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EUROSTAT

Directorate C: National Accounts, Prices and Key Indicators
Unit C.3: Statistics for administrative purposes



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**Meeting of the Working Group on Article 64 and Article 65 of the Staff Regulations
to be held in Luxembourg on Monday 24th and Tuesday 25th March 2014,
in the Bech Building – Room “Ampère”, starting at 9:30 a.m.**

Mission and role of the Working Group on Article 64 and Article 65 of the Staff Regulations

Rules of procedure – final version reflecting decisions at the meeting

Paper relating to Agenda item no.8

This document can be found on the dedicated CIRCABC site for meeting delegates:

<https://circabc.europa.eu/>

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1. Introduction

Legislation laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union has been in force since at least 1962. This legislation was most recently modified by Regulation 1023/2013.

Articles 64 and 65 of the current Staff Regulations concern the annual update of remuneration in accordance with the principles of parallelism (with the evolution of purchasing power of the remuneration of national civil servants) and equivalence (of purchasing power between Brussels and other duty stations).

Annex XI to the Staff Regulations sets out rules for implementing Articles 64 and 65 of the Staff Regulations.

Chapter 6 of Annex XI describes the role of Eurostat and relations with the National Statistical Institutes or other appropriate authorities of the Member States:

Article 12

It shall be the task of Eurostat to monitor the quality of basic data and statistical methods used to work out the factors taken into account for the update of remuneration. In particular, it shall make any assessments or carry out any studies required for such monitoring.

Article 13

In March each year Eurostat shall convene a meeting of a working group composed of experts from the national statistical institutes or other appropriate authorities in the Member States, to be known as the 'Working Group on Article 64 and 65 of the Staff Regulations'.

At that meeting, the statistical methodology and its implementation concerning specific and control indicators, the joint index and economic parities shall be examined.

The information required to produce a forecast of changes in purchasing power for the purposes of the intermediate update of remuneration shall also be provided, together with the data on working hours in central government departments.

Article 14

At the request of Eurostat, Member States shall inform Eurostat of any factors having a direct or indirect impact on the composition and changes in the remuneration of central government civil servants.

The European Commission has defined an institutional framework for the creation and operation of expert groups. This framework was most recently revised in 2010¹. This includes the following key principles:

Commission expert groups are consultative entities set up by the Commission or its services, comprising at least six public and/or private-sector members, which are foreseen to meet more than once. The role of expert groups is to provide advice and expertise to the Commission and its services in relation to:

¹ Document C(2010)7649

(1) the preparation of legislative proposals and policy initiatives (Commission's right of initiative);

(2) the preparation of delegated acts, as referred in the Communication on the implementation of article 290 of the Treaty on the Functioning of the European Union;

(3) the implementation of existing EU legislation, programmes and policies, as well as the coordination and cooperation with Member States in that regard.

The creation and functioning of expert groups are governed by the horizontal rules attached to this Communication (annex). These rules are designed to operate within the diversity of circumstances faced by expert groups, by providing Commission departments with a sound and flexible set of guidelines, and ensuring a coherent approach in the area of expert groups.

Expert groups do not take binding decisions, although they may formulate opinions and recommendations or submit reports. They are first and foremost fora for discussion and brainstorming, the primary function of which is to provide the Commission with high-level expertise. In addition, gathering expertise from various sources is also a way of gathering the views from different stakeholders. For this purpose, Commission services are bound to apply the general principles and minimum standards for consultation of interested parties.

The Commission and its departments remain fully independent regarding the way they take into account the expertise and views gathered and, when proposing a new policy or measure, they always aim at finding the best solution in the general interest of the European Union and its Member States.

When defining the composition of expert groups, the Commission and its departments shall aim at ensuring a balanced representation of relevant areas of expertise and areas of interest, as well as a balanced representation of gender and geographical origin, while taking into account the specific tasks of every particular expert group and the type of expertise required.

In order to ensure that the Commission obtains the full range of views and expertise on a given matter, it may also count on other instruments and processes, which supplement the work of expert groups, such as studies, European agencies, Green papers and hearings.

Therefore, the degree of overall participation and representation of stakeholders should be assessed in light of all initiatives taken by the Commission.

The current document sets out practical arrangements to implement this framework.

2. Composition

Normally, participants to the Working Group on Article 64 and Article 65 of the Staff Regulations will be:

- National experts from the relevant departments of the National Statistical Institutes or other appropriate authorities of the Member States;
- National experts from candidate countries;

- Qualified experts from other international organisations²;
- Representatives of relevant services of the European Institutions.

Other suitably qualified independent experts may be invited to participate.

