

Rules of Procedure of the ECSC Consultative Committee (31 March 1995)

Caption: Rules of Procedure of the ECSC Consultative Committee adopted on 31 March 1995.

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Title I

Organization of the Consultative Committee

Article 1

Business period

The activity of the Consultative Committee shall be divided into business periods of one year: the duration of the President's term of office shall correspond to the duration of the business period.

If the Consultative Committee members are not elected in time, the duration of the business year and the authority of the Bureau may be extended until the new Bureau is appointed.

Article 2

Bureau organized on an age basis

The first session of each business year shall be called by the senior member or, should he be unable to do so, by the next eldest member, within a maximum of four weeks after the end of the business year or after the election of the Consultative Committee.

The chair at this first session shall be taken by the eldest member present, acting as senior President.

He shall be assisted by the four youngest members of the Consultative Committee present, acting as secretaries. These five members shall form the bureau organized on an age basis.

This bureau shall continue to exercise its functions until announcement of the final result of the election of the Consultative Committee Bureau, which shall be held at the first meeting of every business year.

At the beginning of the first session following election of the Consultative Committee members, the senior President shall inform the Consultative Committee of the list of the members nominated by the Council of the European Union.

Article 3 **Bureau**

1. Composition

The Bureau of the Consultative Committee shall comprise the President, two Vice-Presidents and 12 other committee members ⁽¹⁾.

In the absence of the resolution by the Consultative Committee to the contrary, passed by a two-thirds majority of its members, the President shall be chosen in turn from members representing the producers, workers and consumers or dealers, and shall come alternately from the coal sector and the steel sector ⁽²⁾.

A Vice-President shall be chosen from each of those categories to which the President does not belong.

There shall be equal representation of the categories amongst the members of the Consultative Committee Bureau.

Whenever it considers it necessary, the Bureau shall ask the chairmen of the subcommittees affected by one or more questions appearing on the agenda to take part in its meeting.

2. Election

The President shall be elected by secret ballot, in the first and second ballots by absolute majority of the members of the Consultative Committee, in the third ballot by relative majority of the votes cast and, in the event of an equal vote, the deciding factor shall be seniority.

The other members of the Bureau shall be elected in like manner. They need not, however, be appointed by separate ballots.

In any one ballot, each voter may write in only one choice for each position to be filled and account must be taken of the regulations governing the composition of the Consultative Committee's Bureau: ballot papers will otherwise not be valid.

Votes by secret ballot shall be individually cast in accordance with the nominal roll and votes may not be delegated.

By way of exception to the preceding conditions, the senior President may consult the Consultative Committee as to the expediency of electing the Bureau of the Consultative Committee by a show of hands. The expediency of such a measure must be approved unanimously.

The rules for enforcement of the above provisions shall be determined by the Bureau organized on an age basis.

3. Term of office and powers

The Bureau of the Consultative Committee shall continue to exercise its functions until the beginning of the first meeting of the following business year.

The Bureau of the Consultative Committee shall have full authority to preside over the Consultative Committee's work and to organize and guide its departments, under the conditions laid down in the present Regulations and in accordance with the Treaty.

The Bureau shall be responsible for external relations subject to the restrictions and terms laid down by the Consultative Committee.

The Bureau of the Consultative Committee shall be convened by the President, either *ex officio* or at the request of three of its members.

In the event of an equal vote at meetings of the Consultative Committee's Bureau, the resolution under debate shall be referred to the Consultative Committee.

The Vice-Presidents shall deputize for the President in the latter's absence. The order of substitution shall be determined by the Bureau of the Consultative Committee at its first meeting. In the absence of both Vice-Presidents, the eldest member shall deputize for the President.

In the event of the resignation or death of one of its members, the Bureau shall ask the category to which the member belonged to make a proposal for his replacement.

The Bureau of the Consultative Committee may delegate its assigned tasks to the President, who shall carry them out with the assistance of the secretariat.

Article 4 **Subcommittees**

1. Establishment

The Consultative Committee may establish standing or special subcommittees within its own framework in which the number of seats shall in principle be limited to 48.

In urgent cases, special subcommittees may be created by the President, with the agreement of the majority of the Consultative Committee Bureau.

