



REGULATIONS GOVERNING THE ORGANIZATION AND INTERNAL FUNCTIONING OF THE ECONOMIC AND SOCIAL COUNCIL

Spanish Official State Gazette of 13th April 1993

Approved by the Economic and Social Council
Plenary Assembly held on 25th February 1993

TABLE OF CONTENTS

TITLE ONE: The Council: Nature, Composition and Constitution.

TITLE II: Council members.

TITLE III: Organs of the Council.

CHAPTER ONE: The Plenary Assembly.

CHAPTER II: The Standing Committee.

CHAPTER III: The Working Committees.

CHAPTER IV: The Chairman.

CHAPTER V: The Vice-Chairmen.

CHAPTER VI: The Secretary General.

TITLE IV: Functioning of the Council.

CHAPTER ONE: Common Regulations.

CHAPTER II: Standing Committee and Working Committees.

CHAPTER III: Plenary Assembly.

CHAPTER IV: General Provisions.

TITLE V: Economic and Financial System and Resources Available to the Council.

TITLE VI: Reform of the Regulations.

TITLE ONE

The Economic and Social Council: Nature, Composition and Constitution

Article 1. Legal Nature

The Economic and Social Council is an advisory organ of the Government in socio-economic and labour matters and is constituted as a Public Law Entity as provided for in section 6.5 of Royal Legislative Decree 1091/1988, of 23rd September, Revised Text of the General Budget Act; it has legal entity and full capacity to act, together with organic and functional autonomy for the fulfilment of its aims as part of the Ministry of Labour and Social Security.

Article 2. Legal System

The internal organization and functioning of the Economic and Social Council is governed by Act 21/1991, of 17th June, by the present Regulations and by any guidelines and instructions for development given by the Council itself.

Article 3. Headquarters

The Economic and Social Council shall have its headquarters in Madrid and shall hold its working sessions there. Nevertheless, under exceptional circumstances plenary assemblies may be held in any other place, subject to consent of the Plenary Assembly.

Article 4. Composition

The Council is comprised of 61 members, grouped into the following categories:

1. The Chairman.
2. The first group is made up of twenty Council members who are designated by the most representative trade union organizations, in proportion to their representation, pursuant to articles 6.2 and 7.1 of Parliamentary General Act 11/1985, of 2nd August, on Trade Union Freedom.
3. The second group is made up of twenty Council members who are designated by the representative employers' organizations, in

proportion to their representation, pursuant to the sixth additional provision of Act 8/1980, of 10th March, on the Workers' Statutes, in the version of Act 32/1984, of 2nd August.

4. Twenty Council members:

4.1. The third group is made up of fourteen members each of whom is proposed by the following organizations or associations:

a) Three by professional organizations from the agricultural sector;

b) Three by organizations of fisheries producers in the maritime-fisheries sector;

c) Four by the Consumers and Users Council;

d) Four, representing the social economy sector, by cooperative associations and industrial associations.

4.2. The third group also consists of six experts who are appointed by the Government pursuant to the stipulations of section 2.5 of Act 21/1991.

Article 5. Term of Office

1. The term of office for Council members as well as for the Chairman shall be four years, renewable for four-year periods, as from the day after publication of the appointment of same in the Spanish "Official State Gazette".

2. The term of office for those appointed to hold a post that has become vacant ahead of time shall likewise begin as from the time of publication of such an appointment in the Spanish "Official State Gazette" and shall expire at the same time as the posts of the remaining Council members.

3. Notwithstanding, Council members, including the Chairman, shall continue to exercise their functions until such time as the new Council members take office.

Under no circumstances shall the renewal of all the Council members paralyse the functioning of the Council or the work taking place therein.

Article 6. Preliminary Meeting

1. After renewal of the Council members has taken place, pursuant to the stipulations of the preceding article, the outgoing Chairman shall call a preliminary meeting which is to take place within a maximum term of fifteen days as from the time notification is received by the Economic and Social Council from the Government regarding the proposal for appointment of the Chairman.

2. The agenda for the preliminary meeting shall contain solely two items: the first one shall deal with the taking of office of Council members and the second one shall put to a vote the proposal for Chairman, and if applicable, for Secretary General, as legally stipulated.

ECONOMIC AND SOCIAL COUNCIL

The call to meeting shall contain the name of the person or persons who are to be voted on.

3. In the event the Government proposal should be for renewal of the term of office of the Chairman, the meeting shall be presided by the eldest Council member, assisted by the two youngest Council members.

4. The outgoing Chairman shall notify the Government as to whether the person or persons in question have received or not the legally required backing.

