Chapter 18: The Commission

Introduction

18-1 This chapter deals with the following aspects of the Commission:
- the role of the Commission,
- the appointment and personal duties of the Members of the Commission,
- the specific constitutional powers of the Commission,
- the specific constitutional duties of the Commission and
- the rules of procedure of the Commission.

18-2 There is no simple way to describe the Commission, except to observe that it is a non-elected body, comprising twenty persons appointed on the basis of nomination by Member States, acceptance by the Council and approval by the European Parliament.[1] It is supported by a large staff of officials, organised in directorates-general and their equivalent, and is the prime mover in most of the activities of the European Union. It has executive, legislative and quasi-judicial powers; but its administrative functions predominate.

The role of the Commission

18-3 It is probably best to describe the Commission's role by summarising its relationship, in the constitutional scheme of the European Union, to the Council. As a broad principle, to which there are certainly exceptions, the Commission proposes, while the Council disposes. The Commission initiates policies, while the Council decides on them. The Commission negotiates agreements with a non-member state or international organisation, while the Council adopts them. Legislative measures and Community policies originate, at any rate in concrete form, with the Commission. The Council or the Parliament may in general terms have requested the Commission to take action in a given sector; suggestions may also be made by outside bodies that the Commission should act. But requests and suggestions have to be given practical form and content before they start the procedure leading to final adoption; and it is the Commission's role to turn ideas, whether formed outside the Commission or within it, into constitutionally viable proposals.

18-4 More specifically, the Commission's role under the Treaty, "to ensure the proper functioning and development of the common market", comprises four elements as follows:
- to ensure that the provisions of the Treaty and the measures taken by the institutions pursuant thereto are applied;
- to formulate recommendations or deliver opinions on matters dealt with in this Treaty, if it expressly so provides or if the Commission considers it necessary;
- to have its own power of decision and participate in the shaping of measures taken by the Council and by the European Parliament in the manner provided for in this Treaty; and
- to exercise the powers conferred on it by the Council for the implementation of the rules laid down by the latter.[2]

18-5 These may be paraphrased as:

- the enforcement role,
- the advisory role,
- the decision-making role and
- the delegate role.

Between them, the roles referred to in this provision of the Treaty need to be interpreted widely, since there are many specific tasks allotted to the Commission which do not fit squarely within them.[3]

18-6 In its role of enforcing the requirements of the Treaty, the Commission's powers are largely defined by the provisions governing actions before the Court of Justice.[4] These provisions are discussed in the chapter dealing with the Court's procedures.

18-7 In its advisory role, the Commission makes relatively few recommendations and delivers relatively few opinions in the formal sense in which recommendations and opinions are referred to in the legislative provisions of the Treaty.[5] It does, however, issue many recommendations and opinions in the following forms:

Green Papers (that is, discussion documents on possible new laws and policies)[6],
White Papers (that is, documents setting out a legislative programme)[7],
Notices[8],
Communications[9],
Guidelines[10] and
Reports.[11]

Although these documents do not have binding legal effect[12], they may have legal consequences and may, in certain circumstances, be annulled by the Court of Justice.[13]

18-8 In its decision-making role, the Commission is given a wide measure of independence under the Treaty; and, in practice, many of its acts - even if, on the face it, they constitute no more than routine administration - may call for or be deemed to involve a formal decision by the Commission. This is not necessarily a decision in the formal sense in which decisions are referred to in the legislative provisions of the Treaty.[14] Indeed, a distinction is quite properly drawn between decisions taken by the Commission in the normal course of its executive and administrative duties and what its Rules of Procedure refer to as "instruments".[15] Decision-making may be delegated and sub-delegated within the Commission under its Rules of Procedure[16]; but instruments are subject to special rules.[17] One of the most important types of decision by the Commission is the formal adoption of a proposal for a legislative measure: hence the reference in the Treaty to the Commission's power and duty to "participate in the shaping of measures taken by the Council and by the European Parliament".[18] Another important type of decision by the Commission is the formal adoption of a legislative measure itself. A clear distinction has to be drawn between the Commission "adopting a proposal" for legislation and "adopting" legislation. In the former case, it is reaching a formal decision to propose the legislation in question to the Council. In the latter case, it is adopting a legislative measure itself, either under direct Treaty powers or under powers delegated by the Council.

