

**RULES OF PROCEDURE  
OF THE  
EUROPEAN FISCAL BOARD**

THE EUROPEAN FISCAL BOARD,

Having regard to Commission Decision (EU) 2015/1937<sup>1</sup> of 21 October 2015 establishing an independent advisory European Fiscal Board, in particular Article 5(2) thereof,

HEREBY ESTABLISHES ITS RULES OF PROCEDURE AS FOLLOWS:

*Article 1  
Membership in the Board*

1. The European Fiscal Board (hereinafter referred to as the 'Board') shall be composed of a Chair and four Members.
2. The Chair may designate among the Members a deputy-Chair. The Member deputising for the Chair shall assist the Chair in the performance of the duties and shall take the Chair's place, if needed and at the Chair's request, including in performing the duties referred to in Article 6.
3. If the Chair or a Member wishes to resign from the Board before the end of their mandate, they shall notify the Executive Vice-President for An Economy that Works for People in writing of that decision taking effect. Members who wish to resign from the Board before the end of their mandate shall also inform the Chair in writing of that decision taking effect.
4. The Chair and the Members of the Board shall comply with the Code of Good Administrative Behaviour for the Staff of the European Commission<sup>2</sup>.

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<sup>1</sup> Commission Decision (EU) 2015/1937 of 21 October 2015 establishing an independent advisory European Fiscal Board (OJ L 282, 28.10.2015, p. 37).

<sup>2</sup> [http://ec.europa.eu/transparency/code/\\_docs/code\\_en.pdf](http://ec.europa.eu/transparency/code/_docs/code_en.pdf)

*Article 2*  
*Secretariat of the Board*

1. The Board shall be supported by a Secretariat consisting of a Head of Secretariat and a team of dedicated supporting staff members. The Secretariat is attached, for administrative purposes, to the Secretariat-General of the European Commission.
2. The Commission shall appoint the Head of Secretariat, after having consulted the Chair of the Board, for a period of three years, renewable once<sup>3</sup>.
3. The Head of Secretariat in agreement with the Chair shall select the other members of the Secretariat.
4. The other member of the Secretariat shall be officials, temporary agents, contract agents or seconded national experts. All members of the Secretariat shall be selected on the basis of high levels of qualification and experience in areas relevant for the Board's activity.
5. The members of the Secretariat shall take instructions only from the Board.

*Article 3*  
*Date and Place of Board meetings*

1. The Board shall decide its meeting calendar on a proposal from the Secretariat. The Board shall, in principle, meet regularly for at least ten meeting days a year. The Secretariat shall propose the meeting dates in light of the Board's and the Commission's work plan calendar with respect to the implementation of the European Semester for economic policy coordination.
2. In exceptional cases, the Chair may also convene meetings of the Board departing from the schedule adopted pursuant to paragraph 1.
3. The Board shall, in principle, hold its meetings in European Commission premises.
4. Upon a proposal by the Secretariat, and in agreement with the Board, Board meetings may also be held by means of teleconferencing.

*Article 4*  
*Attendance at Board meetings*

1. At each meeting, a presence list shall be drawn up. The Secretariat shall record the presences and the quorum at the meeting.

<sup>3</sup> Article 3(9) of Commission Decision (EU) 2015/1937 lays down an exceptional procedure to appoint the Head of the Secretariat during the period preceding the appointment of the Chair of the Board.

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2. In case a Member is unable to attend a meeting of the Board, she/he shall inform the Chair and the Secretariat without delay.
3. The Secretariat shall be adequately represented at all Board meetings.
4. Board meetings shall not be open to the public.
5. The Board, upon support of a majority of its Members, including the Chair, may decide to invite and consult experts and representatives of third parties in order to inform the Board on particular matters.
6. Invited experts and representatives of third parties may be requested by the Chair to sign a confidentiality agreement and a no conflict of interest declaration prior to addressing the Board.
7. Representatives of third parties and experts shall not be present during the subsequent deliberations of the Board or during the voting.

*Article 5*

*Draft Agenda and Material for Discussion*

1. Board discussions shall be based on issues and themes put forward by the Board and on documents provided by the Secretariat.
2. Before each meeting the Secretariat, in consultation with the Board, shall draw up a draft agenda. The draft agenda shall be communicated to Members as a rule at least a week in advance of each meeting. The agenda shall distinguish draft opinions of the Board from points submitted for discussion.
3. The Secretariat shall submit to Members relevant background and supporting documents (such as briefings, presentations, proposals for Board opinions and draft communications) as a rule at the latest five calendar days ahead of Board meetings.
4. In cases of urgency or non-availability of the relevant documents by the time limit laid down in paragraph 3, the Secretariat may submit background and supporting documents at a shorter notice. The Secretariat shall justify those exceptions in each case.

