



**Brussels, 1 February 2021
(OR. en)**

5319/21

**STAT 6
FIN 34**

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Council Decision amending Council Decision of 27 April 2009 on certain administrative bodies provided for in Article 9 of the Staff Regulations
- Adoption

1. As provided for by Article 9(2) of the Staff Regulations, the Council Decision of 27 April 2009 on certain administrative bodies provided for in Article 9 of the Staff Regulations determines the composition and procedure of these bodies in accordance with the provisions of Annex II of the Staff Regulations, including as regards the Staff Committee, whose main role is to represent the interests of the staff vis-à-vis their institution.
2. It is proposed to amend the Council Decision of 27 April 2009 on two points.
3. First, it is appropriate to insert a reference to the function group AST/SC which was introduced in the Staff Regulations by the reform of 2013, so as to clarify that staff of this function group is also represented in the Staff Committee, which is already ensured in practice.

4. Second, it is suggested to go back to the general rule provided for by Article 1, first paragraph, of Annex II to the Staff Regulations, according to which the term of office of the Staff Committee shall be three years. In this respect, it should be noted that Article 1, first paragraph, of Annex II to the Staff Regulations, as amended by Regulation (EU, Euratom) No 1023/2013, now provides that the appointing authority of each institution may decide to fix a shorter term of office of the Staff Committee than the three years provided by default by the same article. However, since the decision to fix a shorter term of office of the Staff Committee was taken by the Council in accordance with the rules applicable before the entry into force of Regulation No 1023/2013, it is appropriate that the decision to go back to the general rule provided for in Article 1 of Annex II to the Staff Regulations also be taken by the Council.
5. At this occasion, the reference to Article 9(1) of the Staff Regulations in Article 1 of the amended Decision should be corrected.
6. The amendments will apply as of the beginning of the term of office of the Staff Committee elected after the entry into force of the amending Decision.
7. The draft Council Decision together with an explanatory note was communicated in writing to the members of the Working Party on Staff Regulations on 23 December 2020. By the deadline for the informal consultation (15 January 2021), delegations have not expressed any remarks or reservations.

8. In view of above, the Permanent Representatives Committee is invited to:
- confirm its agreement on the text of the draft Council Decision amending Council Decision of 27 April 2009 on certain administrative bodies provided for in Article 9 of the Staff Regulations (ST 5318/21);
 - recommend that the Council approve the abovementioned decision, as set out in document ST 5318/21, as an 'A' item on the agenda of a forthcoming Council meeting;
 - at the same time decide, in accordance with the first sub-paragraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision (EU) 2021/26 of 12 January 2021, that the Council use the written procedure for the adoption of the abovementioned decision if, due to the circumstances related to COVID-19, there were no formal Council meeting until 28 February 2021.