The procedure of appointment for members of standing or special subcommittee is set out in section 3.

2. Composition

Members of the Consultative Committee may be nominated as members of standing or special subcommittees.

In the absence of prior special arrangements requiring approval by the Consultative Committee, the composition of standing or special subcommittees must ensure the proportional representation of the various categories.

3. Appointment of members

Members of standing or special subcommittees shall be appointed by the Consultative Committee.

Any member of the Consultative Committee may be a candidate. Proposals shall be submitted to the Consultative Committee by its Bureau.

In urgent cases, members of special subcommittees may be appointed by the President, on proposals from the members of the Bureau representing each category.

If, in the course of a business year, a seat on a standing or special subcommittees becomes vacant following the resignation or death of a Consultative Committee member, the seat shall be given without further formalities to that member's successor, the provisions of paragraph 1 of this section being waived.

4. Term of office of members

The term of office of members of standing subcommittees shall end with the business year in which they are appointed.

The term of office of members of special subcommittees shall end once the President of the Consultative Committee ascertains that the Consultative Committee has completed its discussion of the questions for examination of which the special subcommittees were set up.

5. Subcommittee bureau

Subcommittee work shall be prepared and guided by the subcommittee's bureau.

It shall comprise not less than three and not more than 15 members of the subcommittee.

The subcommittee shall appoint its chairman at the opening session of each business year, and the two vice-chairmen and the other members of the subcommittee bureau at the first meeting of the subcommittee.

In electing the subcommittee's bureau, the subcommittee members shall ensure that the various categories of the Consultative Committee are proportionally represented, in the absence of special arrangements among categories.

Title II

Organization of the Consultative Committee

Article 5

Sessions

The Consultative Committee's reports shall be adopted, its opinion and resolutions shall be formulated and adopted in plenary assembly, except for the case envisaged in Article 7, where consultation is held in writing.

The Consultative Committee shall meet in plenary assembly at ordinary and extraordinary sessions.

The timetable of ordinary sessions shall be fixed by the Consultative Committee at the opening session of each business year.

The members shall sit in alphabetical order.

Article 6

Convocation of the Consultative Committee

1. Subsequent to a request by the European Commission

The President shall convene the Consultative Committee to debate specific questions if a request to this effect has been made by the European Commission.

The European Commission's request shall be referred to the Bureau of the Consultative Committee.

2. Subsequent to a request by the majority of the members of the Consultative Committee

If the majority of the Consultative Committee's members so requests, the President shall convene the Consultative Committee to debate specific questions.

3. *Subsequent to a request from other Committee members*

If a unanimous category or one-third of the Consultative Committee members requests that the Consultative Committee be convened to debate specific questions, the Bureau of the Consultative Committee shall ascertain from the European Commission whether it supports this request. When they are informed of the Commission's opinion, the Bureau of the Consultative Committee shall decide whether to agree to this request or not.

Article 7

Written consultations

If in a consultation by the Consultative Committee the time allowed is too short to permit postponement to the next ordinary session, the Bureau of the Consultative Committee may either convene an extraordinary session or — if they consider that the Consultative Committee will in all probability approve the proposal of the European Commission — propose that a written consultation be held, provided that a two-thirds majority of the members of the Bureau has voted in favour of this step.

Members of the Consultative Committee shall be notified of the proposal, which shall also contain a date for the holding of an extraordinary session if a minimum of 15 members of the Consultative Committee should oppose the proposal for a written consultation or demand an extraordinary session.

Opposition to the written consultation or the demand for an extraordinary session by a minimum of 15 members of the Consultative Committee annuls the written consultation and all the opinions given by members of the Committee in connection with it.

The extraordinary session must be organized in such a manner that the period set by the European Commission under the third paragraph of Article 19 of the Treaty for the submission of an opinion can be met even if the proposal for a written consultation is rejected.

If a minimum of 15 Consultative Committee members request the holding of an extraordinary session, the President shall notify all members by letter or any other suitable means that the session to which provisional invitations had been issued will take place.

The quorum rule under Article 15 (2) (1) does not apply to such an extraordinary session.

