

## RULES OF PROCEDURE FOR THE PAYMENTS COMMITTEE

THE PAYMENTS COMMITTEE,

Having regard to Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC<sup>1</sup>, and in particular Article 85 thereof,

Having regard to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>2</sup>, and in particular Articles 5a(1) to (4) and Article 7(1) thereof,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

### *Article 1*

#### **Convening a meeting**

1. A committee meeting shall be convened by the Chairman, either on his or her own initiative, or at the request of a simple majority of committee members.
2. Joint meetings of the committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

### *Article 2*

#### **Agenda**

1. The Chairman shall draw up the agenda and submit it to the committee.
2. The agenda shall make a distinction between:
  - (a) Proposed measures about which the committee is asked to give an opinion, in accordance with the regulatory procedure with scrutiny provided for in Article 85(2) of Directive 2007/64/EC,
  - (b) Other payments issues put to the committee for information or simple exchange of views, either on the Chairman's initiative, or at the written request of a committee member.

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<sup>1</sup> OJ L 319, 05.12.2007, p. 1.

<sup>2</sup> OJ L 184, 17.7.1999, p.23

### *Article 3*

#### **Documentation to be sent to committee members**

The Chairman shall send to the committee members in accordance with Article 13(2):

- a) the invitation to the meeting, the agenda and other working documents,
- b) draft implementing measures about which the committee's opinion is required,

as a general rule, no later than 14 calendar days before the date of the meeting.

### *Article 4*

#### **Informing the European Parliament**

1. The Commission shall send the agenda and the proposals submitted to the committee with regard to implementing measures for acts adopted in accordance with the procedure laid down in Article 251 of the Treaty to the European Parliament, within the same timeframe and under the same conditions as they are sent to the Permanent Representations.
2. The Commission shall send the overall result of voting, the attendance list referred to in Article 12 and the summary report of the meetings referred to in Article 11(2) to the European Parliament within 14 calendar days of each committee meeting.

### *Article 5*

#### **Opinion of the committee**

1. When the advisory procedure leads to a vote, the outcome of the vote shall be decided by a simple majority of the members of the committee. When the committee's opinion is required under the regulatory procedure, this shall be determined by means of a majority vote, as provided for in Article 205(2) of the Treaty.
2. The Chairman, on his own initiative or at the request of a committee member, may postpone the vote on a particular agenda point until the end of the meeting or a later meeting in the following cases:
  - a) if a substantive change is made to the proposal during the meeting;
  - b) if the text of the proposal has been submitted to the committee during the meeting;
  - c) if a new item has been added to the agenda, in accordance with Article 3(3).If there are specific difficulties, the Chairman may extend the meeting until the following day.

3. If a committee member so requests, voting on an agenda item can be postponed if the documents relating to a specific agenda point have not been sent to the members within the timeframe laid down in Article 3.

However, at the proposal of the Chairman or the request of a committee member, the committee may decide by a simple majority of members to keep this point on the agenda because of the urgency of the matter.

4. If the committee has not issued an opinion within the timeframe laid down by the Chairman, the latter may extend this period, except in cases of urgency, until the end of the following meeting at the latest. If necessary, the written procedure provided for in Article 9 of these rules of procedure may be applied.

### *Article 6*

#### **Representation and quorum**

1. Each Member State delegation is considered to be one member of the committee. Each member of the committee decides on the composition of its delegation and informs the Chairman. However, the reimbursement of travel expenses by the Commission is limited to one person. With the Chairman's permission, the delegations may be accompanied by experts, at the expense of the Member State concerned. The Chairman's permission may be exercised in a way that the delegations give prior notice to the Secretariat of the committee whom they wish to participate. If the Chairman does not object to the participation of an expert in advance of the committee meeting, the permission is considered to be granted.
2. A Member State delegation may, if necessary, represent a maximum of one other Member State. The Permanent Representation of the Member State that is being represented shall inform the Chairman of this in writing.
3. The quorum required for the committee's deliberations concerning the draft measures referred to in Article 2(2)(a) to be valid is that permitting an opinion to be issued by the majority required for that purpose.