18-9 In its delegate role, the Commission carries out many tasks assigned to it by the Council,

usually under secondary legislation. The Council may adopt a measure laying down the general principles of a law or policy, entrusting the Commission with the task of filling in the details, providing the means of implementation, prescribing technical standards and so on.[19]

The appointment and personal duties of the Members of the Commission

18-10 There are twenty Members of the Commission.[20] However, the Council may decide, acting unanimously, to change the number of Members.[21] Only nationals of Member States may be Members of the Commission.[22] The Commission must include at least one national of each of the Member States, but may not include more than two Members who are nationals of the same State.[23]

18-11 Application of the rules referred to in the previous paragraph results in the following composition of the Commission:

Austria	1
Belgium	1
Denmark	1
Finland	1
France	2
Germany	2
Greece	1
Ireland	1
Italy	2
Luxembourg	1
The Netherlands	1
Portugal	1
Spain	2
Sweden	1
The United Kingdom	2

The five largest Member States have two Commissioners each; the remaining Member States have one Commissioner each. It is intended that, when the European Union is next enlarged - that is, when one or more new States accede to the Treaty on European Union, - the number of Commissioners will be no more than one for each Member State, subject to certain changes being made to the voting system in the Council, to make up for the five Member States' loss of one of their two Commissioners.[24]

18-12 Appointment of the Members of the Commission follows a series of five stages:

- first, the governments of the Member States have to nominate by common accord the person they intend to appoint as President of the Commission;
- second, the nomination has to be approved by the European Parliament;
- third, the governments of the Member States, by common accord with the nominee for President, have to nominate the other persons whom they intend to appoint as Members of the Commission;
- fourth, the President and the other Members of the Commission thus nominated are subject as a body to a vote of approval by the European Parliament; and

- fifth, after approval by the European Parliament, the President and the other Members of the Commission are appointed by common accord of the governments of the Member States.[25]

Members of the Commission are appointed for a period of five years[26]; and their term of office is renewable.[27] The five-year terms of office began in 1995.[28]

18-13 Much emphasis is placed in the Treaty on the independence of the persons nominated and appointed to serve as Members of the Commission. They are persons who are "chosen on the grounds of their general competence and whose independence is beyond doubt"[29]; and, as Members of the Commission, they must, "in the general interest of the Community, be completely independent in the performance of their duties".[30] In addition, the Members of the Commission, in the performance of these duties, must:

- neither seek nor take instructions from any government or from any other body; refrain from any action incompatible with their duties;
- not, during their term of office, engage in any other occupation, whether gainful or not;
- when entering upon their duties, give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.[31]

In the event of any breach of these obligations, the Court of Justice may, on application by the Council or the Commission, rule that the Member concerned should, according to the circumstances, be either compulsorily retired[32] or deprived of his right to a pension or other benefits in its stead.[33] Under the Treaty, each Member State undertakes to respect the principle implicit in the first and second obligations referred to above and not to seek to influence the Members of the Commission in the performance of their tasks.[34] In practice, this undertaking may be hard to reconcile with the normal right of Member States to make their views known to Members of the Commission.[35]

18-14 Apart from normal replacement, or death, the duties of a Member of the Commission end when he resigns or is compulsorily retired.[36] (Individual resignation or retirement in this context must be distinguished from the collective consequences of a motion of censure by the European Parliament.[37]) The vacancy thus caused is filled for the remainder of the Member's term of office by a new Member appointed by common accord of the governments of the Member States. The Council may, acting unanimously, decide that such a vacancy need not be filled.[38] In the event of resignation, compulsory retirement or death, the President is replaced for the remainder of his term of office. The procedure described above for the appointment of a new President[39] applies to the replacement of the President.[40] Unless they are compulsorily retired[41], Members of the Commission remain in office until they have been replaced.[42] However, if any Member of the Commission no longer fulfils the conditions required for the performance of his duties or if he or she has been guilty of serious misconduct, the Court of Justice may, on application by the Council or the Commission, compulsorily retire that Member.[43]

18-15 Since 1 May 1999, the Commission has worked "under the political guidance of the President".[44] A political role is thereby assigned to a non-elected official, which, in a democratic constitution, is anomalous. Neither under the Treaty nor under the Commission's Rules of Procedure

does the Vice-President of the Commission have a specific constitutional role, other than deputising for the President[45], even though the Treaty provides that the Commission may appoint a Vice-President or two Vice-Presidents from among its Members.[46]

The specific constitutional powers of the Commission

18-16 Most of the Commission's specific constitutional powers, over and above those implicit in the general role it is required to play, as described above[47], can be grouped under the following headings:

- the power to advise[48] and recommend[49] (and the right to be consulted[50]),
- the power to propose policies[51] and measures[52];
- the power to take Member States and other institutions to Court[53] and to propose fines to be imposed on Member States[54];
- the power, within certain limits, to legislate in its own right[55];
- the power to take decisions having binding legal effects on those to whom they are addressed[56];
- financial powers (in relation to the budget[57] and certain funds[58]),
- the power to call for information[59]; and
- the power to investigate[60], monitor[61] and review[62] matters relevant to the objectives of the Treaties.