5. The Chairman shall take office at the Council headquarters, in the presence of the Council members, within the term of ten days after the date of publication of his appointment in the Spanish "Official State Gazette".

Article 7. Constituent Assembly

1. The constituent assembly of the Economic and Social Council shall be called by its Chairman to take place within fifteen days after he takes office. The agenda for this meeting shall exclusively deal with the election of the two Vice-Chairmen and of the Standing Committee members.

2. For the election of the Vice-Chairmen, both the first and second groups shall elect their respective candidates from among their members; prior to the constituent assembly, notice shall be given to the Chairman of the names of these candidates.

The election shall be deemed valid provided that the proposed candidates receive the majority of the votes of those Council members present.

Any vacancy produced shall be covered pursuant to this section.

3. With regard to the appointment of Standing Committee members, prior to the constituent assembly each of the three groups shall present the Chairman with a proposal of six candidates reflecting the existing internal proportions. This proposal shall be understood as having been approved by the Plenary Assembly, unless a Council member reports a violation of the rule of proportionality. Should this occur, the Plenary Assembly shall study the situation and, if warranted, require that the proposals be re-balanced.

Any vacancies which may occur shall be covered by another Council member from the same group where the vacancy has occurred.

4. Once the constituent assembly presided by the Chairman has been opened, the Chairman shall:

a) Firstly, inform the Plenary Assembly of the proposals for Vice-Chairmen that he has received and put them to a vote pursuant to section 2 of this article;

b) Secondly, inform about the proposals made by each of the three groups for the appointment of Standing Committee members, acting in accordance with the stipulations contained in section 3 of this article;

The meeting shall then be adjourned.

TITLE II

Council Members

Article 8. Rights

Council members, who will perform their duties with full autonomy and independence, have the right to:

- a) Have a voice in and vote at Plenary Assemblies and at meetings of the Committees on which they sit;
- b) Attend, without the right to vote, any of the Working Committees which they do not form part of, and may, under exceptional circumstances and with the prior consent of the Committee Chairman, address the chair;
- c) Have access to the documents held by the Council;
- d) Have access to the information on the matters or studies being dealt with by the General Assembly, the Standing Committee, the Committees they form part of or any other Committees which they expressly request;
- e) Obtain, through the Chairman of the Council and in compliance with the procedure regulated herein, any information or documents which the Council does not have available to it but which are deemed necessary for the performance of their duties;
- f) Make motions and suggestions for the adoption of resolutions by the Plenary Assembly or for the study of such resolutions in the working Committees, in compliance with the procedure regulated herein;
- g) Receive the financial compensation to which they are entitled for their participation in Council activities, in compliance with the guidelines to be established in this regard.

Article 9. Obligations

Council members are obliged to do as follows:

- a) Attend the Plenary Assemblies and the Committee meetings to which they have been called and to participate in their activities;
- b) Behave in line with the present Regulations and with those guidelines and instructions concerning these Regulations to be set by the Council;
- c) Keep confidential those Council activities which by decision of their organs are declared to be confidential;
- d) Not make use of their status of Council member to engage in business activities.

ECONOMIC AND SOCIAL COUNCIL

Article 10. Incompatibility

1. At all times Council members are to comply with the regulations on incompatibility stipulated in section 4 of Act 21/1991.

2. In the event a possible situation of incompatibility of any Council member should arise, the Standing Committee shall submit its proposal in this regard to the Plenary Assembly for study at the next ordinary meeting.

3. Once incompatibility has been declared and notification of this decision has been given, the member affected shall have eight days in which to choose between his post as Council member and the incompatible post. In the event he should fail to make the choice in the stipulated term, it is understood that he shall renounce membership on the Economic and Social Council.

Article 11. Absences and Internal Substitution

1. Absences: Any Council member who anticipates that he will not be able to attend a Plenary Assembly or a committee meeting is to notify the respective Chairman in advance.

In the event that a Council Member is absent from more than five consecutive sessions of the Plenary Assembly without justifiable cause, the Chairman may, after consulting with the Standing Committee, invite the member concerned to justify his absence; should the member fail to do so, the Chairman may request the Organizations to which this member belongs to consider the advisability of proposing that said member be removed from office.

In the event that a committee member is absent from more than five consecutive meetings without justifiable cause, the Chairman may invite the member concerned to justify his absence; should the member fail to do so, the Chairman may request that this member give up his post to another Council member for the sake of the proper running of the committee.

2. Substitution: Any committee member who is unable to attend a meeting may, after having informed the respective Chairman in writing, request that he be replaced by another Council member.

