EUROPEAN UNION
THE COUNCIL

Brussels, 26 September 1994 (30.09)
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WORKING DOCUMENT

Subject: Rules of Procedure of the Committee provided for in Article 18 of the Convention of 15 June 1990 determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (the "Dublin Convention")

Following the discussions of Steering Group I ([1]) a set of draft Rules of Procedure of the Committee provided for in Article 18 of the Dublin Convention is annexed hereto.

([1]) 8301/94 ASIM 137 of 11 July 1994.

ANNEX

Draft DECISION

of the Committee provided for in Article 18 of the Dublin Convention

of ...

adopting its Rules of Procedure

The COMMITTEE,

Having regard to Article 18(4) of the Convention of 15 June 1990 determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (Dublin Convention), hereinafter referred to as the "Convention",

Whereas the first subparagraph of Article 18(1) of the Convention sets up a Committee comprising one representative of the Government of each Member State,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Committee set up by Article 18(1) of the Convention, hereinafter referred to as the "Committee", shall comprise one representative of each Member State at Ministerial level.

2. The Committee shall meet when convened by its Chairman on his own initiative or at the request of one of its members.

3. The Committee shall meet at the seat of the Council of the European Union.

In exceptional circumstances and for duly substantiated reasons, the Committee, acting unanimously, may decide to hold a meeting elsewhere.

4. The Committee shall be chaired by the representative of the Member State holding the Presidency of the Council of the European Union.

Article 2

1. The Chairman shall draw up the provisional agenda for each meeting. The agenda shall be sent to the other members of the Committee and to the Commission of the European Communities at least 14 days before the beginning of the meeting. The Chairman will endeavour to ensure that, in principle, the provisional agenda for each Committee meeting and the documentation relating to the items on that agenda, are received by the members of the Committee at least 21 days before the beginning of the meeting.

2. The provisional agenda shall contain the items in respect of which a request for inclusion on the agenda, together with any documents relating thereto, has been received by the General Secretariat of the Council of the European Union (hereinafter referred to as the "General Secretariat") from a member of the Committee at least 16 days before the beginning of that meeting.

The provisional agenda shall also indicate the items on which the Chair or a member of the Committee may request a vote.

3. Only items in respect of which the documents have been sent to the members of the Committee at the latest by the date on which the provisional agenda is sent may be placed on that agenda.

4. The General Secretariat shall transmit to the members of the Committee and to the Commission requests for the inclusion of items in the agenda, documents and indications concerning voting relating thereto in respect of which the time limits specified above were not respected.

5. The agenda shall be adopted by the Committee at the beginning of each meeting. The inclusion in the agenda of an item other than those appearing on the provisional agenda shall require unanimity in the Committee. Items entered in this way may be put to the vote.

6. The provisional agenda shall be divided into Part A and part B. Items for which approval of the Committee is possible without discussion shall be included in Part A, but this does not exclude the possibility of any member of the Committee or the Commission expressing an opinion at the time of the approval of these items and having statements included in the minutes.

7. However, an "A" item shall be withdrawn from the agenda, unless the Committee decides otherwise, if a position on an "A" item might lead to further discussion thereof or if a member of the Committee so requests.

Article 3

Subject to the provisions of Article 6 on the delegation of voting rights, a member of the Committee who is prevented from attending a meeting may arrange to be represented.

Article 4

1. Meetings of the Committee shall not be public.

2. The Commission shall be invited to take part in meetings of the Committee. The

Committee may, however, decide to deliberate without the presence of the Commission.

3. The members of the Committee and the representatives of the Commission may be accompanied by officials who assist them. The number of such officials may be laid down by the Committee.

The names and functions of such officials shall be notified in advance to the Secretary-General.

4. Admission to meetings of the Council shall be subject to the production of a pass prepared by the General Secretariat.

Article 5

1. Without prejudice to Article 6(7) and other applicable provisions, the deliberations of the Committee shall be covered by the obligation of professional secrecy, except insofar as the Committee decides otherwise.

