Council of the European Union

Brussels, 31 July 2024
(OR. en)

12698/24
ADD 1

Interinstitutional File:
2024/0180(NLE)

RECH 380
COASI 126

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	24 July 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 312 final - ANNEX
Subject:	ANNEX to the proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes, as regards the adoption of the Joint Committee's Rules of Procedure

Delegations will find attached document COM(2024) 312 final - ANNEX.

Encl.: COM(2024) 312 final - ANNEX

EUROPEAN
COMMISSION

Brussels, 24.7.2024
COM(2024) 312 final

ANNEX

ANNEX

to the proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes, as regards the adoption of the Joint Committee's Rules of Procedure

DRAFT

Decision

No …/…

of the EU-New Zealand Joint Committee

of …

adopting its Rules of Procedure

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes[1] (hereinafter 'the Agreement') and in particular its Article 14(3) thereof,

Whereas:

(1) In accordance with Article 15(2) of the Agreement, the Agreement has been applied provisionally since 9 July 2023 following notification by New Zealand of the completion of its internal procedures necessary for that purpose.

(2) Pursuant to Article 14(3) of the Agreement, the Joint Committee is to adopt its Rules of Procedure, as set out in the Annex to this Decision, in order to ensure the effective and proper implementation of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Joint Committee in accordance with Article 14(3) of the Agreement as set out in the Annex to this Decision, are hereby adopted.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at …,

For the Joint Committee
The Co-Chairs

[1] OJ L 182, 19.7.2023, p. 4.

Annex

Rules of Procedure

of

the Joint Committee in accordance with Article 14(3) of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes

Rule 1
Tasks

The Joint Committee established under Article 14(1) of the Agreement between the European Union (hereinafter referred to as 'the Union'), of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes (hereinafter referred to as 'the Agreement'), shall perform the tasks and duties referred to in Article 14(1) of the Agreement.

Rule 2
Composition and Chair

(1) The Joint Committee shall be composed of representatives of the Union and New Zealand.

(2) The Joint Committee is co-chaired by senior officials or their designees acting as representatives of the European Union and New Zealand, respectively.

(3) The Union and New Zealand shall notify each other of the name, position and contact details of the official who is the co-chair of the Joint Committee for the Union and New Zealand, respectively. This official is deemed to continue acting as the co-chair for the Union and for New Zealand, respectively, until the date either the Union or New Zealand has notified the other Party of a new co-chair.

(4) A co-chair is deemed to have the authorisation for representing, respectively, the Union and New Zealand until the date a new co-chair has been notified to the other Party.

Rule 3
Secretariat

(1) The Secretariat of the Joint Committee (the 'Secretariat') shall be composed of an official of the Union and an official of New Zealand. The Secretariat shall perform the tasks conferred on it by these Rules of Procedure.

(2) The Union and New Zealand shall notify each other of the name, position and contact details of the official who is the member of the Secretariat of the Joint Committee for the Union and New Zealand, respectively. This official is deemed to continue acting as a member of the Secretariat for the Union and for New Zealand, respectively, until the date either the Union or New Zealand has notified a new official.

Rule 4

Meetings

(1) The Joint Committee shall meet at least once a year, and, whenever special circumstances so require, at the request of either of the Parties.

(2) It shall meet, in principle, alternately in Brussels and in New Zealand unless the co-chairs decide otherwise. Meetings may also be held by videoconference or teleconference, if so agreed by the co-chairs.

(3) In between its meetings, the Joint Committee shall work on an on-going basis by any means of communication, in particular through exchange of e-mails.

Rule 5

Participation in meetings

(1) At a reasonable period of time in advance of each meeting, the Union and New Zealand 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.

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

(3) The representative of the Party organising and hosting the meeting, after having obtained approval of the other Party, fixes the date and the place of the meeting.

Rule 6

Documents

Written documents on which the deliberations of the Joint Committee are based shall be numbered and circulated to the Union and New Zealand by the Secretariat.

Rule 7

Correspondence

(1) The Union and New Zealand shall send their correspondence addressed to the Joint Committee via the Secretariat. Such correspondence may be sent in any form of written communication, including through e-mails.

(2) The Secretariat shall ensure that the correspondence addressed to the Joint Committee is delivered to the co-chairs and is circulated, where appropriate, in accordance with Rule 6.

(3) 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 6.

Rule 8

Agenda

(1) For each meeting, a draft provisional agenda shall be drawn up by the Secretariat. To that end, at least four weeks before the date of the meeting, the first draft of a provisional agenda together with the documents related to each item appearing thereon shall be prepared by the official acting as the member of the Secretariat of the Party hosting the meeting and transmitted for comments to the member of the Secretariat of the other Party. Once prepared by the Secretariat, the draft provisional agenda, together with any relevant documents, shall be transmitted to the co-chairs for approval no later than 10 days before the date of the meeting.

(2) The provisional agenda shall include those items, which have been requested by the Parties. Any such request, together with any relevant documents, shall be submitted to the Secretariat no later than 15 days before the beginning of the meeting.