The replacement's mandate shall be valid solely for those acts for which said replacement has been granted.

Article 12. Removal from Office and Filling of Vacancies

1. Council members shall be removed from office in the terms and for the grounds provided for in section 3.5 of Act 21/1991.

2. The organization in which the early vacancy occurs is to submit the pertinent proposal for new appointment to the Chairman of the Council, who will follow the procedures established by law.

In the event the vacancy should correspond to one of the Council members referred to by section 2.5 of Act 21/1991, the Chairman shall immediately inform the Government as established by law.

TITLE III

Organs of the Council

Article 13. Organs

The following are organs of the Council:

- a) The Plenary Assembly.
- b) The Standing Committee.
- c) The Working Committees.
- d) The Chairman.
- e) The Vice-Chairmen.
- f) The Secretary General.

CHAPTER I

The Plenary Assembly

Article 14. Composition and location

1. The Plenary Assembly of the Council is made up of all the Council Members, headed by the Chairman and assisted by the Secretary General.

2. Council members shall sit in the assembly hall according to their membership in the three Groups of representation.

Article 15. Functions

The Plenary Assembly is empowered to:

1. Set out the general lines of action of the Council.
2. Issue opinions and attend to any consultations requested of it by the Government of the Nation or its members pursuant to the stipulations contained in sections 7.1.1, 7.1.2 and 7.1.3 of Act 21/1991.
3. Request additional information on matters submitted to it for consultation pursuant to the stipulations of section 7.2 of Act 21/1991.
4. Approve the studies and reports drafted at the petition of the Government or of its members.
5. Agree on drafting its own studies and reports and approve them, where applicable.

ECONOMIC AND SOCIAL COUNCIL

6. Approve and submit annually to the Government the Annual Report referred to in section 7.1.5 of Act 21/1991.

7. Annually approve the draft proposal on the Council Budget, as stipulated in section 9.2 of Act 21/1991.

8. Regulate the system concerning the internal organization and running of the Council.

9. Approve the guidelines and instructions deemed necessary for the running of the Council in line with these Regulations.

10. Take on any other powers stipulated by Law and the present Regulations which is not attributed to any other organ of the Council.

Article 16. The Plenary Assembly's Own Studies and Reports

The decision to draft its own report or study provided for in section 7.1.3 of Act 21/1991 shall be taken by the Plenary Assembly at the petition of:

a) The Chairman.

b) The Standing Committee.

c) A group or eleven Council members, through the Standing Committee, to be included on the corresponding agenda.

CHAPTER II

The Standing Committee

22

Article 17. Constitution

The Standing Committee, comprised of the Chairman and eighteen members elected pursuant to the stipulations of article 7 of the present Regulations, is to be set up and begin its activities no later than ten days after the constituent assembly of the Council is held.

Article 18. Term of Office, Replacement of Members and Temporary Substitutions

The term of office of the Standing Committee members shall coincide with that of the Council members. Each group, in all cases respecting the rules of internal proportionality, may at any time replace the members representing it on the Standing Committee and designate their replacements pursuant to the provisions of article 7 of these Regulations.

The groups may appoint from among the Council members of same, a substitute for each of the members corresponding to them on the Standing Committee.

Article 19. Functions

The functions of the Standing Committee are to:

1. Adopt any measures required in applying the general lines of action of the Council, approved by the Plenary Assembly.

2. Collaborate with the Chairman in managing the Council's activities.

3. Decide on handling and distributing the consultations, petitions and proposals made to the Council, in accordance with the provisions of the present Regulations.

4. Decide on contracting external consultations or opinions, at its own initiative or upon the proposal of the Chairman, the Working Committees or the groups of representation in the Council.

5. Submit to the Chairman the proposed agenda for Plenary Assemblies and the date on which they are to be held, taking into account the petitions made under the terms of article 38 of these Regulations.

6. Request that extraordinary Plenary Assemblies be called by the Chairman to be held no later than fifteen days as from the date they are requested and to be informed of those agreed upon by the Chairman or requested by twenty Council members.

7. Be familiarized, in those cases deemed necessary, with any documents, reports or studies required in order that Council members may be better informed of those matters to be dealt with at the Plenary Assembly.

8. Issue those opinions which reflect the Council's point of view in those cases where it has been delegated to do so by the Plenary Assembly, pursuant to the stipulations of section 6, d) of Act 21/1991 and article 40.11 of the present Regulations.

9. Set out the guidelines and have available all that is required to draw up a draft Annual Report on the socio-economic and labour situation of the nation for approval and submittal to the Plenary Assembly within the first three months of each year.