The specific constitutional duties of the Commission

18-17 Most of the Commission's specific constitutional duties, over and above the general role it is required to play, as described above[63], can be grouped under the following headings;

- the duty to report on general and sectoral matters[64];
- the duty to keep certain matters under review[65];
- the duty to implement principles of policy[66]; and
- the duty to take administrative[67] or legislative[68] action in certain circumstances.

18-18 More generally, the Commission has a duty to consult the Council and to settle by common accord their methods of cooperation.[69] This does not prevent the Commission from being the plaintiff or defendant in litigation between the two institutions.[70] This type of litigation may, however, be seen as no more than a reference to the Court for a declaratory judgment, particularly on questions involving the proper or appropriate legal basis for a given act.

The Rules of Procedure of the Commission

18-19 One of the specific duties of the Commission under the Treaty is to adopt its Rules of Procedure "so as to ensure that both it and its departments operate in accordance with the provisions of the Treaty".[71] It has to ensure that these rules are published[72]. This explicit requirement contrasts with the corresponding provision on the Rules of Procedure of the Council, where there is no obligation to publish them.[73] It is also different from the corresponding provision on the Rules of Procedure of the European Parliament, where the question of publication is left to the European Parliament itself; but, as already indicated, they are in fact public.[74] Adoption and amendment of the Commission's Rules of Procedure take the form of legislative decisions[75]; and the Rules of Procedure may be subject to interpretation by the Court of Justice.[76]

18-20 Two rules of procedure are laid down in the Treaty itself. First, the Commission must act by a majority of the number of its Members.[77] Second, a meeting of the Commission is valid only if there is a quorum of Members[78]; the quorum is laid down in the Rules of Procedure.[79]

18-21 Not all the Commission's Rules of Procedure have significant constitutional importance; but th ere are nine matters which merit consideration in the constitutional context and are described in more detail in the following paragraphs:

- the collective responsibility of the Commission;
- the procedure by which the Commiss

- the meetings of the Commission;
- the confidentiality of the Commission's proceedings;
- the "written procedure";
- the delegation of powers;
- the special treatment of "instrurnents;
- the Members' "portfolios"; and
- the administrative services of the Commission.

18-22 It is an important principle of the manner in which the Commission functions that it acts collectively in accordance with the Rules of Procedure. This is sometimes expressed as the Commission's "collegiate" character.[80] It is consistent with the European Parliament's power to censure the Commission as a whole.[81] Individual Members of the Commission can be removed only by the procedure described above[82] and then only for personal reasons rather than for reasons of policy. There is no express power under the Treaty to censure individual Members of the Commission: if they make statements of policy, the do so in the name of the Commission and not in their own name. Provisions in the Rules of Procedure for delegating powers are without prejudice to the principle of collective responsibility.[83]

18-23 Commission decisions are adopted:
- at the Commission's meetings; or
- by written procedure;
- or by delegation.[84]

18-24 Meetings of the Commission are convened by the President.[85] As a general rule, the Commission meets at least once a week[86]; it holds additional meetings as necessary.[87] Several of the Rules of Procedure govern the choice of matters for the agenda, the occasion for voting, the quorum, the minutes and the attendance and role of the Secretary-General.[88]

18-25 Meetings of the Commission are not public; and its discussions are confidential. Attempts to widen the narrow interpretation of transparency regarding Commission documents and proceedings have had a mixed success.[89]

18-26 Under the Rules of Procedure, the agreement of the Commission to a proposal by one or more of its Members may be obtained by means of a written procedure, provided

- the Directorates-General directly involved are in agreement, and
- the proposal has been endorsed by the Legal Service.[90]

Detailed provisions govern the operation of this procedure.[91] Special rules apply to the delegation of powers where "instruments" are concerned[92]: these are formal regulations, directives, decisions, recommendations and opinions.[93]

18-27 Subject to the principle of collective responsibility, the Commission may empower one or more of its Members to take, on its behalf and under its responsibility, clearly defined management or administrative measures.[94]

18-28 Each Member of the Commission is assigned a portfolio ("areas in which they have special responsibility for preparing the Commission's business and for implementing its decisions").[95] The assignment is by collective agreement; but, in practice, it is the President of the Commission who takes the initiative in assigning portfolios, usually on the appointment of a new Commission or when new Member States accede to the European Union, calling for new Members of the Commission and a re-assignment of portfolios.