Article 8

Agenda

1. *Drafting of the agenda*

The agenda shall be drafted by the Bureau of the Consultative Committee not less than three weeks prior to the session, unless the procedure for urgent cases, envisaged in Article 9, is applied. It shall be sent immediately to the members of the Consultative Committee and to the European Commission.

The agenda may, however, be subsequently amended at the request of the European Commission or at the suggestion of the Bureau of the Consultative Committee.

The only questions admitted on the agenda are those relating to requests for the calling of a session, as specified in Article 6, or motions adopted by the Consultative Committee and specified in section 2.

2. *Motions*

A motion for the inclusion of a specific question on the agenda with a view to discussion may be brought at a session. It must be signed by 15 members of the Consultative Committee. It must be sent to the President before the meeting of the Bureau which precedes the session. In exceptional cases, it may be submitted during the session if it arises from the discussion.

The Bureau shall bring the motion before the Consultative Committee with its opinion as to the competence of the Consultative Committee and the expediency of debating the question raised in the motion. If the majority of members adopt the motion the question proposed therein shall be included on the agenda for the next session, unless its immediate discussion is requested by a number of members at least equal to half the number of Consultative Committee members.

Article 9

Periods of notice for sessions — procedure for urgent cases

1. The dates of sessions must be fixed in such a way as to enable the deadlines set by the European Commission under the third paragraph of Article 19 of the Treaty for the submission of opinions to be met. At all events, however, a session must be held within four weeks of a duly formulated request for a session.
2. Urgent business shall be announced, either by the President, as a result of the period set by the European Commission under the terms of the third paragraph of Article 19 of the Treaty, or by the Consultative Committee following a proposal from the Consultative Committee's Bureau.

In urgent cases, announced by the President, he shall be empowered to take all measures, immediately and without prior consultation with the Bureau of the Consultative Committee, as he may deem necessary to enable the Consultative Committee to give its opinion, except that he may not set up a special subcommittee and appoint its members. He shall, however, inform the members of the Bureau of these measures.

Article 10

Preparatory work in subcommittee

1. Delegation of tasks to the subcommittees

Sessions shall be prepared by the President in cooperation with the other members of the Bureau of the Consultative Committee.

The Bureau of the Consultative Committee may cause prior examination to be made in subcommittee of any question which is to be discussed at a plenary assembly. If it does not deem such examination necessary, the Bureau of the Consultative Committee may appoint a rapporteur to raise the question before the plenary assembly.

In the absence of a resolution by the Consultative Committee, it shall be the responsibility of the Bureau to ascertain whether the question comes within the scope of an existing standing subcommittee or requires the establishment of a special subcommittee. In the latter case, a subcommittee shall be established in accordance with the provisions of Article 4.

On behalf of the Bureau of the Consultative Committee, the President shall notify the subcommittee bureau of the points it is to discuss and shall, if appropriate, prescribe the periods within which the subcommittee's work must be completed.

The Bureau of the Consultative Committee shall ensure that deadlines are met and shall, in principle, acquaint themselves with the work carried out by the subcommittee before it is submitted to the Consultative Committee.

Subcommittees shall not discuss jointly with other subcommittees. If, however, the Bureau of the Consultative Committee considers that a question does not fall within the exclusive scope of any one

subcommittee and that there is no justification for establishing a special subcommittee, it may ask two or more subcommittees' bureaux either to hold a joint meeting of their respective subcommittees or to meet together themselves, after separate discussions by the subcommittees, to draw up a single document for presentation to the plenary session.

2. Powers of the subcommittees' bureaux

The subcommittee bureau shall determine the date and agenda of subcommittee meetings in accordance with the notification sent to them by the Bureau of the Consultative Committee.

The agenda, together with the necessary documents, must be sent to subcommittee members at least eight days before each meeting in the official Community languages. It shall also be sent, for information, to the European Commission and to those members of the Consultative Committee who do not sit on the subcommittee.

The subcommittee bureau shall appoint from its members the rapporteur or rapporteurs for the plenary assembly and, if appropriate, a drafting committee to assist the rapporteur or rapporteurs.

The subcommittee bureau may also, with their agreement, appoint as rapporteurs members of the Consultative Committee who are not members of the subcommittee.

