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FINANCIAL INSTITUTIONS

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RULES OF PROCEDURE
FOR THE EUROPEAN BANKING COMMITTEE

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THE EUROPEAN BANKING COMMITTEE,

Having regard to Commission Decision 2004/10/EC of 5 November 2003 establishing the European Banking Committee¹ and in particular Article 4 thereof,

Having regard to Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees²,

Having regard to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission³, and in particular Article 7(1) thereof,

Having regard to the standard rules of procedure published by the Commission⁴,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Convening meetings of the Committee

1. The meetings of the Committee shall in principle take place in Brussels at least three times a year.
2. The Chairperson shall convene the meetings of the Committee, either on his/her own initiative or at the request of a simple majority of the Members of the Committee.
3. Joint meetings of the Committee with other committees may be convened to discuss issues coming within their respective areas of responsibility. Such meetings shall be co-chaired by the Chairpersons of the participating committees.

¹ OJ L 3, 7.1.2004, p.36.

² OJ L 79, 24.3.2005, p.9.

³ OJ L 184, 17.7.1999, p.23

⁴ OJ C 38, 6.2.2001, p.3.

Article 2

Agenda

1. The Chairperson shall draw up the draft agenda and submit it to the Members.
2. The agenda shall make a distinction between:
 - (a) drafts of measures to be taken on which the Committee is asked to give an opinion, in accordance with the regulatory procedure provided for in Article 5(2) of Council Decision 1999/468/EC;
 - (b) other issues put to the Committee for discussing key policy issues in the field of EU financial legislation, either on the Chairperson's initiative, or at the written request of a Member of the Committee.

Article 3

Documentation to be sent to the Members

1. The Secretary of the Committee, on behalf of the Chairperson, shall send the invitation to the meeting and the draft agenda no later than three weeks before the date of the meeting.
2. The Secretary of the Committee, on behalf of the Chairperson, shall send all relevant documents before the meeting. The draft measures on which the Committee is asked to give an opinion shall be sent to the Members in accordance with Article 13(2), as a general rule, no later than two weeks before the date of the meeting. The other working papers shall be sent, as a general rule, no later than a week before the date of the meeting.
3. In urgent cases, and where the measures to be adopted need to apply immediately, the Chairperson may, at the request of a Member or on his own initiative, shorten the time limit for transmission referred to in paragraph 2 to five days before the date of the meeting.
4. In cases of extreme urgency, the Chairperson may depart from the time-limits set out in this Article. The placing of a new item on the agenda during the course of a meeting requires the approval of a simple majority of the Members.

Article 4

Informing the European Parliament

1. The Commission shall send the agenda and the proposals submitted to the Committee with regard to implementing measures for acts adopted in accordance with the procedure laid down in Article 251 of the Treaty to the European Parliament, within the same time frame and under the same conditions as they are sent to the Permanent Representations.

2. The Commission shall send the overall result of voting, the attendance list referred to in Article 12 and the summary report of the meetings referred to in Article 11(6) to the European Parliament within two weeks of each meeting of the Committee.

Article 5

Opinion of the Committee

1. When the Committee's opinion is required under the regulatory procedure, this shall be determined by means of a majority vote, as provided for in Article 205(2) of the Treaty.
2. The Chairperson, on his own initiative or at the request of a Member of the Committee, may postpone the vote on a particular item on the agenda until the end of the meeting or a later meeting:
 - (a) if a substantive change is made to the proposal during the meeting,
 - (b) if the text of the proposal has been submitted to the Committee during the meeting.
3. If there are specific difficulties, the Chairperson may extend the meeting until the following day.
4. If a Member of the Committee so requests, voting on an item shall be postponed if the documents relating to a specific item on the agenda have not been sent within the time-limits laid down in Article 3(2) and (3).

However, on the proposal of the Chairperson or at the request of a Member, the Committee may decide by a simple majority of its Members to keep the item on the agenda due to the urgency of the matter.

5. If the Committee has not issued an opinion within the time frame laid down by the Chairperson, the latter may extend this period, except in cases of urgency, until the end of the following meeting at the latest. If necessary, the written procedure provided for in Article 9 may be applied.

Article 6

Representation and quorum

1. Each Member State delegation is considered to be one Member of the Committee. Each Member of the Committee decides on the composition of its delegation and informs the Chairperson. A delegation may consist of two participants, one of which shall have particular expertise in the matters being discussed at the meeting.
2. The reimbursement of travel expenses by the Commission is limited to one person per delegation. Participation of the remaining delegates shall be at the expense of the Member State concerned.

3. A Member State delegation may, if necessary, represent a maximum of one other Member State. The Permanent Representation of the Member State that is being represented shall inform the Chairperson of this in writing at least a week before the meeting.
4. The quorum required for the Committee's deliberations concerning the draft measures referred to in Article 2(2)(a) to be valid is that permitting an opinion to be issued by the majority required for that purpose.

