretariat.

Article 6

Acts of the Council on an urgent matter may be approved by means of a written vote, if all members of the Council agree to such a procedure for the matter in question.

In addition, the agreement of the Commission shall be required in the case of a written vote on a matter falling within the sphere of activities of the Commission.

Article 7

Minutes shall be drawn up for each meeting. After approval, the minutes shall be signed by the President-in-Office at the time of approval and by the Secretary-General.

The documents referred to in Article 9 shall be annexed to the minutes.

Article 8

Unless decided otherwise by the Council acting unanimously and on grounds of urgency, the Council, when deliberating on one of the acts referred to in Article 189 of the Treaty, shall decide only on the basis of drafts drawn up in the four languages.

Each member of the Council may oppose such deliberation if the text of any amendments has not been drawn up in any one or more of the four languages which he specifies.

Article 9

The texts of regulations, directives, decisions and recommendations adopted by the Council shall be signed by the President-in-Office at the time of adoption and by the Secretary-General.

Article 10

Council regulations shall be prefaced by the title 'Regulation' followed by the serial number and an indication of the subject matter.

The numbering of the Regulations shall be consecutive.

Article 11

Council Regulations shall include the following:

- (a) the words 'The Council of the European Economic Community';
- (b) a reference of the provisions pursuant to which the Regulation has been adopted, preceded by the words 'Having regard to';
- (c) a citation containing a reference to proposals submitted and to opinions obtained and consultations held on a compulsory basis;
- (d) the grounds for the Regulation, preceded by the word 'Whereas';
- (e) the words 'Has adopted this Regulation', followed by the main body of the regulation.

Article 12

Regulations shall be divided into articles.

The final article shall fix the date of entry into force where that date is before or after the twentieth day following the date of publication. It shall be followed by:

- the words ‘This Regulation shall be binding in its entirety and directly applicable in all Member States’;
- the words ‘Done at ...’ followed by the date on which the Council adopted the Regulation.

Article 13

Regulations adopted by the Council shall be published in the Official Journal of the Community, on the initiative of the General Secretariat. Texts which are published shall end with the words:

For the Council

The President

followed by the name of the President-in-Office at the time when the Regulation was adopted.

Article 14

Council Directives and Decisions shall be preceded by the title ‘Directive’ or ‘Decision’.

The provisions relating to regulations set out in Article 11 shall be applicable to Directives and Decisions.

Article 15

The President shall notify Council directives, decisions and recommendations. Save in the case of notifications to Member States, he may entrust this task to the Secretary-General.

The Secretary-General shall send authenticated copies of Directives, Decisions and Recommendations to the governments of the Member States and to the Commission.

The Council, acting unanimously, shall decide whether Directives, Decisions and Recommendations should be published, for information purposes, in the Official Journal of the Community.

Article 16

Under Article 151, paragraph 2, of the Treaty, a Committee shall be set up, consisting of representatives of the Member States.

This Committee shall have the task of preparing the work of the Council and carrying out the tasks assigned to it by the latter.

It may set up working parties and instruct them to carry out such preparatory or study tasks as it shall define.

Unless decided otherwise by the Council, the Commission shall be invited to arrange to be represented in the work of this Committee and of the working parties.

The Committee shall be chaired by the delegate of the Member State whose Council representative holds the office of President of the Council. The same shall apply to the working parties, unless otherwise decided by the Committee.

Article 17

The Council shall be assisted by a Secretariat, headed by a Secretary-General. The Secretary-General shall be appointed by the Council, acting unanimously.

The Council shall decide on the organisation of the Secretariat.

By 30 June of each year, the Secretary-General shall submit to the Council the draft estimate of the expenditure of the latter. The Council shall send its estimate to the Commission by 1 September.

Subject to the provisions of the Financial Regulation referred to in Article 205, paragraph 2, of the Treaty, the Secretary-General shall administer the funds which are placed at the disposal of the Council.

Article 18

Without prejudice to any other applicable provisions, the deliberations of the Council shall be covered by the obligation of professional secrecy, save where the Council decides otherwise.

The Council may authorise the production for use in legal proceedings of a copy of or an extract from its minutes.

Article 19

When the Council decides to be represented before the Assembly, sitting in ordinary or extraordinary session, it shall delegate that representation to its President or to any other of its members.

The Council may also present its views to the Assembly by means of a written statement.

Article 20

Correspondence to the Council shall be sent to the President at the headquarters of the Secretariat.