10. Follow up on the opinions and reports issued by the Council, informing the Plenary Assembly of them at least once a year.

11. Approve the initial proposal for the draft Council Budget submitted to it by the Chairman as a required step prior to submittal to and approval by the Plenary Assembly; likewise to be informed quarterly of the implementation of said Budget.

12. Supervise Council activities, set out its calendar and coordinate the work of its various collegiate organs and committees.

13. Any other functions granted to it by Act 21/1991, by the present Regulations or by the Plenary Assembly.

CHAPTER III

Working Committees

Article 20. *Standing and Specific Working Committees* (1)

1. The following are standing Working Committees:
 - Economy and Tax Regulations.
 - Single European Market, Regional Development and Development Cooperation.
 - Industrial Relations, Employment and Social Security.
 - Health Care, Consumer and Social Affairs, Education and Culture.
 - Agriculture and Fisheries.
 - Sectorial Policies and the Environment.
 - Working Committee responsible for drawing the Annual Report on the socio-economic and labour situation of Spain.
2. The Plenary Assembly of the Council may agree to set up Working Committees for specific matters, which will deal with drafting those studies, reports and opinions entrusted to them in the founding agreement.

It may also agree to set up other standing working committees.

Article 21. *Composition of Working Committees*

1. The Working Committees shall be made up as agreed upon by the Plenary Assembly, respecting the criteria of proportionality and ensuring that the various groups of the Council are represented in them.
2. Each organization may at any time replace any of the members representing it in the Working Committees, designating at the same time his replacement.

Article 22. *Constitution and Activity of Non-standing Working Committees*

The agreement creating non-standing working Committees shall establish the term in which they should be constituted and in which they are to comply with the matters commissioned to them by the Plenary Assembly.

(1) The Economic and Social Council Plenary Assembly held on 21st September 1994 approved the amendment of this article. Published in the Spanish Official State Gazette on 10th November.

CHAPTER IV

The Chairman

Article 23. Appointment and Removal from Office

1. The Chairman of the Economic and Social Council shall be appointed by the Government of the Nation at the joint proposal of the Ministry of Labour and Social Security and the Ministry of Economy and Finance, after consulting with the groups of representation in the Council. In any event, the person proposed for appointment shall be required to have the backing of at least two-thirds of the Council members.

2. Consultation on the proposal for Council Chairman shall be conducted in accordance with the procedures for the preliminary meeting of the Plenary Assembly regulated by article 6 of the present Regulations. In this regard, the Minister of Labour and Social Security shall inform the outgoing Chairman of the proposal for appointment of the Chairman.

3. The Chairman may be removed from office by decision of the Government, at the joint proposal of the Ministry of Labour and Social Security and the Ministry of Economy and Finance, in the wake of a non-binding opinion issued by the Council Plenary Assembly.

4. In the event the Chairman should be removed from office before his term is up, an extraordinary meeting of the Plenary Assembly shall be called, and the sole item on its agenda shall be to verify that the proposal for a new Chairman has the required legal backing. The procedure to be followed shall be that which is provided for in article 6 of the present Regulations, called and presided by the corresponding Vice-Chairman.

Article 24. Functions

The functions of the Chairman are to:

1. Preside over, promote and coordinate Council activity.
2. Represent the Council and act in accordance with said representation.
3. Call and preside over meetings of the Plenary Assembly and the Standing Committee, setting out the general guidelines for the proper governing of said organs, in accordance with the latter organ, and moderating the debates.
4. Set the agenda for the meetings of the Plenary Assembly and the Standing Committee taking into account the proposals and petitions made by their members as provided for by the present Regulations.
5. Endorse the minutes and take charge of and ensure exact compliance with the Council resolutions.
6. Settle any tie votes which may be produced by use of his casting vote.

ECONOMIC AND SOCIAL COUNCIL

7. Request, on behalf of the Council, any collaboration he deems advisable from institutions, authorities, organizations, entities, associations and private individuals.

8. Request, on behalf of the Council, additional information on matters which are submitted to him for consultation, whether mandatory or not, provided that said information is required for issuing an opinion, report or study.

9. Request of the petitioning organ, after consulting with the Plenary Assembly or the Standing Committee if the matter so requires, an extension of the time period set in the order for referral or request for consultation.

10. Submit to the Standing Committee the initial draft proposal for the Council annual budget, as a preliminary step before it is submitted to the Plenary Assembly, and send the draft proposal once approved to the Ministry of Labour and Social Security.

11. Be informed by the Secretary General of the proposals for expenditure and services contracting and approve said proposals, and likewise to be informed of their implementation.