### *Article 7*

#### **Working groups**

1. The committee may create working groups, chaired by a representative of the Commission, to examine particular issues.
2. The groups must report back to the committee. To this end, they may appoint a *rapporiteur*.

### *Article 8*

#### **Admission of third parties**

1. The Chairman may decide to invite experts to talk on particular matters, at the request of a member or on his or her own initiative. In particular, if an implementing measure for adoption is of particular importance for banks, insurance companies, investment companies, pension funds or for the prevention of money laundering and terrorist financing, the Chairman may invite, as appropriate, a representative of the Committee of European Banking Supervisors, the Committee of the European Insurance and Occupational Pensions Supervisors, the Committee of the European Securities Regulators and/or the Committee on the prevention of money laundering and terrorist financing.
2. The representatives of the EFTA States may participate in the preparation of draft measures and in the exchange of views on other payment issues, in accordance with Article 100 of the Agreement on the European Economic Area. They may also participate in exchange of views on other payment issues.
3. Experts and representatives of third countries or organisations shall not be present at and shall not participate in voting of the committee.

#### *Article 9*

#### **Written procedure**

1. When necessary, the committee's opinion may be obtained by a written procedure. To this end, the Chairman shall send the committee members the draft measures on which their opinion is sought, in accordance with Article 13(2). Any committee member who does not express his or her opposition or intention to abstain before the deadline laid down in the letter is considered to have given his or her tacit agreement to the proposal; the response period must not be less than 20 calendar days.
2. However, if a committee member requests that the draft measures be examined at a committee meeting, the written procedure shall be terminated without result; the Chairman shall then call a committee meeting as soon as possible.

#### *Article 10*

#### **Secretarial support**

The Commission shall provide secretarial support for the committee and, if necessary, the working groups created in accordance with Article 7(1).

#### *Article 11*

#### **Minutes and summary report of the meeting**

1. The minutes of each meeting shall be drawn up under the auspices of the Chairman. These minutes shall contain, in particular, the opinions expressed on the draft measures mentioned in Article 2(2a) above and, if necessary, the opinions expressed on issues mentioned in Article 2(2b). The text of the opinions shall be given in a separate annex. The minutes shall be sent to the members of the committee within 15 working days.

The committee members shall send any written comments they may have on the minutes to the Chairman. The committee shall be informed of this. If there are any disagreements, the proposed amendment shall be discussed by the committee. If the disagreement persists, the proposed amendment shall be annexed to the minutes.

2. A summary report for the European Parliament shall be drawn up under the auspices of the Chairman. This report shall briefly describe each agenda point and the result of the vote on the draft measures submitted to the committee. It shall not mention the individual position of the members in the committee's discussions.

### *Article 12*

#### **Attendance list**

1. At each meeting, the Chairman shall draw up an attendance list specifying the authorities or bodies to which the persons designated by the Member States to represent them belong.
2. At the beginning of each meeting, any person designated by the Member States, whose participation in the work of the committee would give rise to a conflict of interest with regard to a particular item on the agenda must inform the Chairman of this situation.

Designated persons who do not belong to a particular authority or organisation of a Member State shall sign a declaration stating that their participation does not give rise to any conflict of interest.

In the event of such a conflict of interest, the person concerned must withdraw his or her participation whilst the relevant items of the agenda are being dealt with, at the request of the Chairman.

### *Article 13*

#### **Correspondence**

1. Correspondence relating to the committee shall be addressed to the Commission, for the attention of the committee Chairman.
2. Correspondence for committee members shall be addressed to the Permanent Representations, if possible by e-mail; at the request of a Member State, a copy shall be sent directly to the person designated for this purpose by that Member State.
3. For the purpose of Article 8(2), correspondence to EFTA States shall be addressed to Missions to the EU, if possible by e-mail; at the request of an EFTA State, a copy shall be sent directly to the person designated for this purpose by that EFTA State

*Article 14*

**Transparency**

1. The principles and conditions concerning public access to the committee's documents shall be the same as those defined in Regulation 1049/2001<sup>3</sup>. It is for the Commission to take a decision on requests for access to these documents. If the request is addressed to a Member State, that Member State shall apply Article 5 of the above mentioned Regulation.
2. The committee's discussions shall be kept confidential.

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<sup>3</sup> Regulation No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents