



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9.2.2006  
COM(2006) 47 final

Proposal for a

**COUNCIL DECISION**

**on the European Community position regarding a decision of the EC-Monaco Joint  
Committee concerning its rules of procedure**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The Agreement, signed on 4 December 2003, between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco entered into force on 1 May 2004. Article 3 of the Agreement establishes a Joint Committee, which is responsible for the management and proper application of the Agreement.

### **TASKS OF THE JOINT COMMITTEE**

Within the Joint Committee the contracting parties are to exchange information and consult each other on for the purpose of the proper implementation of the Agreement.

For the management and proper application of the Agreement the Joint Committee may issue recommendations. It may take decisions on the following subjects:

- amendments to the Annex to the Agreement (Article 1(1)),
- adoption of rules of procedure (Article 3(4)).

### **COMMUNITY POSITION ON THE DECISION**

Article 3(2) of Council Decision 2003/885/EC concerning the conclusion of the Agreement between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco stipulates that the position to be taken by the Community concerning the Committee's decisions is to be determined by the Council on a proposal by the Commission. The exception laid down in Article 3(3) does not apply to the adoption of the rules of procedure.

The rules of procedure contains provisions on the convening of meetings, the appointment of the chairman and the chairman's term of office. The proposed rules of procedure provide for the office of chairman to be exercised for six months at a time, in rotation, by a representative of the Principality of Monaco and the European Community. The contracting parties may nominate their representatives. Under Council Decision 2003/885/EC, the Commission alone represents the European Community's on the Joint Committee. It would, however, be helpful to be able to include representatives of the Member States in the Community delegation, and in particular representatives of France, which performs a number of administrative tasks in Monaco.

The rules of procedure lay down arrangements for organising meetings and taking decisions. In particular, they allow decisions to be taken by written procedure. The rules relating to languages are designed to reconcile the need to treat the official languages equally with the need to allow smooth communication between the contracting parties.

The Commission services have prepared the draft decision of the EC-Monaco Joint Committee concerning its rules of procedure together with Monaco's administration. It is planned that the decision will be adopted at the first meeting of the Committee, scheduled for the start of 2006.

Proposal for a

**COUNCIL DECISION**

**on the European Community position regarding a decision of the EC-Monaco Joint Committee concerning its rules of procedure**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision of 17 November 2003 concerning the conclusion of the Agreement on the application of certain Community acts on the territory of the Principality of Monaco (2003/885/EC), and in particular Article 3(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement, signed on 4 December 2003, between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco (hereinafter “the Agreement”) entered into force on 1 May 2004.
- (2) Article 3(4) requires the Joint Committee set up by the Agreement to establish its rules of procedure,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The position of the European Community in the Joint Committee established by Article 3 of the Agreement between the European Community and its Member States, of the one part, and the Principality of Monaco, of the other, on the application of certain Community acts on the territory of the Principality of Monaco shall be based on the annexed draft decision of the Joint Committee.

Done at Brussels,

*For the Council  
The President*

Draft

**Decision of the EC-Monaco Joint Committee**

**adopting its Rules of Procedure**

THE JOINT COMMITTEE,

Having regard to the Agreement, signed on 4 December 2003, between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco (hereinafter “the Agreement”), and in particular Article 3 thereof,

CONSIDERING that the Agreement entered into force on 1 May 2004,

CONSIDERING that the Joint Committee is to establish its rules of procedure,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Rules of Procedure of the Joint Committee annexed to this Decision are adopted.

*Article 2*

The Rules of Procedure of the Joint Committee shall apply from 1 January 2006.

Done at Brussels,

*For the Joint Committee  
The President*

## **ANNEX**

### **RULES OF PROCEDURE OF THE EC-MONACO JOINT COMMITTEE**

#### *Article 1*

##### **NAME**

The Joint Committee created by the Agreement, signed on 4 December 2003, between the European Community and the Principality of Monaco on the application of certain Community acts on the territory of the Principality of Monaco shall be named the "EC-Monaco Joint Committee". This name shall be used for the purposes of all this Joint Committee's acts and communications.

#### *Article 2*

##### **COMPOSITION**

The Joint Committee shall be composed of a delegation from the European Community and a delegation from the Principality of Monaco.

The European Community delegation shall be composed of representatives of the Commission of the European Communities, assisted by representatives of the Member States and other Community institutions. The Principality of Monaco's delegation shall be composed of representatives of Monaco's government.

Each party shall appoint the head of its delegation and, if need be, a deputy head.

#### *Article 3*

##### **THE CHAIRMAN**

The Joint Committee shall be chaired by the European Community for the first six months of the year and by the Principality of Monaco for the other sixth months. The office of chairman of the Joint Committee shall be held by the head of the delegation of the party holding the chair.