*Article 6*

*Deliberations and Opinions of the Board*

1. The Board shall seek to adopt advice by consensus. If no consensus can be reached, it shall decide by a simple majority of the votes cast by its members present at the meeting including the Chair. Abstentions shall not count as a vote. In the event of a tie, the Chair shall have the casting vote.
2. The Board shall be quorate when at least three Members, including the Chair, are present. In exceptional circumstances, when the Chair is unable to be present and the meeting of the Board must take place within certain objective deadlines, the Chair shall be replaced by the Member deputising for the Chair pursuant to Article 1(2) to reach the quorum.
3. The Chair shall exercise authority over the meetings in an equitable and objective manner. At the beginning of each Board meeting, the draft agenda shall be adopted. Members may propose changes in justified cases. The Chair may decide to put the proposed changes to a vote.

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4. The Board's opinions and advice shall be signed by the Chair and sent to the Executive Vice-President for An Economy that Works for People, with copies to the President of the Commission and the Commissioner for the Economy.

5. The Chair and the Members of the Board shall disclose any actual or potential conflict of interest with respect to a particular assessment or opinion to the Chair. The Chair shall take any appropriate measure with regard to a potential conflict of interest disclosed by a Member of the Board, and may decide that the Member concerned shall not participate in the preparation and adoption of the relevant assessment or opinion. The Member concerned shall spontaneously, or at the request of the Chair, withdraw from the meeting whilst the relevant agenda item is being discussed. As regards any actual or potential conflict of interest disclosed by the Chair, the Board shall decide on any appropriate measure to be taken and on the participation by the Chair in the preparation and adoption of the relevant assessment or opinion. The Chair shall withdraw from the meeting whilst the relevant agenda item is being discussed.

*Article 7  
Written Procedure*

1. If necessary, votes may be conducted by written procedure. In those cases, the Secretariat is responsible for the verification of identity.
2. Members shall be informed about the outcome of written procedure without delay, and no later than five working days after the expiry of the time-limit.

*Article 8  
Minutes of the Deliberations*

1. Minutes of each Board deliberation shall be kept by the Secretariat, under the responsibility of the Board. The Secretariat shall submit the draft minutes for approval at the subsequent meeting or earlier by written procedure referred to in Article 7.
2. The minutes of each Board deliberation shall contain relevant information, including place, time, form of meeting, names of participants, as well as a list of the topics addressed.

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3. Whether the Minutes of Board meetings can be made public or not, will each time require a scrutiny in line with the provisions of Article 9.

*Article 9  
Confidentiality*

1. The Board's deliberations and documents drawn up by the Board, as well as those documents drawn up by any specifically mandated subgroup of Members dealing with matters falling within its competence, shall be considered as confidential, unless the Board decides otherwise.
2. The Board shall comply with all applicable confidentiality rules binding the Commission.
3. The Chair, Members, the Secretariat as well as any third party representative invited by the Board shall be required to strictly respect the confidentiality obligations set out in this article.

*Article 10  
Access to Documents*

1. Public requests for access to documents will be handled in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council. Initial requests for access to documents held by the Board that it has received from other services of the Commission will be handled by the service that provided the Board with those documents. Replies to initial requests for access to documents drawn up by the Board or received directly by it will be signed by the relevant Director of the Secretariat-General.

*Article 11  
Communication*

1. The annual report publication referred to in Article 6 of Decision (EU) 2015/1937 shall include a summary of advice and evaluations rendered to the Commission throughout the preceding year.
2. Adopted Board opinions and reports shall constitute the official line for external communication for the Board and the Secretariat.
3. The Chair or a Member designated by the Chair shall represent the Board to the outside. Where relevant the Chair or a Member will clarify whenever they speak in the private capacity.

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4. The Chair shall present the annual report before the relevant committees of the European Parliament and of the European Council, if invited. In case the Chair is not available, he may designate a Member of the Board.

*Article 12  
Other Provisions*

1. The present rules of procedure shall enter into force on the date of their adoption by the Board.
2. The Chair shall settle any disputes which may arise as a result of the application of these provisions.

Adopted in Brussels on 29 November 2019.

*For and on behalf of the Board  
The Chair*

*Niels Thygesen*

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