18-29 To help the Commission to perform its official functions, there are a number of departments of officials forming a single administrative service[96]; and this administrative service consists of Directorates-General and their equivalents normally divided into Directorates, and Directorates into Units.[97] (Directorates-General and their equivalents are listed in the Annex to this Chapter.) The administrative service is sometimes referred to as "the services of the Commission". Departments involved in the preparation or implementation of Commission decisions are under a duty to work together as closely as possible.[98]

18-30 A distinction must be drawn between the administrative service and the personal staff whom Members of the Commission may each appoint to help them in their work and in preparing Commission decisions.[99] The personal staff is usually known as the cabinet of the Member concerned; the head of cabinet is the chief assistant to the Member of the Commission. While the administrative service normally comprises established officials or civil servants, the cabinets may comprise external advisers.

18-31 Officials working for the Commission are subject to public law rules on their conditions of service and may sue the Commission or be sued by the Commission on the basis of those rules.[100] In fact, many of the cases heard by the Court of First Instance are staff cases, ranging from claims for unpaid allowances to

complaints about the procedure for promotion.

18-32 Documents produced by the Commission and its services have a significantly different status, according to the stage which they have reached in the procedures envisaged in the Rules on Procedure. Thus, a Directorate-General may, without committing other services of the Commission, issue a document in the form of, say, a proposed directive, for the purposes of discussion or for the use of a working group. This may be described as a "preliminary draft proposal" and has no formal status. If the draft is agreed on among the relevant services of the Commission, but before being submitted to the Members of the Commission for adoption, it may appear as a Commission Document[101], in which it may be described as a "draft proposal". But only when it has been submitted to the Members of the Commission and adopted for transmission to the Council is it known formally as a "proposal". The Commission tends to be quite open with its drafts, but does not usually allow the public to see the page on which, in the event of disagreement between departments, the different views expressed by those departments are appended to the text.[102]

Annex to Chapter 18: Directorates-General (DGs) and other Services of the Commission

(These services are subject to periodic change: they are set out below in the form in which they appear on the European Union website in July, 2001. It will be noted that the Directorates General are no longer known by number, only by description.)

General Services

European Anti-Fraud Office
Eurostat Secretariat-General
Press and Communication
Publications Office

Policies

Agriculture
Competition
Economic and Financial Affairs
Education and Culture
Employment and Social Affairs
Energy and Transport
Enterprise
Environment
Fisheries
Health and Consumer Protection
Information Society
Internal Market
Joint Research Centre
Justice and Home Affairs
Regional Policy
Research
Taxation and Customs Union

External Relations

Development
Enlargement
Europe Aid - Cooperation Office
External Relations
Humanitarian Aid Office
Trade

Internal Services

Budget
Financial Control
Group of Policy Advisers
Internal Audit Service
Joint Interpretation and Conference Service
Legal Service
Personnel and Administration
Translation Service

1. See paragraph 18-12.

2. Article 211 (formerly 155), EC Treaty. The reference to the "common market" is a reminder that this continues to lie at the heart of the Treaty. See paragraph 1-15.

3. An example is the Commission's duty to publish reports: the duty to publish a general report each year is covered by Article 212 (formerly 156), EC Treaty.

4. Particularly under Article 226 (formerly 169), EC Treaty. See Chapter 19.

5. Article 249 (formerly 189), EC Treaty.

6. For example, the Green Paper on Copyright and the Challenge of Technology, 1988.

7. Probably the best known and most important example was the White Paper on the Completion of the Internal Market, 1985, which listed an entire legislative programme. Some White Papers contain a draft text of the suggested legislation.

8. Several Notices have been issued in, for example, the competition sector, indicating the manner in which the Commissions proposes to interpret the law when deciding on possible infringements: the Notice on Agreements of Minor Importance (frequently revised) is one of the most important.

9. For example, the Communication concerning the Free Movement of Services across Frontiers, 1993.

10. For example, the Guidelines on State Aid for Small and Medium-sized Enterprises, 1996.

11. Of which the most important is the Commission's Annual Report; but there are many sectoral reports as well.

12. Only regulations, directives and decisions have binding legal effect: Article 249 (formerly 189), EC Treaty.

13. See, for example, Case C-57/95, *French Republic v Commission of the European Communities*, which concerned a Commission Communication on pension funds.