The aim of the working group is to review the technical implementation of Article 64 and Article 65 the Staff Regulations. In order to make an active contribution to this work it is therefore desirable that participants have a good knowledge of collection, processing and publication of statistical data in the fields of:

- Consumer prices (movements over time and differences over space);
- Labour force (public sector population);
- Remuneration (structure, movements over time and differences over space).

Specific knowledge of national/international civil service is an additional advantage.

Eurostat will periodically review membership of the working group³.

3. Independence and objectivity

Eurostat is seeking technical expertise of an appropriately high quality. Internal guidelines for appointment have applied since the Millennium.

A first indicator of this quality is the excellence of the advisors in terms of their professional qualifications and practical experience, as it relates to the task at hand (see also previous section).

It is a truism that no one is entirely ‘independent’: individuals can never entirely set aside all thoughts of their personal background – family, culture, employer, sponsor, etc. Nevertheless, as far as possible, experts should be expected to act in an independent manner.

The work on remuneration statistics is recognised for the unusually high degree of political sensitivity associated with it due to its linkage with evolving ideas about human resources management (including staff recruitment, motivation and retention in an international context); about attitudes toward government in general and EU governance in particular (notably relative roles of institutions and Member States, mission creep, funding at different stages of the economic cycle); about historical and cultural diversity, and geographical equilibrium. Nevertheless, insofar as it is possible, an objective examination of the technical process is sought.

Experts can, of course, still bring to the table knowledge they hold by virtue of their affiliation, or nationality: indeed, experts may sometimes be selected for this very reason. Nevertheless, the aim is to minimise the risk of vested interests distorting the advice proffered by establishing practices that promote integrity, by making dependencies explicit, and by recognising that some dependencies – varying from issue to issue – could impinge on the policy process more than others.

² These include: United Nations International Civil Service Commission (UN.ICSC); International Service on Remuneration and Prices of the Coordinated Organisations (ISRP); European Patent Office (EPO); European Organisation for the Safety of Air Navigation (EuroControl)

³ See note Ares(2014)803452 dated 19/03/2014 addressed to Heads of National Statistical Institutes and Permanent Representatives.

4. Transparency

A specific password-restricted CIRCABC group has been created for members of the Working Group.

A public CIRCABC group has also been created for subsequent dissemination of texts authorised by the working group for general release. Other things being equal this will include all documents received/produced/published except those covered by the exceptions in Transparency Regulation 1049/2001.

A time series of correction coefficients is published on the Eurostat free data website.

A time series of HICP and GDP (percentage share of EU) are available on the Eurostat free data website.

A time series of specific indicators is not currently published on the Eurostat free data website. They are however available in the annual reports produced by Eurostat.

5. Rules of procedure

The appendix to this document presents rules of procedure for the Working Group on Article 64 and Article 65 of the Staff Regulations.

6. Conclusion

Delegates are invited to take note of the information presented in this document and to endorse the rules of procedure.

Appendix One

Rules of Procedure of the Working Group on Article 64 and Article 65 of the Staff Regulations

THE WORKING GROUP ON ARTICLE 64 AND ARTICLE 65 OF THE STAFF REGULATIONS,

Having regard to Regulation 1023/2013 amending the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union,

Having regard to Regulation 223/2009 on European Statistics,

Having regard to Commission Decision SEC(2010)1360 amending the standard rules of procedure of expert groups,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE⁴:

Article 1

Status

The compilation of Remuneration statistics for administrative purposes shall be done in accordance with the European statistics Code of Practice.

Article 2

Meetings

1. Meetings of the Working Group are convened by Eurostat, at least once each year (in March). However, Eurostat may convene more frequent meetings if it feels it necessary.
2. Joint meetings of the Working Group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the Working Group shall be held on Commission premises.

Article 3

Agenda and mandate

1. Eurostat shall draw up the agenda under its own responsibility and send it to the members of the Working Group.
2. The agenda will address the statistical methodology and its implementation relating to Article 64 and Article 65 and Annex XI of the Staff Regulations, and in particular concerning:
 - specific indicators of the evolution in the level of civil servant remuneration in Member States (forecasts and actual);
 - control indicators;

⁴ In the event of any conflict with the standard rules, the standard rules will prevail.

- evolution of consumer prices in Member States;
 - purchasing power parities between Member States and outside the European Union;
 - working time of national civil servants.
3. At the discretion of Eurostat additional topics may also be examined, notably including Annex X and Annex VII of the Staff Regulations.
 4. The agenda shall be adopted by the Working Group at the start of the meeting.
 5. Agenda points will be for information and/or discussion but not for decision unless there is express indication to the contrary.

