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SCHENGEN

EN

Executive Committee

Paris, 14 December 1993

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EXCOM 013
ACQUIS

DECISION OF THE EXECUTIVE COMMITTEE

The Executive Committee,

Having regard to Article 132 of the Convention implementing the Schengen Agreement

HAS DECIDED AS FOLLOWS : Articles 2, sub-paragraph 4 and Article 9 sub-paragraphs 2 and 3 of the Rules of Procedure (SCH/COM-EX (93) 1) adopted on 18 October 1993 shall be amended as follows :

RULES OF PROCEDURE OF THE EXECUTIVE COMMITTEE ESTABLISHED PURSUANT TO TITLE VII OF THE IMPLEMENTING CONVENTION OF SCHENGEN

ARTICLE ONE

1. The Presidency of the Executive Committee shall rotate, being held by each Contracting Party for a six-month period commencing on the first of January and the first of July respectively. The sequence of the Presidencies shall be determined by the alphabetical order of the first letter of the name of the Contracting Parties in their national languages.
2. The first Presidency of the Executive Committee shall be assumed by the Contracting Party holding the Presidency at such time as the Implementing Convention enters into force.
3. The Executive Committee may decide to modify the sequence of the Presidency under exceptional circumstances.

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ARTICLE 2

1. The Executive Committee shall meet when convened by its President on his own initiative or at the request of one of its members. The meetings shall be held on the territory of the Contracting Party whose representative is President unless decided to the contrary for reasons of urgency.
2. The President shall make known the dates which he envisages for meetings of the Executive Committee during his period of office as President no later than one month before the beginning thereof.
3. The provisional agenda shall contain the items placed on the agenda at the request of one of the members of the Executive Committee. The President shall send the provisional agenda to the other members no later than twenty one days before the date of the meeting.
4. Only items in respect of which the documents have been sent to the members of the Executive Committee by the President at the latest by the date on which the provisional agenda is sent may be placed on that agenda.
5. The documents referred to in paragraphs 3 and 4 shall be sent in good time to the Commission of the European Communities.
6. The agenda shall be adopted by the Executive Committee at the beginning of each meeting.

ARTICLE 3

1. Meetings of the Executive Committee shall not be public unless the Committee decides otherwise.
2. The Commission of the European Communities shall be invited to take part in the meetings of the Executive Committee. The Executive Committee may, however, decide to deliberate without the presence of a Commission representative.
3. The members of the Executive Committee and the representative of the Commission may be accompanied by experts who assist them. The number of such experts may be laid down by the Executive Committee.
4. A member of the Executive Committee who is prevented from attending a meeting may arrange to be represented. Meetings of the Executive Committee shall only be valid if half of its members plus one are present.

ARTICLE 4

1. All decisions adopted by the Executive Committee shall require unanimity. Each member of the Executive Committee shall have one vote which may be cast by his representative.
2. Matters shall be put to the vote at the initiative of the President or a member.
3. The members of the Executive Committee shall vote in the alphabetical order within the meaning of Article 1, paragraph 1, beginning with the member who, according to that alphabetical order, follows the member holding the office of President.

ARTICLE 5

Decisions of the Executive Committee may, if appropriate, be adopted by a written vote provided that all the members agree to that procedure in respect of the matter in question.

ARTICLE 6

1. The Executive Committee may lay down a date for the implementation of its decisions without prejudice to the provisions of the following paragraphs.
2. In as far as required by their national law, the Governments of the Contracting Parties shall initiate the national procedures required for the implementation of the decisions of the Executive Committee.
3. The decisions shall enter into force when all States party to the Convention have indicated that the procedures required by their legal order to render these decisions enforceable on their territory have been accomplished.
4. When one of its members invokes the provisions of Article 132, paragraph 3 of the Implementing Convention, notably because it wishes to conduct additional consultations or because parliamentary approval is required, the Executive Committee shall determine the terms of the deadline provided for by said Article. After the expiry of said deadline, the draft decision shall be resubmitted to the Executive Committee.

ARTICLE 7

1. Minutes of each meeting of the Executive Committee shall be drawn up and, when approved, signed by the President. The minutes shall as a general rule indicate in respect of each item on the agenda :
 - the documents submitted to the Executive Committee,
 - the draft decisions or decisions taken or the conclusions reached by the Executive Committee,
 - the statements made by the Executive Committee and other statements which a member of the Executive Committee or the representative of the

Commission of the European Communities have requested be recorded in the minutes.

2. The draft minutes shall be drawn up by the Secretariat under the authority of the President and submitted to the Executive Committee for approval at the subsequent meeting.

3. Prior to such approval, any member of the Executive Committee or the representative of the Commission of the European Communities may request that more details be inserted in the minutes regarding any item on the agenda.

4. The texts of the draft decisions and decisions adopted by the Executive Committee shall be annexed to the minutes.

ARTICLE 8

1. Except as otherwise decided by the Executive Committee on grounds of urgency, the Committee shall deliberate and take decisions only on the basis of documents and drafts drawn up in the national languages of all Contracting Parties.

2. Any member of the Executive Committee may oppose discussion if the texts of any proposed amendments are not drawn up in such of the said languages of the Contracting Parties which he may specify.

ARTICLE 9

1. The texts of the decisions adopted by the Executive Committee shall be signed by the President in office at the time of their adoption.

2. The President shall notify the Contracting Parties of decisions taken by the Executive Committee in the language of each Contracting Party within eight days of the adoption thereof and according to the procedures pursuant to Articles 4 and 5. All Contracting Parties shall be notified on the same day.

3. The publication of decisions of the Executive Committee, unless they are proclaimed confidential when adopted, shall be governed by the national law of the Contracting Parties.

ARTICLE 10

The Executive Committee shall be assisted by a Secretariat.
The Executive Committee shall determine the organisational structure of its Secretariat.

ARTICLE 11

1. The Central Group consisting of senior officials of the Contracting Parties shall prepare the work of the Executive Committee and shall carry out the tasks assigned to it by the Executive Committee.

2. The Central Group may set up working groups and instruct them to carry out such preparatory work or studies as it shall define.

3. Unless the Executive Committee decides otherwise, the Commission of the European Communities shall be invited to be represented in the work of the Central Group and of the working groups.

4. The Central Group shall be presided over by the representative of that Contracting Party whose representative is President of the Executive Committee. The same shall apply to the working groups.

ARTICLE 12

1. Without prejudice to other relevant provisions, the deliberations of the Executive Committee shall be covered by the obligation of secrecy, except in so far as the Committee decides otherwise.

2. The provisions of the preceding paragraph shall not conflict with the Contracting Parties respecting the obligations imposed on them by their national law in respect of the communication of the drafts of decisions which the Central Group has decided to submit to the Executive Committee.

ARTICLE 13

Correspondence to the Executive Committee shall be sent to the President at the address of the Secretariat.

ARTICLE 14

Any amendments to the provisions of these Rules of Procedure must be passed by the Executive Committee.

ARTICLE 15

These Rules of Procedure shall enter into force on the date of their approval.

Paris, 14 December 1993

The President

A. Lamassoure