14. That is, in Article 249 (formerly 189), EC Treaty.

15. "For the purposes of these Rules, 'instruments' means any instrument as referred to in Article [249 (formerly 189)] of the EC Treaty ...": Article 16, Rules of Procedure. There is, as it happens, no collective description in the Treaty itself for the five types of "instrument" listed in Article 249.

16. Article 11, Rules of Procedure.

17. Article 16, Rules of Procedure.

18. Article 211 (formerly 155), third indent, EC Treaty.

19. Typical examples of this process will be found in the fields of food safety, pharmaceutical products and the rules on competition.

20. Article 213(1) (formerly 157(1)), first paragraph, EC Treaty.

21. Article 213(1) (formerly 157(1)), second paragraph, EC Treaty.

22. Article 213(1) (formerly 157(1)), third paragraph, EC Treaty.

23. Article 213(1) (formerly 157(1)), fourth paragraph, EC Treaty.

24. Article 1, Protocol 7, EC Treaty, on the institutions with the prospect of enlargement of the European Union.

25. Article 214(2) (formerly 158(2)), EC Treaty.

26. Article 214(1) (formerly 158(1)), first paragraph, EC Treaty. The period may be foreshortened if the European Parliament carries a motion of censure on the activities of the Commission: see paragraph 16-21.

27. Article 214(1) (formerly 158(1)), second paragraph, EC Treaty.

28. More specifically, on 7 January, 1995, expiring on 6 January, 2000: Article 214(3) (formerly 158(3)), EC Treaty.

29. Article 213(1) (formerly 157(1)), EC Treaty.

30. Article 214(2) (formerly 158(2)), first paragraph, EC Treaty.

31. Article 213(2) (formerly 157(2)), second and third paragraphs, EC Treaty.

32. That is, in accordance with Article 216 (formerly 160), EC Treaty.

33. Article 213(2) (formerly 157(2)), third paragraph, EC Treaty.

34. Article 213(2) (formerly 157(2)), second paragraph, EC Treaty.

35. For example, in State aid cases. In Joined Cases T-371/94 and T-394/94, *British Airways v Commission, British Midland v Commission,* the Court of First Instance noted, in paragraph 6

of its judgment, that the Prime Minister of France had written to the Member of the Commission concerned on the matter at issue.

36. Article 215 (formerly 159), first paragraph, EC Treaty.

37. See paragraph 16-21 above.

38. Article 215 (formerly 159), second paragraph, EC Treaty.

39. Under Article 214(2)(formerly 158(2)), first paragraph, EC Treaty.

40. Article 215 (formerly 158), third paragraph, EC Treaty.

41. Under Article 216 (formerly 160), EC Treaty.

42. Article 215 (formerly 159), fourth paragraph, EC Treaty.

43. Article 216 (formerly 160), EC Treaty.

44. Article 219 (formerly 163), first paragraph (which is new), EC Treaty.

45. Article 21, Rules of Procedure.

46. Article 217 (formerly 161), EC Treaty.

47. See paragraph 18-4.

48. For example, under Article 104(3) (formerly 104c(3)), EC Treaty.

49. For example, under Article 77 (formerly 81), third paragraph, EC Treaty.

50. For example, under Article 97(1) (formerly 102(1)), EC Treaty.

51. For example, under Article 111(4) (formerly 109(4)), EC Treaty.

52. For example, under Article 95 (formerly 100a), EC Treaty.

53. Under Articles 226 and 230 (formerly 169 and 173), EC Treaty. See Chapter 19.

54. Under Article 228(2) (formerly 171(2)), EC Treaty.

55. For example, under Articles 29(7) and 86(2) (formerly 34(7) and 90(3)), EC Treaty.

56. Most conspicuously, in competition cases, under Article 85 (formerly 89), EC Treaty, and more particularly Articles 3 and 6, Council Regulation 17/62. The Commission also has

quasi-judicial powers in anti-dumping cases: Council Regulation EC/384/96. For a case in which the Commission's quasi-judicial decision to exclude a party from an anti-dumping hearing, was quashed by the Court of First Instance, see Case T-256/97, *Bureau Europeen des Unions de Consommateurs v Commission*.