The subcommittee bureau shall collect and prepare, where appropriate, documents necessary to organize the work of the subcommittee.

Article 11

Procedure at subcommittee meetings

1. Chairman

Subcommittee meetings shall be presided over by the subcommittee chairman or, if he is unable to attend, by one of the vice-chairmen.

2. Quorum and voting

In principle, votes shall not be held in subcommittees. If exceptionally a vote is held, only subcommittee members and their deputies, provided the latter are members of the Consultative Committee, may vote. Under no circumstances may a vote be held unless there is a quorum at the time it is held.

There shall be deemed to be a quorum if the number of those present with voting rights is more than half the total number of the subcommittee's members.

3. Deputies

Any subcommittee member unable to attend a meeting may, after notifying the secretariat of the Consultative Committee, which shall inform the subcommittee chairman, appoint a deputy who may be either another member of the Consultative Committee — to whom he may delegate his vote — or a person who is not a member of the Consultative Committee.

The deputy's powers shall be expressly restricted to the meeting for which he is appointed. The deputy shall enjoy the same prerogatives in debate as the person for whom he acts. A deputy who is not a member of the Consultative Committee may not, however, vote. If a vote is held, he may ask one of the subcommittee members to exercise the vote of the person for whom he acts.

4. Technical advisers

Each member of a subcommittee and each member of the Consultative Committee appointed as deputy for an absent subcommittee member may, after notifying the secretariat of the Consultative Committee which shall inform the subcommittee chairman, avail himself at meetings of the subcommittee of assistance from a technical adviser specially qualified in the questions for debate.

5. Participation of persons other than subcommittee members

Any member of the Consultative Committee may participate in meetings of subcommittees of which he is not a member.

Members of the European Commission shall automatically attend subcommittee meetings and address the meeting if they wish. They shall be assisted or represented by officials of their own appointing.

Subcommittee meetings shall not be public. A majority resolution of the subcommittee members present may cause specific questions for discussion to be declared confidential.

6. Participation by experts

The subcommittee bureau may, on its own initiative or that of the subcommittee, call upon persons able to speak with special competence in the examination of the matters for consideration. Such persons may be invited to participate in the work of the subcommittee or report to it on particular points.

7. Subcommittee findings

Subcommittee findings shall be forwarded by the subcommittee bureau to the Bureau of the Consultative Committee, within the deadlines set by the latter, for presentation to the plenary assembly.

If the findings are recorded in a document, this document shall, depending on the nature of the question discussed, take the form either of a subcommittee report or of a draft report, opinion or resolution by the Consultative Committee.

This document shall be accompanied, as far as possible, by the subcommittee's working dossier. This shall comprise documents of hearings held by the subcommittee, surveys conducted and information collected, the record of subcommittee discussions and, if appropriate, the documents provided by the European Commission.

The Bureau of the Consultative Committee may ask a subcommittee to hold fresh discussions if it believes that their findings are not adequate to allow a final debate at a session.

Article 12

Procedure at sessions of the Consultative Committee

1. Participation of persons other than members

Sessions shall not be public. A majority resolution by members of the Consultative Committee present may cause specific questions for discussion to be declared confidential.

Sessions may only be attended by:

- (a) members of the European Commission and officials designated by it;
- (b) persons empowered to represent a member prevented from attending for urgent reasons duly substantiated under the terms of section 3;
- (c) members of the Consultative Committee secretariat;

(d) other persons, exceptionally and by decision of the Bureau, for a clearly defined purpose.

Members of the European Commission or officials delegated by them may address the session if they so request, or may request that the officials accompanying them are permitted to speak.

2. *Quorum*

The sessions of the Consultative Committee shall be validly convened when more than half its members are present.

If a quorum is not present, the Committee shall hold a working meeting.

Where there is a question of a request by the European Commission for an opinion or a consultation, and when the Committee has to vote on an opinion or a resolution, a second meeting shall be convened within 10 days; the Committee shall be validly convened, to discuss the same question, however many members are present.

3. *Absences — representation*

Any member of the Consultative Committee unable to attend a session may send the President, by letter, or telegram subsequently confirmed by letter or any other suitable means, his opinion on the points raised in the agenda. The full text of this opinion shall be appended to the analytical record.