12. Recruit and dismiss personnel working for the Council.

13. Comply with and enforce the Regulations, proposing his interpretation of them to the Plenary Assembly in doubtful cases, and adding to them in cases of omission.

14. Any other powers granted to him by Act 21/1991, by the present Regulations, which are inherent to his status as Chairman or which he takes on through delegation by the remaining Council organs.

CHAPTER V

The Vice-Chairmen

Article 25. Appointment and Replacement

1. The Council shall have two Vice-Chairmen, elected by the Plenary Assembly, at the proposal, each one of them, of the members of the First Group and the Second Group and from among said groups. Appointment shall be made in the constituent assembly in accordance with the procedure provided for in article 7 of the present Regulations.

2. In order for either of the two Vice-Chairmen to be replaced, a proposal of the Council members who will replace them must be submitted to the Plenary Assembly by the Groups to which they belong, as stipulated in the founding Act of the Economic and Social Council. Once this proposal has been accepted, the term of office of the new Vice-Chairmen shall extend until the end of the four-year period in course, provided that no further proposal for replacement is made.

Article 26. Functions

1. The Vice-Chairmen shall perform the functions expressly delegated to them by the Chairman. With respect to substitution of the Chairman in the event of vacancy, absence or illness, an annual rotation shall be established between the Vice-Chairmen, beginning with the Vice-Chairman designated by the Standing Committee.

2. The Vice-Chairmen shall be regularly informed by the Chairman on the management of Council activities and they shall collaborate with him in all matters in which their collaboration is requested.

CHAPTER VI

The Secretary General

Article 27. Appointment, Term of Office and Removal

1. The Secretary General shall be freely designated by the Government at the joint proposal of the Ministry of Labour and Social Security and the Ministry of Economy and Finance, after consulting with the groups of representation in the Council. In any event, the person whose appointment is proposed is to have the backing of at least two-thirds of the Council members.

The Secretary General may freely be removed from office by the Government at the joint proposal of the Ministry of Labour and Social Security and the Ministry of Economy and Finance, in the wake of a mandatory opinion by the Council, pursuant to the stipulations of section 7.1.1, c), of Act 21/1991.

2. Consultation on the proposal for Secretary General shall be conducted in accordance with the procedure for the preliminary meeting of the Plenary Assembly provided for in article 6 of the present Regulations.

3. The Secretary General shall be replaced in the event of absence or vacancy by a member of the technical staff working for the Council designated by the Standing Committee at the proposal of the Chairman.

Article 28. Functions

1. The Secretary General is the Council organ for technical and administrative assistance and the depository of the notarisation of its resolutions; its functions are to:

1.1. Manage and coordinate the administrative and technical services of the Council ensuring that these services conform to the principles of economy, celerity and efficacy.

ECONOMIC AND SOCIAL COUNCIL

1.2. Attend the meetings of the Council Plenary Assembly and Standing Committee with the right to speak but not to vote.

1.3. Draft the minutes of the meetings of the Plenary Assembly and the Standing Committee, authorize them with his signature and the approval of the Chairman and expedite the resolutions adopted.

1.4. File and safeguard Council documents, making such documents available to its organs and Council members when so required.

1.5. Issue certifications of minutes, resolutions, opinions, dissenting votes and other documents entrusted to him for safekeeping, with the approval of the Chairman.

1.6. Draw up the initial draft proposal for the Council annual Budget and submit it to the Chairman; likewise, prepare periodical information on its implementation.

1.7. Be the depository for Council funds, make proposals on expenditure and make authorized payments.

1.8. Act as Head of the personnel working for the Council.

1.9. Any other powers granted to him by Act 21/1991, by the present Regulations, which are inherent to his status as Secretary or which he takes on through delegation by the remaining Council organs.

2. The post of Secretary General shall be a full time position subject to the general, legal and regulatory provisions concerning incompatibility, and the Secretary may not hold any other post or engage in any other activity which may interfere with or take time away from the performance of the duties of this post.

TITLE IV

Functioning of the Council

CHAPTER I

Common Regulations

Article 29. Nature of the Meetings

1. The Plenary Assemblies of the Council are public. Notwithstanding, express authorization from the Chairman is required in order to attend any meeting.

2. Certain debates may be declared to be closed, by decision of the Plenary Assembly, at the proposal of the Standing Committee or by the person requesting the opinion.

