



**Markt/2515/05**  
**June 2005**

**RULES OF PROCEDURE**  
**FOR THE EUROPEAN INSURANCE**  
**AND OCCUPATIONAL PENSIONS COMMITTEE**

## **RULES OF PROCEDURE FOR THE EUROPEAN INSURANCE AND OCCUPATIONAL PENSIONS COMMITTEE**

THE EUROPEAN INSURANCE AND OCCUPATIONAL PENSIONS COMMITTEE,

Having regard to Commission Decision 2004/9/EC of 5 November 2003 establishing the European Insurance and Occupational Pensions Committee<sup>1</sup> and in particular Article 3(5) 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 committees<sup>2</sup>,

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 Commission<sup>3</sup>, and in particular Article 7(1) thereof,

Having regard to the standard rules of procedure published by the Commission<sup>4</sup>,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

### *Article 1*

#### **Convening a meeting**

1. A meeting of the Committee shall be convened by the Chairman, either on his 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.

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<sup>1</sup> OJ L 3, 7.1.2004, p.34.

<sup>2</sup> OJ L 79, 24.3.2005, p.9.

<sup>3</sup> OJ L 184, 17.7.1999, p.23

<sup>4</sup> OJ C 38, 6.2.2001, p.3.

*Article 2*

**Agenda**

1. The Chairman shall draw up the agenda and submit it to the Committee.
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 information or a simple exchange of views, either on the Chairman's initiative, or at the written request of a member of the Committee.

*Article 3*

**Documentation to be sent to members of the Committee**

1. The Chairman shall send the invitation to the meeting, the agenda and draft measures on which the Committee is asked to give an opinion and any other working papers to the members of the Committee in accordance with Article 13(2), as a general rule, no later than 14 calendar days before the date of the meeting.
2. In urgent cases, and where the measures to be adopted need to apply immediately, the Chairman may, at the request of a member of the Committee or on his own initiative, shorten the time limit for transmission referred to in paragraph 1 to five calendar days before the date of the meeting.

*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(2) to the European Parliament within 14 calendar days 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 Chairman, 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.

If there are specific difficulties, the Chairman may extend the meeting until the following day.

3. 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(1) and (2).

However, on the proposal of the Chairman 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.

4. If the Committee has not issued an opinion within the time frame laid down by the Chairman, 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 Chairman. However, the reimbursement of travel expenses by the Commission is limited to one person. With the Chairman's permission, the delegations may be accompanied by experts, at the expense of the Member State concerned.
2. 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 Chairman of this in writing.
3. 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.
2. The groups shall report back to the Committee. To this end, they may appoint a *rapporteur*.

*Article 8*

**Admission of third parties**

1. The Chairman may decide to invite experts to talk on particular matters, at the request of a member or on his own initiative.
2. The Chairperson of the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS) established by Commission Decision 2004/6/EC<sup>5</sup> shall be invited to attend meetings of the Committee as an observer in accordance with Article 3(2) of that Decision.
3. The representatives of the EFTA States 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 Area<sup>6</sup>.
4. The Chairperson of CEIOPS and the representatives of the EFTA States parties to the Agreement on the European Economic Area shall not be present at and shall not participate in voting of the Committee.

*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 Chairman shall send the members of the Committee the draft measures on which the opinion of the Committee is sought, in accordance with Article 13(2). 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 the letter shall be considered to have given his tacit agreement to the proposal. That time-limit may not be less than 14 calendar days.

In cases of urgency, the time limit provided for in Article 3(2) shall apply.

2. 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

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<sup>5</sup> OJ L 3, 7.1.2004, p. 30.

<sup>6</sup> OJ L 1, 3.1.1994, p.5.

result and the Chairman 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*

**Minutes and summary report of meetings**

1. The minutes of each meeting shall be drawn up under the auspices of the Chairman containing, in particular, the opinions expressed on the draft measures referred to in Article 2(2)(a) and, if necessary, the opinions expressed on the issues referred to in Article 2(2)(b). The text of the opinions shall be given in a separate annex. The minutes shall be sent to the members of the Committee within 15 working days.

The members of the Committee shall send any comments they may have on the minutes to the Chairman in writing. The Committee shall be informed of those comments. If there is any disagreement, the proposed amendment shall be discussed by the Committee. If the disagreement persists, that amendment shall be annexed to the minutes.

2. A summary report for the European Parliament shall be drawn up under the auspices of the Chairman, briefly describing each item on the agenda and the result of the vote on the draft measures submitted to the Committee. This report shall not mention the individual position of the members in the Committee's discussions.

*Article 12*

**Attendance list**

1. At each meeting, the Chairman 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 Chairman of this situation.

Designated persons who do not belong to an authority or organisation of a Member State shall sign a declaration stating that their participation does not give rise to any conflict of interests.

In the event of such 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 Chairman.

*Article 13*

**Correspondence**

1. Correspondence relating to the Committee shall be addressed to the Commission, for the attention of the Chairman of the Committee.
2. Correspondence for members of the Committee shall be addressed to the Permanent Representations, if possible by e-mail. A copy shall be sent directly to at most two persons designated for this purpose by that Member State.

*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° 1049/2001<sup>7</sup>. 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 Committee's discussions shall be kept confidential.

*Article 15*

**Entry into force**

These rules of procedure shall enter into force on 30 June 2005.

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<sup>7</sup> OJ L 145, 31.5.2001, p. ?