



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 February 2012**

**6269/12**

**STAT 3  
FIN 81**

**NOTE**

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| from:           | Presidency  |
| to:             | Working Party on the Staff Regulations  |
| Prev. documents | 17946/10 ADD 1 STAT 46 FIN 749<br>17627/11 STAT 50 FIN 980  |
| Subject:        | Request from the Council to the Commission to apply the provisions of Article 10 of Annex XI to the Staff Regulations |

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1. In December 2010, the Council invited COREPER to review annually by the end of January the actual economic and social situation within the EU in order to assess whether a request to the Commission shall be made in order to apply the provisions of Article 10 of Annex XI of the Staff Regulations (document 17946/10 ADD 1 STAT 46 FIN 749)
2. The Working Party is therefore invited to examine whether such a request under Article 241 TFEU should be made as regards the next annual adjustment of remunerations and pensions, to be decided before the end of 2012. Delegations will find a draft text of a possible request in the Annex.

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RECALLS that the interpretation of the exception clause of Article 10 of Annex XI of the Staff Regulations as regards the adjustment of remunerations and pensions of officials and other servants with effect from 1st July 2011 is currently the subject of proceedings before the European Court of Justice.

NOTES that the economic and social situation within the EU continues to give rise to concern.

REQUESTS therefore the Commission, in conformity with Article 241 TFEU, to monitor closely the evolution of the economic and social situation as well to present, on the basis of Article 10 of Annex XI of the Staff Regulations, a report assessing whether, in the light of objective data supplied by the Commission, there is a serious and sudden deterioration in the economic and social situation within the EU and to submit appropriate proposals whenever that is case, but in any case in time for the European Parliament and the Council to examine and adopt them before the end of 2012.