#### *Article 4*

##### **SECRETARIAT**

A representative of the Community and a representative of Monaco shall act jointly as secretaries of the Joint Committee.

The secretaries must ensure the proper working of the Joint Committee. The secretaries shall be responsible for communication between the delegations, including forwarding documents, drafting the agenda and minutes for meetings and following up decision-making procedures.

Each secretary shall be appointed by the head of their delegation and remain in office until a new secretary is appointed. Each delegation shall submit the name and contact details of its secretary.

#### *Article 5*

##### **CONVENING AND ORGANISING MEETINGS**

The Joint Committee shall meet as and when necessary. Meetings shall take place in Brussels or another place agreed by the heads of the delegations.

A meeting shall be convened by the chairman at the request of a head of delegation at least two months before the meeting. The invitation shall be addressed to the head of the other delegation. It must be accompanied by a draft agenda. In urgent cases, invitations for meetings may be sent out at shorter notice.

The secretaries shall exchange in good time all the documents necessary for the proper preparation of meetings, if possible four weeks before the meeting.

The delegations shall notify each other before the meeting of their planned composition.

The party hosting the meeting shall arrange logistical matters. By agreement with the other delegation, telephone and video conferences may also be used. The organisation of telephone and video conferences shall be handled by the delegation which asked for the meeting to be convened.

Unless the heads of delegation decide otherwise, the meetings of the Joint Committee shall not be public.

#### *Article 6*

##### **AGENDAS FOR MEETINGS**

The secretaries shall draw up a provisional agenda for each meeting. Each delegation may propose additional items for inclusion on the agenda.

The agenda shall be adopted by mutual agreement of the heads of delegation at the beginning of each meeting.

*Article 7*

**MINUTES**

The secretaries shall draw up draft minutes for each meeting. The draft shall mention the decisions taken, the recommendations made and the conclusions drawn for each item of the agenda. The draft minutes shall be submitted to the Joint Committee for approval. Once adopted by the Committee, the minutes shall be drawn up in duplicate for each party and signed by the secretaries.

*Article 8*

**ADOPTION OF ACTS**

The Joint Committee shall take decisions by mutual agreement and make recommendations by mutual agreement between the two parties, in accordance with the provisions laid down in the Agreement.

In the Joint Committee, the position of each party to the Agreement shall be expressed by its head of delegation.

The delegation wishing a decision to be adopted shall submit a proposal in the form of a Committee decision. The other delegation must state whether it approves the draft decision, wishes to see it amended or requests more time to consider it.

If both sides agree to the draft, the chairman shall record the fact in the minutes and issue the act adopted.

The decisions (or recommendations) shall be entitled “decision” (or “recommendation”), followed by a serial number, the date of their adoption and a description of their subject. These acts shall be drawn up in duplicate, with one copy for each party, and signed by the chairman [and the secretaries].

*Article 9*

**WRITTEN PROCEDURE**

Outside meetings, the Joint Committee may take decisions or adopt recommendations by correspondence (written procedure).

The head of the delegation proposing the use of the written procedure shall submit the draft act by mail to the head of the other party’s delegation. The other party shall reply, stating whether it accepts the draft, proposes amendments or asks for time to consider the draft.

The decision or recommendation shall be adopted on the day that the head of a party’s delegation receives, from the head of the other party’s delegation, the letter confirming agreement.

After the act's adoption, the chairman shall finalise the decision or recommendation, in accordance with Article 8.

#### *Article 10*

### **OBSERVERS AND INVITED EXPERTS**

The chairman may invite, subject to the other party's agreement, experts, representatives of governments or other persons who are not members of the delegations to observe a meeting or to advise the meeting on specific subjects.

The Joint Committee may consult experts on specific issues if both delegations agree.

#### *Article 11*

### **EXPENSES**

Each party shall cover all expenses it incurs in hosting or taking part in meetings and the work of the Joint Committee, the working parties and groups of experts.

The Committee shall decide how to share expenses relating to missions entrusted to experts.

#### *Article 12*

### **CONFIDENTIALITY AND INFORMATION**

The deliberations at the meetings and the documents of the Joint Committee shall be confidential, subject to the legal obligations of the parties regarding the publication of decisions and recommendations and the access to documents. The heads of the delegations may, however, agree mutually to lift the confidentiality.

The parties may organise public briefings or otherwise inform members of the public of the results of the Joint Committee meetings.

#### *Article 13*

### **LANGUAGES**

Recommendations and decisions of the Joint Committee shall be drawn up in the official languages of the European Community and the Principality of Monaco. These language versions are equally authentic.

Each party shall be responsible for producing acts in its official languages.

The heads of the delegations shall agree on the most appropriate language arrangements for the Joint Committee's communication and deliberations. Whatever the case may be, the party hosting the meeting shall not be obliged to provide interpreting.