Article 30. Attendance of the Government, Authorities and Civil Servants

The following may attend the meetings:

a) Members of the Government, after giving prior notice to the Chairman, or at the request of the Council; Government members have the right to address the chair.

b) Any other duly invited or authorized authorities and civil servants belonging to the Administration of the State, to give information or answer questions asked of them in relation to matters in their field.

Article 31. Groups of Representation

1. The groups of representation in the Council may organize their internal functioning and establish regulations for their own representation, respecting in all cases the stipulations of the present Regulations.

2. The groups shall have available to them the technical and administrative support they require for the performance of their duties, and for said purposes shall be provided with a Secretariat.

Standing Committee and Working Committees

Article 32. Standing Committee Meetings and Quorum

1. The Standing Committee, under the management of the Council Chairman, shall meet in an ordinary meeting at least once a month, and may call as many extraordinary meetings as required. Extraordinary meetings shall be called by the Chairman at his own initiative or at the request of six of its members.

In the latter case, the maximum time limit during which the meeting may be held shall be five days.

2. In order for the Standing Committee to be validly constituted at least twelve of its members or substitutes must be present, in addition to the Chairman and the Secretary General or their legal substitutes. At the second call to meeting, only nine members or substitutes shall be required to attend, in addition to the Chairman and the Secretary General or their legal substitutes.

3. Standing Committee meetings shall be called by the Chairman at least seventy-two hours in advance, each member being given a notice of the meeting together with the agenda and corresponding documents.

Article 33. Working Committee Meetings and Quorum

1. At their constituent assembly, the Working Committees shall establish the regulations governing the calling and running of meetings, and shall in all cases respect the stipulations of the present Regulations or of the founding agreements of these Committees.

2. Working Committee meetings shall be called by their Chairman, and a majority of their members must be present in order for any meeting to be validly constituted.

Article 34. Chairmanship, Vice-Chairmanship and Secretaryship of the Working Committees

1. At its constituent act, each Working Committee shall elect from among its members a Chairman and a Vice-Chairman.

2. The Chairman shall organize and manage Committee activities, preside its meetings, maintain order and moderate the debates and transfer the corresponding proposals.

3. The Vice-Chairman shall have those functions which are delegated to him by the Chairman and shall substitute him in case of absence.

4. In carrying out their work, the Working Committees shall be assisted by the technical and administrative services of the Council, which shall take on the functions of a Secretariat when warranted.

Article 35. Ordinary Procedure for Transfer to the Working Committees

1. When the Council receives a request for an opinion or a report, the Standing Committee shall pass it on to the corresponding Working Committee.

The Council Chairman shall inform the Working Committee Chairman of the object of its deliberations and the time limit in which it will have to conclude its work, which under no circumstances may exceed two thirds of the overall time limit established for the Council to issue its opinion or report (2).

2. After the Plenary Assembly has decided to draft an opinion or a report at its own initiative, it shall pass the matter on to the corresponding Working Committee, in accordance with the stipulations of article 21 of the present Regulations.

3. All Council members shall be notified of the agreement to remit a matter to a Working Committee; they shall likewise be informed that the matter is to be included on the agenda of the Plenary Assembly or Standing Committee.

Article 36. Work in Committees

1. The Working Committees shall deal with all studies, reports and opinions commissioned to them by the Plenary Assembly or the Standing Committee in accordance with the procedure established in these Regulations.

2. Once the commission has been received, the Working Committee shall appoint one or several panel members to draw up a draft agreement within a time limit that does not exceed half of the time given to comply with the Committee's commission. The remainder of time shall be used for Committee debates and for adoption of the agreement.

3. To the extent to which it is required for its work, each Working Committee may request that the Standing Committee authorize the panel member or members to consult specialists outside of the Council with regard to specific matters.

4. The result of the Committee's work, together with dissenting votes and preliminary or additional reports shall be submitted to the Council Chairman to be included on the agenda of the following Plenary

(2) The Economic and Social Council Plenary Assembly held on 23rd March 1994 approved the amendment of this article. Published in the Spanish Official State Gazette on 10th November.

ECONOMIC AND SOCIAL COUNCIL

Assembly or Standing Committee meeting. At said meeting, the Working Committee Chairman or the panel member shall explain the agreement reached by the Committee, and dissenting voters may voice their opinion.

Article 37. Further Examination by the Working Committee

The Council Chairman, after agreement by the Plenary Assembly or the Standing Committee, may request that the Working Committee conduct further examination if it is deemed that the required consensus has not been achieved, that the provisions contained in these Regulations have not been respected or if additional study is deemed advisable.

CHAPTER III

Plenary Assembly

Article 38. Call to Meeting

1. The Plenary Assembly shall meet in an ordinary session at least once a month, the meeting being called by the Chairman at least ten days in advance.