Any member of the Consultative Committee prevented from attending a session — with the exception of the first session of each business year — for urgent reasons duly substantiated may send the President an explicit request in writing to have himself represented by a spokesman named by him, when the Consultative Committee examines one or more of the questions on the agenda.

The President shall refer requests he has received to the Bureau of the Consultative Committee. The Bureau of the Consultative Committee shall assess them, taking into account the reasons given and the number of requests submitted during the business year by the party concerned to make use of the provision referred to in paragraph 2 of this section ⁽³⁾.

The President shall then inform the Consultative Committee of requests upheld by the Bureau, with express mention of the reasons adduced by the party concerned.

The Consultative Committee shall reserve the right to reject, without appeal, requests for which it regards the urgent reasons put forward as inadequate.

If the request is accepted by the Consultative Committee, the President shall invite the representative to join the session, either to be present throughout its discussion or when the points on the agenda for which he has been appointed come up for discussion.

The representative shall take part in the discussion, but shall not take part in the voting.

4. *Presidency*

Sessions of the Consultative Committee shall be chaired by the President or, if he is unable to attend, by the member appointed in accordance with Article 3 (3) (6).

The President shall open, adjourn and close sessions. He shall ensure that the Regulations are adhered to, maintain order, give leave to speak, declare discussions closed, hold votes and announce voting results. He may take part in the discussion as a member if he so declares beforehand.

The Bureau of the Consultative Committee shall meet as often as they consider necessary and in any case shall hold a meeting to organize the discussions before each session of the Consultative Committee. Unless the Bureau decides otherwise, the secretary of the Consultative Committee shall assume the tasks of secretary and teller of the session.

5. *Despatch of the dossier for the session*

Documents relevant to the session, and in particular, documents provided by the European Commission and those drawn up by subcommittees, must be sent, in the official Community languages, to members of the Consultative Committee at least eight days prior to each session, unless the procedure for urgent cases specified in Article 9 applies.

6. *Procedural motion*

The President shall immediately give leave to speak — for no longer than five minutes — to a member who indicates his intention of proposing a procedural motion to demand strict enforcement of the Regulations, a change in the order of the agenda, the limitation of speaking time, the ending of discussion on the point under consideration or the holding over of this point to another session.

The President shall immediately have the motion put to the vote, if it does not give rise to discussion. If there is discussion only the mover, a speaker 'for' and a speaker 'against', the President and, if relevant, the rapporteur of the subcommittee concerned may take part.

If carried by a majority of the members present, the proposed measure shall come into force immediately.

7. *Discussion of subcommittee findings*

The rapporteur of the subcommittee responsible for prior examination of the question for discussion on the agenda shall report on the subcommittee's discussions and introduce the document drawn up in its name.

The Consultative Committee shall then hold a general discussion of this document.

8. *Moving of amendments and lodging of proposals for opinion or resolution*

Any member of the Consultative Committee may move amendments to the document drawn up in the subcommittee's name provided this document has the form of a draft report, draft opinion or draft resolution by the Consultative Committee.

He may also lodge proposals for opinion or resolution.

Amendments and proposals for opinion or resolution must be formulated in writing and lodged with the Bureau of the Consultative Committee.

During the session they must be proposed in writing and they are only admissible if they relate to a change in the document under discussion, or if they are signed by at least 15 members of the Consultative Committee. It shall then be the responsibility of the President, either at the session or after consulting the Bureau of the Consultative Committee, to decide if these amendments of proposal are to be discussed immediately or if the remainder of the debate should be deferred to a later date.

9. *Referral back to subcommittee*

The Consultative Committee may decide to refer back to subcommittee a question it deems to have been insufficiently dealt with.

10. *Voting procedure*

Only members of the Consultative Committee may vote.

Any member of the Consultative Committee unable to attend a session may delegate his vote to another member of the Consultative Committee. Each member of the Consultative Committee may receive only two such delegations. Delegations of votes shall not be taken into consideration when ascertaining the quorum required under section 2 of this Article.

The Consultative Committee may cast their votes either by a show of hands or by rising or remaining seated, or by roll call, except in the case envisaged in Article 3 (2). Votes shall be cast in the following order:

- members present,
- delegated votes: first vote,
- delegated votes: second vote.

