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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	27 June 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 351 final
Subject:	ANNEXES to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in working groups established by, or subsequently established under, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the adoption of their rules of procedure

Delegations will find attached document COM(2023) 351 final.

Encl.: COM(2023) 351 final

EUROPEAN
COMMISSION

Brussels, 27.6.2023
COM(2023) 351 final

ANNEXES 1 to 2

ANNEXES

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in working groups established by, or subsequently established under, the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the adoption of their rules of procedure

Annex I

RULES OF PROCEDURE FOR WORKING GROUPS ESTABLISHED BY, OR SUBSEQUENTLY ESTABLISHED UNDER, THE TRADE AND COOPERATION AGREEMENT

TRADE AND COOPERATION AGREEMENT

WORKING GROUPS

RULES OF PROCEDURE

Rule 1

Chair

The Union and the United Kingdom shall notify each other of the name, position and contact details of their respective designated Working Group co-chairs. A co-chair is deemed to have the authorisation for representing, respectively, the Union or the United Kingdom until the date a new co-chair has been notified to the other Party.

A co-chair may be replaced for a particular meeting or a part thereof by a designee. The co-chair, or his or her designee, shall notify the other co-chair and the Secretariat of the Working Group of the designation as early as possible. Any reference in these Rules of Procedure to the co-chairs shall be understood to include a designee.

Rule 2

Secretariat

The Secretariat of the Working Group shall be composed of an official of the Union and an official of the Government of the United Kingdom. The Secretariat shall perform the tasks conferred on it by these Rules of Procedure, under the supervision of the relevant Committee.

The Union and the United Kingdom shall notify each other of the name, position and contact details of the official who is the member of the Secretariat of the Working Group, respectively. This official is deemed to continue acting as member of the Secretariat for the Union or for the United Kingdom until the date either the Union or the United Kingdom has notified a new member.

Rule 3

Meetings

Each meeting of the Working Group shall be convened by the Secretariat at a date and time agreed by the co-chairs. Where either the Union or the United Kingdom has made a request for a meeting, the other Party shall give due consideration to such a request and reply within 30 days.

The Working Group shall hold its meetings alternately in Brussels and London, unless the co-chairs decide otherwise.

By way of derogation from paragraph 2, the co-chairs may agree that a meeting of the Working Group be held by video conference, teleconference or in hybrid form.

Rule 4

Participation in meetings

A reasonable period of time in advance of each meeting, the Union and the United Kingdom shall inform each other through the Secretariat of the intended composition of their respective delegations and shall specify the name and function of each member of the delegation.

Where appropriate the co-chairs may, by mutual consent, invite experts (i.e. non-government officials), to attend meetings of the Working Group in order to provide information on a specific subject and only for the parts of the meeting where such specific subjects are discussed.

Rule 5

Documents

Written documents on which the deliberations of the Working Group are based shall be numbered and circulated to the Union and the United Kingdom by the Secretariat.

Rule 6

Correspondence

The Union and the United Kingdom shall send their correspondence addressed to the Working Group via the Secretariat. Such correspondence may be sent in any form of written communication, including by electronic mail.

The Secretariat shall ensure that correspondence addressed to the Working Group is delivered to the co-chairs and is circulated, where appropriate, in accordance with Rule 5.

All correspondence from, or addressed directly to, the co-chairs shall be forwarded to the Secretariat and shall be circulated, where appropriate, in accordance with Rule 5.

Rule 7

Agenda for the meeting

For each meeting, a draft provisional agenda shall be drawn up by the Secretariat. It shall be transmitted, together with the relevant documents, to the co-chairs no later than 5 days before the date of the meeting.

The provisional agenda shall include items requested by the Union or the United Kingdom. Any such request, together with any relevant document, shall be submitted to the Secretariat no later than 7 days before the beginning of the meeting.

No later than 3 days before the date of the meeting, the co-chairs shall decide on the provisional agenda for a meeting.

The agenda shall be adopted by the Working Group at the beginning of each meeting. On request by the Union or the United Kingdom, an item other than those included in the provisional agenda may be included in the agenda by consensus.

The co-chairs may, by mutual consent, reduce or increase the time periods specified in paragraphs 1 to 3 in order to take account of the requirements of a particular case.

Rule 8

Minutes

Draft minutes of each meeting shall be drawn up by the official acting as member of the Secretariat of the Party hosting the meeting, within 7 days from the end of the meeting, unless otherwise decided by the co-chairs. The draft minutes shall be transmitted for comments to the member of the Secretariat of the other Party. The latter may submit comments within 5 days from the date of receipt of the draft minutes.

The minutes shall, as a rule, summarise each item on the agenda, specifying where applicable:

- the documents submitted to the Working Group;
- any statement that one of the co-chairs requested to be entered in the minutes; and
- operational conclusions adopted on specific items.

The minutes shall include as an annex a list of participants setting out for each of the delegations the names and functions of all individuals who attended the meeting.

The Secretariat shall adjust the draft minutes on the basis of comments received and the draft minutes, as revised, shall be approved by the co-chairs within 28 days of the date of the meeting, or by any other date agreed by the co-chairs.

Once approved, copies of the minutes shall be signed by the members of the Secretariat and transmitted to the Union and the United Kingdom, as well as to the supervising Committee. The co-chairs may agree that signing and exchanging electronic copies satisfies this requirement.

Rule 9

Confidentiality

Unless otherwise decided by the co-chairs, the meetings of the Working Group shall be confidential.

If the Union or the United Kingdom submits information that is confidential or protected from disclosure under its laws and regulations to the Working Group the other party shall treat that information received as confidential.

The co-chairs may decide to make provisional agendas public before the meeting of the Working Group takes place. The co-chairs may also decide to make the minutes of the meeting public following their approval in accordance with Rule 8.

Publication of documents referred to in paragraph 3 shall be made in compliance with both Parties' applicable data protection rules.

Rule 10

Languages

The working language of the Working Group shall be English. Unless otherwise decided by the co-chairs, the Working Group shall base its deliberations on documents prepared in English.

Rule 11

Expenses

The Union and the United Kingdom shall each meet any expenses they incur as a result of participating in the meetings of the Working Group.

Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the party hosting the meeting.

Expenditure in connection with interpretation to and from the working language of the Working Group shall be borne by the party requesting such interpretation.

Rule 12

Reporting

The Working Group shall inform the supervising Committee of its meeting schedule and agenda sufficiently in advance of meetings, and shall report to this Committee on the results and conclusions of each meeting.

Annex II

POSITION OF THE UNION WITH REGARD TO SPECIFICATIONS OF THE RULES OF PROCEDURE FOR WORKING GROUPS

Before a working group adopts adaptations, regarding non-essential elements, of the rules of procedure set out in Annex I to this Decision, where such adaptations are required by the purpose and functioning of that working group, the Commission shall transmit to the Council sufficiently in advance of the meeting of that working group or of the written procedure in that working group, and in any case not later than eight working days prior to that meeting or usage of written procedure, a written document setting out the particulars of the proposed specification of the Union's position for discussion and the endorsement of the details of the position to be expressed on the Union's behalf.