2. The Committee may authorize the production of a copy or an extract from its minutes for use in legal proceedings.

Article 6

1. The Committee shall vote on the initiative of its Chairman.

The Chairman shall, furthermore, be required to open a voting procedure on the initiative of a member of the Committee, provided that a majority of the Committee's members so decides.

2. Abstentions by members present or represented shall not prevent the Committee from adopting acts which require unanimity.

3. The Committee shall act on procedural matters by a majority

of its members.

4. The members of the Committee shall vote in the order of the Member States laid down in Article 146 of the Treaty establishing the European Community (EC), beginning with the member who, according to that order, follows the member holding the office of Chairman.

5. Delegation of the right to vote may only be made to another member of the Committee.

6. The presence of six members of the Committee shall be required to enable the Committee to vote.

7. The record of the votes shall be made public by a unanimous Committee decision taken at the request of one of its members.

Article 7

1. Acts of the Committee on an urgent matter may be adopted by a written vote where the Committee unanimously decides to use that procedure. In special circumstances, the Chairman may also propose the use of that procedure; in such a case, written votes may be used where all members of the Committee agree to that procedure.

2. A summary of acts adopted by the written procedure shall be drawn up periodically.

3. The General Secretariat shall establish that the written procedures have been completed.

Article 8

1. Minutes of each meeting shall be drawn up and, when approved, shall be signed by the Chairman-in-Office at the time of such approval and by the Secretary-General.

The minutes shall as a general rule indicate in respect of each item on the agenda:

- the documents submitted to the Committee,

- the decisions taken or the conclusions reached by the Committee,

- the statements made by the Committee and those whose entry has been requested by a member of the Committee.

2. The draft minutes shall be drawn up by the General Secretariat within 15 days and submitted to the Committee for approval.

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

4. The decisions referred to in Article 10 shall be annexed to the minutes.

Article 9

1. Except as otherwise decided unanimously by the Committee on grounds of urgency, the Committee shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing the languages of the Council of the European Union.

2. Any member of the Committee may oppose discussion if the texts of any proposed amendments are not drawn up in such of the languages referred to in paragraph 1 as he may specify.

Article 10

The text of the decisions adopted by the Committee shall be signed by the Chairman-in-Office at the time of their adoption and by the Secretary-General of the Council of the European Union. The Secretary-General may delegate power to sign on his behalf to Directors-General of the General Secretariat.

Article 11

1. Decisions of the Committee shall include in their title the word "Decision", a serial number, the date of adoption and an indication of their subject matter.

2. Decisions of the Committee shall contain the following:

(a) "The Committee set up by Article 18 of the Dublin Convention";

(b) a reference to the provisions under which the Decision is adopted, preceded by the words "Having regard to";

(c) a statement of the reasons on which the Decision is based, introduced by the word "Whereas";

(d) the phrase "has decided as follows" followed by the body of the Decision.

3. Decisions shall be divided into Articles, if appropriate grouped into chapters and sections.

4. The last Article of a Decision shall be followed by:

- "Done at ...", followed by the date on which the Decision was adopted, and

- "For the Committee
  The Chairman",

followed by the name of the Chairman-in-Office of the Committee at the time when the Decision is adopted.

Article 12

The Secretary-General or a Director-General acting on his behalf shall send authentic copies of Committee Decisions to the Governments of the Member States and to the Commission.

Article 13

The decision to publish Decisions shall be taken on a case-by-case basis on adoption of these instruments by the Committee.

Article 14

The General Secretariat shall provide the secretariat for the Committee.

Article 15

The proceedings of the Committee shall be prepared by working parties meeting on the occasion of meetings of working parties of the Council of the European Union responsible for asylum matters.

Article 16

Correspondence to the Committee shall be sent to the Chairman at the address of the Council of the European Union.

Done at

For the Committee
The Chairman