2. Extraordinary Plenary Assemblies may be called by the Chairman, with at least seventy-two hours advance notice, for any of the following circumstances:

- a) At his own initiative.
- b) When the Standing Committee so agrees.
- c) At the petition of twenty Council members, made to the

Chairman, containing in addition to the signatures the reasons for calling such a meeting and the matter to be dealt with.

In the cases of paragraphs b) y c), the maximum term in which the meeting may be called shall be ten days.

3. The notice of the meeting shall contain the agenda together with the specific documents related to the matter to be dealt with. Items may be added to the agenda and additional documents may be sent up to forty-eight hours prior to the time the meeting is to be held.

4. Ordinary meetings may deliberate on or, if warranted, decide on any matter not included on the agenda, provided that this is unanimously agreed to by the members present at the opening of the meeting.

Article 39. Quorum

In order for the Plenary Assembly to be validly constituted, in addition to the presence of the Chairman and the Secretary General or their substitutes, the following must also be present:

- a) At the first call to meeting, at least thirty-one of its members.
- b) At the second call to meeting, twenty members.

Article 40. Deliberations

1. The Chairman shall open the session, lead the debates and ensure that the Regulations are observed. He shall be aided by the Vice-Chairmen.

2. At his own initiative or at the petition of a Council member, the Chairman may, after consulting with the Presiding Committee, limit the time the speakers have either before the debate begins or during the debate itself. The Presiding Committee shall agree on when to close the debate, after which time the chair may only be addressed within the time limit set by the Chairman in order to give an explanation for votes cast after each voting session.

3. At the proposal of the Chairman, the Plenary Assembly may agree to adjourn the meeting, setting the time when said meeting is to be resumed.

4. Any deliberations that take place shall be based on the work of the corresponding Committee specialized in that field, and such deliberations shall be submitted to the Plenary Assembly pursuant to the stipulations of article 36.4 of the present Regulations.

5. This shall be followed by a general debate on the content of the proposal, analysing any possible total amendments and dissenting votes, and granting the floor to those requesting it. Once the debate has concluded, each of the alternative texts shall be voted on.

6. In the event any of these alternative texts is approved, the Chairman, through agreement of the Plenary Assembly, may agree to establish a time period during which partial amendments may be submitted for discussion at the following meeting.

7. In the event that none of possible alternative texts are approved, members shall proceed to debate and vote on any partial amendments and dissenting votes.

8. When an amendment is approved, it shall be included in the text, and the Council Chairman assisted by the Chairman of the corresponding Committee or by the Panel member may propose to the Plenary Assembly any adaptation required in order for the definitive text to be coherent.

9. The final text shall be put to a vote. In the event it is not approved, the Chairman, through agreement of the Plenary Assembly, may send it to the corresponding Committee for further study or proceed to appoint a panel member who will present a new proposal on the matter, so that it may be debated at the same meeting or at the following plenary assembly.

10. In those cases where a Committee has adopted a draft opinion without any dissenting votes, the Standing Committee may, in

ECONOMIC AND SOCIAL COUNCIL

the light of the information received from the Chairman of that Committee, propose to the Plenary Assembly that it be voted on without any prior debate. The Plenary Assembly shall apply this procedure provided that there is no opposition.

11. At the initiative of its Chairman or of eleven Council members, the Plenary Assembly may delegate the Standing Committee to issue a specific opinion.

CHAPTER IV

General Provisions

Article 41. Submittal of Amendments (3)

1. Any Council member may submit amendments either individually or collectively to the Committees which they are members of or to the Plenary Assembly.

2. Amendments shall be submitted for debate by the Plenary Assembly as follows:

2.1. Amendments may be submitted up until one day before a meeting is to begin and shall be made in writing and signed by their authors.

2.2. The amendments shall be submitted along with a concise statement of purpose, shall indicate whether they are total or partial and, in the latter case, should indicate what part of the text they refer to. Total amendments are to include an alternative text.

3. As a result of the debate on the amendments submitted, other amendments may be made as a compromise.

Article 42. Voting and Adoption of Resolutions

1. Resolutions shall be adopted by absolute majority of those attending, and the Chairman shall break any tie votes by using his casting vote.

2. Voting shall be by roll-call if it is so agreed by half of the Council members present.

3. The vote shall be secret in all matters personally affecting Council members.

(3) The Economic and Social Council Plenary Assembly held on 21st June 1995 approved the amendment of this article. Published in the Spanish Official State Gazette on 2nd October.