57. Article 274 (formerly 205), EC Treaty.

58. For example, under Article 147 (formerly 124), EC Treaty.

59. Article 284 (formerly 213), EC Treaty. See also Article 11, Council Regulation 17/62.

60. For example, under Article 75(4) (formerly 79(4)), EC Treaty.

61. For example, under Article 104(2) (formerly 104c(2)), EC Treaty.

62. For example, under Article 88(1) (formerly 93(1)), EC Treaty.

63. See paragraph 18-4.

64. For example, under Articles 22 (formerly 8e), first paragraph, and 212 (formerly 156), EC Treaty. The latter requires the Commission to publish annually, not later than one month before the opening of the session of the European Parliament, a general report on the activities of the Commission.

65. For example, under Article 88(1) (formerly 93(1)), EC Treaty.

66. For example, under Article 85(1) (formerly 89(1)), EC Treaty.

67. For example, under Article 75(4) (formerly 79(4)), EC Treaty.

68. For example, under Article 29(7) (formerly 34(7)), EC Treaty.

69. Article 218 (formerly 162), EC Treaty.

70. As in Case C-170/96, *Commission of the European Communities v Council of the European Union*, which concerned the legal basis of a measure on airport transit arrangements. (The reference to the respective parties' titles is eccentric.)

71. Article 218(2) (formerly 162(2)), EC Treaty. The latest version of the rules is dated December, 2000: Official Journal L.308, 8.12.2000.

72. Ibid. See also Commission Decision EEC/ 492/93 and Commission Decision EC/148/95.

73. See paragraph 17-18 and the qualification to the earlier rules.

74. See paragraph 16-7.

75. Hence the two Decisions referred to in note 71.

76. As in Case C-137/92, *BASF et al v Commission of the European Communities.*

77. Article 219 (formerly 163), first paragraph, EC Treaty. Since there are at present twenty Members of the Commission, a majority of eleven is required. See paragraph 18-10.

78. Article 219 (formerly 163), second paragraph, EC Treaty.

79. Ibid, and Article 5, Rules of Procedure.

80. Article 1, Rules of Procedure.

81. See paragraph 16-21.

82. See paragraph 18-14.

83. Article 11, Rules of Procedure. See paragraph 18-27.

84. Article 2, Rules of Procedure.

85. Article 3, first paragraph, Rules of Procedure.

86. Usually on Wednesday morning, followed by a Press Conference at noon, at which the decisions reached by the Commission are announced.

87. Article 3, second paragraph, Rules of Procedure.

88. Article 4 to 9 and 15, Rules of Procedure.

89. Article 7, Rules of Procedure. See Commission Decision EC/90/94 and Case T-105/95, *WWF for Nature v Commission;* Joined Cases C-174/98P, *Kingdom of the Netherlands v Commission*, and C-189/98P, *Gerard van der Wal v Commission*; Case T-20/99, *Denkavit Nederland BV v Commission*; and Case T-123/99, *JT's Corporation Ltd v Commission*. See also paragraph 17-24 and note 46 thereto.

90. Article 10, first paragraph, Rules of Procedure.

91. Article 10, second, third and fourth paragraphs, Rules of Procedure.

92. Article 16, Rules of Procedure.

93. Within the meaning of Article 249 (formerly 189). EC Treaty.

94. Article 11, Rules of Procedure. The provisions on delegating must be distinguished from the provisions on deputising, which are covered by Articles 21 to 23, Rules of Procedure.

95. Article 12, Rules of Procedure.

96. Article 17, Rules of Procedure. This provision is without prejudice to the provisions on Members' portfolios; ibid. In other words, portfolios may comprise one or more of the departments or even parts of departments.

97. Article 18, Rules of Procedure. In earlier days, Directorates were divided into Divisions, which were generally somewhat larger than Units. (For example, what was originally the Intellectual Property and Public Contracts Division is now four separate Units covering, respectively, public contracts, copyright, industrial property and broadcasting.)

98. Article 20, first paragraph, Rules of Procedure. The remaining paragraphs of this Article set out the mechanics of inter-departmental consultation.

99. Article 14, Rules of Procedure.

100. Staff Regulations for Officials (frequently revised). The Regulations apply to all officials of all the institutions. See Chapter 24 and, in particular, 24n21.

101. Commission Documents, or COM DOCs, as they are familiarly called because of the abbreviation at the top of these published documents, include most of the types of document referred to in paragraph 18-7. For example, the Green Paper on Copyright referred to in the endnote is COM(88)172final.

102. In accordance with Article 20, fifth paragraph, Rules of Procedure.