Article 7

Working groups

1. The Committee may create working groups to examine particular issues. The working groups shall be chaired by a representative of the Commission services.
2. The main conclusions of the meeting of working groups shall be passed on to the Members of the Committee.

Article 8

Admission of third parties

1. The Chairperson may decide to invite experts to talk on particular matters, on his own initiative or at the request of a Member of the Committee.
2. The Chairperson of the Committee of European Banking Supervisors (CEBS) established by Commission Decision 2009/18/EC⁵ or, after the establishment of the European Banking Authority, its Chairperson, shall be invited to attend meetings of the Committee as an observer in accordance with Article 3(2) of that Decision.
3. The representative of the European Central Bank shall be invited to attend meetings of the Committee as an observer in accordance with Article 3(2) of that Decision.
4. The representatives of the parties to the Agreement on the European Economic Area shall be invited to attend the meetings of the Committee, in accordance with Article 100 of the Agreement on the European Economic Area⁶.
5. Only Members shall be present at and participate in voting of the Committee.

⁵ OJ L 25, 29.01.2009, p. 23-27.

⁶ OJ L 1, 3.1.1994, p. 5.

Article 9

Written procedure

1. If necessary and in substantiated cases, the opinion of the Committee may be obtained by written procedure. To this end, the Chairperson shall send to the Members of the Committee the draft measures on which the opinion of the Committee is sought, in accordance with Article 13(2).
2. The time-limit for the procedure referred to in paragraph 1 may not be less than two weeks. In cases of urgency or extreme urgency, the time limits provided for in Article 3 (3) and (4) shall apply.
3. Any Member of the Committee who does not express his opposition or intention to abstain from voting on the draft measures within the time-limit laid down in paragraph 2 shall be considered to have given his tacit agreement to the proposal.
4. If a Member of the Committee requests that the draft measures be examined at a meeting of the Committee, the written procedure shall be terminated without result and the Chairperson shall convene a meeting of the Committee as soon as possible.

Article 10

Secretarial support

The Commission shall provide secretarial support for the Committee and, if necessary, the working groups created in accordance with Article 7(1).

Article 11

Summary reports of meetings

1. After each meeting, the Secretary of the Committee shall draw up a summary report containing, in particular, the main conclusions and general opinions expressed in the meeting and follow-up action points. If necessary, the individual opinions of the Members may be included as well.
2. The draft report shall be sent to the Members of the Committee within a week. The Members of the Committee shall send any comments they may have on the draft report to the Secretary of the Committee in writing within a week after receiving that report.
3. After receiving the comments from the Members mentioned in paragraph 2, the Secretary of the Committee shall draw up the final version of the summary report and send it to the Members. If there are no objections within 3 days, the summary report is deemed to be approved by the Committee.
4. If there is any disagreement as to the final version of the summary report referred to in paragraph 3, the Committee shall be informed immediately and the proposed

amendment shall be discussed by the Committee. If the disagreement persists, and it has not been solved within a week, that amendment shall be annexed to the report.

5. In the case of the meetings when the Committee's opinion is required on the draft measures referred to in Article 2(2)(a), a summary report shall include the result of the vote on the draft measures submitted to the Committee and the individual positions of the Members in the Committee's discussions. The provisions of paragraphs 1-4 shall be applied accordingly.
6. A summary report for the European Parliament shall be drawn by the Commission services, briefly describing each item on the agenda and the overall result of the vote on the draft measures submitted to the Committee. This report shall not mention the individual positions of the Members in the Committee's discussions.

Article 12

Attendance list and conflict of interest

1. At each meeting, the Secretariat of the Committee shall draw up an attendance list specifying the authorities or bodies to which the persons designated by the Member States to represent them belong.
2. At the beginning of each meeting, any person designated by the Member States, whose participation in the work of the Committee would give rise to a conflict of interests with regard to a particular item on the agenda, must inform the Chairperson of this situation.
3. Designated persons who do not belong to an authority or organisation of a Member State shall inform the Chairperson before the meeting and shall sign a declaration stating that their participation does not give rise to any conflict of interests and that they undertake to respect the rules of procedure, in particular its Article 14(2).
4. In the event of a conflict of interests, the person concerned shall withdraw his participation whilst the relevant items of the agenda are being dealt with, at the request of the Chairperson.

Article 13

Correspondence

1. Correspondence relating to the Committee shall be addressed to the Secretariat of the Committee.
2. Correspondence for the Members of the Committee shall be, in principle, sent by e-mail. It shall be addressed directly to the persons designated for this purpose by Member States and, in copy, to the Permanent Representations.

Article 14

Transparency

1. The principles and conditions concerning public access to the Committee's documents shall be the same as those defined in Regulation (EC) n° 1049/2001⁷. It is for the Commission to take a decision on requests for access to those documents. If the request is addressed to a Member State, that Member State shall apply Article 5 of the abovementioned Regulation.
2. The discussions of the Committee and its working groups shall be kept confidential.

Article 15

Entry into force

These rules of procedure shall enter into force on 6 December 2010.

⁷ OJ L 145, 31.5.2001, p. 43