Article 43. Dissenting Votes

1. Those Council members who dissent in whole or part from the majority opinion may individually or collectively cast dissenting votes, which are to be attached to the corresponding resolution.

2. Dissenting votes are to be submitted to the Secretary General in a maximum term of forty-eight hours from the time the meeting ends.

Article 44. Minutes of the Meetings

1. Minutes shall be drawn up for each meeting and shall be sent to each Council member together with a notice of the next meeting where it shall be voted on.

2. The final version of the minutes shall be signed by the Secretary and approved by the Chairman.

3. When applicable, the following documents shall be attached to the minutes as annexes:

a) A list of deliberations on the drafting of opinions, which shall contain in particular the text of all amendments and dissenting votes voted on, including the names of the voters when voting is by roll-call.

b) The proposals of the corresponding Committees.

c) Any other document deemed essential for an understanding of the debates.

Article 45. Opinion of the Economic and Social Council (4)

1. The views of the Plenary Assembly referred to in Act 21/1991 shall be expressed under the heading of “Opinion of the Economic and Social Council” and shall not be binding.

2. Opinions shall be documented separately, highlighting the background information, the assessment made and the conclusions, and shall be signed by the Secretary General and approved by the Council Chairman. Any dissenting votes shall necessarily be attached to said opinions.

3. Once the opinion has been issued, the authority requesting the opinion shall be so notified.

(4) The Economic and Social Council Plenary Assembly held on 21st June 1995 approved the amendment of this article. Published in the Spanish Official State Gazette on 2nd October.

TITLE V

The Economic and Financial System and Resources Available to the Council

Article 46. Economic System

1. In order to comply with its aims, the Economic and Social Council shall have available to it those financial resources allocated for said purposes by the National Budget, and shall enjoy the tax system of the latter.

2. During the second quarter of the year, the Secretary General shall draw up the initial draft proposal for the Council annual Budget and shall submit it to the Chairman so that he may proceed with it in accordance with the stipulations of the present Regulations.

3. The Plenary Assembly shall approve the expenses and attendance fees to be paid to Council members and shall ensure that the groups are provided with the technical and administrative support required in order for them to function.

Article 47. Recruitment System

1. The Economic and Social Council shall be provided with the material and personal resources required for its proper functioning, especially technical, administrative and documentation services.

2. Recruitment by the Economic and Social Council shall conform to the stipulations of Act 21/1991 and those of the State General Recruitment Regulations, under the system of private Law.

3. Council personnel shall be bound to the Council by means of a relation subject to labour law. A list of the staff shall be made by the Standing Committee and approved by the Plenary Assembly. The Chairman shall be in charge of the recruitment and dismissal of personnel, in accordance with the guidelines of the Standing Committee.

TITLE VI

Reform of the Regulations

Article 48. Reform of the Regulations

Any proposal for reform of the present Regulations shall be submitted by the Council Chairman to the Standing Committee for submittal to the Plenary Assembly. Once a proposal for reform has been made, the Plenary Assembly shall decide, in view of the scope and content of said reform, whether to hold a debate and vote on it at a Plenary Assembly or whether to send it to a Committee specifically created for the purpose, comprised in the way deemed fit by the Plenary Assembly itself.

If warranted, the Committee for the reform of the Regulations shall in the term established for this purpose submit a proposal to the Plenary Assembly which shall be voted on in the Assembly. Any reform of the Regulations must be approved by absolute majority of the Council members and shall be understood as forming part of said Regulations as from the time they are approved by the Plenary Assembly.

Article 49. Urgent Procedure for Issuing Opinions (5)

1. In the event the Government should request that the Economic and Social Council issue an opinion in the term of fifteen days or less, pursuant to the stipulations of section 7.3.b) of Act 21/1991, the Council Chairman shall immediately remit the matter to the Chairman of the corresponding Working Committee, indicating the deadline for the Plenary Assembly at which the opinion shall be debated. The time limits stipulated in articles 35.1 and 36.2 of the present Regulations shall not be taken into account, and the Working Committee's time limit for the resolution or the draft opinion shall be forty-eight hours prior to the time the Plenary Assembly is to be held.

2. All Council members shall be informed that the matter has been remitted to a Working Committee, and shall likewise be informed that the matter is to be included on the agenda of the Plenary Assembly that is to be held.

3. Council members may submit amendments to urgent opinions in writing up to two hours prior to the time the meeting is to begin, so that they may be copied and distributed before the start of the meeting.

(5) The Economic and Social Council Plenary Assembly held on 19th January approved the addition of this article. Published in the Spanish Official State Gazette of 14th February 1994.