The decision to hold a vote by roll call shall be taken by the President. A roll call shall be automatically held if 15 of the members present so request. A roll call shall be taken in alphabetical order.

The President may also hold a vote by roll call on a question already voted on by a show of hands or by rising or remaining seated, if the vote appears in doubt or if it was not unanimous and he is therefore of the opinion that the Minutes should contain the names of members who voted in the majority and those who voted in the minority.

A question previously voted on in another ballot may be put to the vote by roll call for final settlement, if a roll call is immediately demanded under the conditions given in the fourth paragraph.

11. Closure

At the President's request, the Consultative Committee shall declare whether the session is to be closed.

Following conclusion of the discussion, no one may address the session unless to give a brief explanation of a vote.

Article 13

Session documents

1. Reports, opinions and resolutions

Reports, opinions and resolutions by the Consultative Committee shall be distributed to the members of the Consultative Committee. They shall be sent to the Presidents of the European Commission and of the Council of the European Union. They may be inserted in the *Official Journal of the European Communities*.

The subcommittee rapporteur or secretary of the session shall be responsible for the final editing of these documents, under the supervision of the Bureau of the Consultative Committee.

Opinions and resolutions shall only be concerned with texts put to the vote and adopted unanimously or by a majority of the votes cast, together with the results of such votes.

Texts obtaining only minority approval shall be recorded in the Minutes, with the details of the voting results.

2. Minutes

Minutes shall be kept for each meeting of the Consultative Committee, to be signed by the President and the secretary of the session.

The following items shall be appended to these Minutes where appropriate:

1. documents necessary for the understanding of the discussions;
2. an analytical record of the discussions;
3. the reports, opinions or resolutions voted at the session, showing the number and breakdown of votes.

After each session the Minutes and their appendices shall be sent, in accordance with Article 19 (5) of the Treaty, to the Presidents of the European Commission and the Council of the European Union.

The Minutes and their appendices shall also be distributed to the members of the Consultative Committee.

No other distribution may be made except by decision of the Consultative Committee.

3. Approval of the Minutes

At the beginning of each session, the President shall submit the Minutes of the previous session to the Consultative Committee for approval.

The Minutes of the last session in each term of office shall be submitted, in writing, to members whose terms of office have expired.

The terms for enforcement of this procedure shall be laid down by the Bureau of the Consultative Committee holding office when the procedure is enforced.

Article 14 Secretariat

The Consultative Committee shall have a secretariat, headed by the secretary of the Consultative Committee. The secretary shall be appointed by the European Commission, with the agreement of the Bureau of the Consultative Committee. The secretary shall be assisted by as many staff as are necessary to enable the Consultative Committee and its subcommittees to function properly.

This secretariat shall be under the authority of the Bureau of the Consultative Committee, represented by the President, who shall supervise implementation of the Bureau's decisions.

The Bureau of the Consultative Committee shall take all measures concerning the organization and activity of the secretariat.

Title III Miscellaneous provisions

Article 15 Absences of long duration

If a member of the Consultative Committee, called in the proper manner, has not attended sessions of the Consultative Committee for a period of six months and has not asked for leave of absence, the Bureau, after asking the member concerned to account for his absences, may inform the Presidents of the European Commission and the Council of the European Union of this situation, with a view to the possible replacement of that member.

The Bureau shall decide on a member's written request for leave of absence and suggest to the Community any non-voting representative he may have proposed to replace him during his period of absence.

Article 16

Amendments to the Internal Regulations

The provisions of the present Internal Regulations may be amended by the Consultative Committee, following a proposal by its Bureau or at least one-third of the members of the Consultative Committee.

Any amendments to the present Regulations shall be adopted by a two-thirds majority of the Consultative Committee members at a plenary assembly.

(¹) Unless otherwise stated, all references to the President in the present Regulations shall be to the President of the Consultative Committee.

(²) The members shall be drawn from the following three categories:

- producers,
- workers,
- consumers and dealers.

(³) Whole-day sessions may not be attended by the member and his representative for half a day each. Two-day sessions may be attended by the member and his representative for one day each.