(3) In exceptional cases, the co-chairs may agree to reduce the periods provided for in paragraphs 1 and 2 above.

(4) The Joint Committee shall at the beginning of each meeting adopt its agenda.

(5) Points that do not appear on the draft agenda, can be added, and other points of the draft agenda can be deleted, deferred or amended at the meeting, provided that the two Parties agree.

Rule 9

Transparency and access to documents

(1) The meetings of the Joint Committee shall not be public, unless otherwise decided by the co-chairs.

(2) Each Party may decide on the publication of the decisions of the Joint Committee in its respective Official Journal or online, after prior consultation with the other Party.

(3) If the Union or New Zealand submits to the Joint Committee information that is confidential or protected from disclosure under its relevant laws and regulations, the other Party shall treat that information received as confidential.

(4) If the European Commission submits to the Joint Committee information that is confidential or protected from disclosure under its relevant information security legislation[2], New Zealand shall ensure for the received information a comparable level of confidentiality and protection. If New Zealand submits to the Joint Committee information that is confidential or protected from disclosure under their relevant laws and regulations, the European Commission shall treat the information received as confidential.

(5) Each Party shall handle requests for access to the Joint Committee documents in accordance with its relevant laws and regulations.

Rule 10

Minutes

(1) Minutes shall be taken of all meetings of the Joint Committee.

[2] Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

(2) 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 15 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 30 days from the date of receipt of the draft minutes.

(3) The minutes shall summarise each item on the agenda, specifying where applicable:

(a) the documents submitted to the Joint Committee;

(b) any statement that one of the Parties requested to be entered in the minutes; and

(c) the decisions adopted, statements decided upon and operational conclusions adopted on specific items.

(4) The minutes shall include an attendance list with names, titles and capacity of all participants to the meeting.

(5) The minutes shall be approved and signed by the co-chairs within two months following the meeting or by any other date decided by the co-chairs. The co-chairs may agree that signing and exchanging electronic copies satisfies the latter requirement. The authentic version of the minutes shall be preserved in the files of each Party.

(6) Within two working days following the Joint Committee meeting, the Secretariat of the Joint Committee shall also prepare a summary of the minutes for approval by the co-chairs as soon as practicable. Once the co-chairs of the Joint Committee have approved the text of the summary, the Parties may make public the summary of the minutes.

Rule 11
Decisions

(1) Where so provided under Article 14 of the Agreement, the Joint Committee shall take decisions by consensus. The Secretariat shall record any decision under a serial number and with a reference to the date of its adoption.

(2) The Joint Committee may take decisions by written procedure through an exchange of notes between the co-chairs if the Parties to the Agreement so agree. The text of a draft decision shall be presented in writing by one co-chair to the other co-chair in the official language of the Joint Committee, in accordance with Rule 14. The other Party shall have one month, or any longer period of time specified by the proposing Party, to express its agreement to the draft decision. If the other Party does not express its agreement, the proposed decision shall be discussed and may be adopted at the next meeting of the Joint Committee. The draft decision shall be deemed to be adopted once the other Party expresses its agreement and shall be recorded in the minutes of the next meeting of the Joint Committee.

(3) Each decision shall be signed by the co-chairs of the Joint Committee. The co-chairs may agree that signing and exchanging electronic copies satisfies the requirement for signature.

(4) Decisions adopted by the Joint Committee shall specify the date on which they take effect.

Rule 12
Protection of personal data

The publication of documents referred to in Rules 9, 10 and 11 shall be made in compliance with both Parties' applicable data protection rules, including the protection of personal data.

Rule 13
Working parties/advisory bodies

(1) In accordance with Article 14(4) of the Agreement, the Joint Committee may decide to establish or dissolve a working party/advisory body at expert level. The Joint Committee shall determine the composition and duties of each working party/advisory body and may amend them as needed.

(2) The working party/advisory body shall contribute to the work of the Joint Committee and assist it in the performance of its tasks, including – if so tasked by the Joint Committee – by preparing reports or draft decisions for the approval of the Joint Committee.

(3) The working party/advisory body shall meet as necessary for the performance of its tasks and shall report to the Joint Committee.

(4) The establishment and functioning of a working party/advisory shall not prevent the Parties from bringing any matter directly to the Joint Committee.

(5) The Rules of Procedure of the Joint Committee shall apply *mutatis mutandis* to the working parties/advisory bodies established by the Joint Committee.

Rule 14
Languages

(1) The official and working language of the Joint Committee shall be English.

(2) The deliberations of the Joint Committee shall take place in English. The agenda of the meeting, the documents submitted to the Joint Committee and the minutes of the meeting shall be drafted in English.

(3) The Joint Committee shall adopt its Decisions in English.

Rule 15
Expenses

Each Party shall meet the expenses it incurs for the participation in the meetings of the Joint Committee and the established working parties/advisory bodies.

Expenses in relation to the organisation of meetings shall be borne by the Party that hosts the meeting.

Rule 16
Amendments to the Rules

These rules of procedure may be amended by mutual agreement of the Parties, in accordance with Rule 11.

Done at, …

For the Joint Committee
The Co-Chairs