Article 4

Documentation to be sent to Working Group members

1. Eurostat shall send the invitation to the meeting and the draft agenda to the Working Group members no later than thirty calendar days before the date of the meeting.
2. Eurostat shall send documents on which the Working Group is consulted to the members no later than fourteen calendar days before the date of the meeting.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in paragraphs 1 and 2 of this Article may be reduced.
4. To reduce costs, only documents produced in the week preceding the meeting will be available in the meeting room.

Article 5

Opinions of the Working Group

1. The role of the Working Group is to provide advice and expertise to Eurostat.
2. As far as possible, the Working Group shall adopt its opinions, recommendations or reports by consensus.
3. Eurostat shall carry out its role as being the authority responsible for the implementation of Annex XI of the Staff Regulations being particularly attentive to strong and motivated opinion of the Working Group.
4. In the event of a vote, the outcome of the vote shall be decided by a simple majority of the members present.

Article 6

Sub-groups

1. In agreement with the services of the Commission, the Working Group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the Working Group; such sub-groups shall be disbanded as soon as their mandate is fulfilled.
2. The sub-groups shall report to the Working Group.

Article 7

Composition of the Working Group. Admission of third parties

1. Members of the Working Group shall be designated representatives from the relevant departments of National Statistical Institutes or other appropriate national authorities of Member States.
2. The choice of these designated representatives shall be made by each Member State bearing in mind the technical nature of the Group's mandate as expressed in Article 2. Member States shall be responsible for ensuring that their representatives provide the necessary level of technical expertise.
3. Eurostat may invite on an ad hoc basis individual experts with specific competence in a subject on the agenda to participate in the work of the Working Group or sub-groups.
4. In addition, Eurostat may give observer status to individuals, organizations as defined in Rule 8(3) of the horizontal rules on expert groups, and candidate countries.
5. Participants appointed in a personal capacity shall commit themselves to act independently and in the public interest.
6. Members shall remain in office until replaced.

Article 8

Written procedure

1. If necessary, the Working Group opinion or recommendation on a specific question may be delivered via a written procedure. To this end, Eurostat sends the Working Group members the document(s) on which the group is being consulted.
2. However, if a simple majority of Working Group members asks for the question to be examined at a meeting of the Working Group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the Working Group as soon as possible.

Article 9

Secretariat

1. The Working Group shall be chaired by Eurostat.
2. Eurostat shall provide secretarial support for the Working Group and any sub-groups created under Article 5 above.

Article 10

Summary minutes of the meetings

1. Summary minutes on the discussion on each point on the agenda and the opinions delivered by the Working Group shall be drafted by Eurostat under its responsibility. The minutes shall not mention the individual position of the members during the group's deliberations.
2. The minutes shall be adopted by the Working Group.

Article 11

Attendance list

At each meeting of the Working Group, Eurostat shall draw up, under its responsibility, an attendance list specifying, where appropriate, the authorities, organizations or bodies to which the participants belong.

Article 12

Conflicts of interest

1. Should a conflict of interest in relation to an expert arise, Eurostat may exclude this expert from the Working Group or a particular meeting thereof or they may decide that the expert in question shall abstain from discussing the items on the agenda concerned and from any vote on these items.
2. At the start of each meeting, any expert whose participation in the Working Group would raise a conflict of interest shall inform the Chair.
3. Conflicts of interest shall be reported in writing, e.g. in the summary minutes of the relevant meeting.
4. Paragraphs 1, 2 and 3 shall also apply to deliberations taken by the Working Group in written procedure.

Article 13

Correspondence

1. Correspondence relating to the Working Group shall be addressed to Eurostat.
2. Correspondence for Working Group members shall be sent to the e-mail address which they provide for that purpose.

Article 14

Access to documents

1. Applications for access to documents held by the Working Group will be handled in accordance with Regulation (EC) No 1049/2001⁵ and detailed rules adopted by the Commission for its application⁶.
2. As a general principle, information made available to members of the Working Group (eg. during meetings, by correspondence or via the password-restricted electronic data archive) shall be considered under embargo and shall not be transmitted to persons outside the Working Group without prior agreement of Eurostat, including other departments within national or international civil services.
3. At the end of each meeting, Eurostat, after consulting the Working Group, shall decide which documents will be made public.

⁵ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁶ Commission Decision 2001/937 of 5.12.2001, OJ L 345 of 29.12.2001, p. 94.

Article 15

Confidentiality of deliberations

1. The deliberations of the Working Group shall be confidential.
2. In agreement with Eurostat, the Working Group may, by a simple majority of its members, decide to open its deliberations to the public.

Article 16

Protection of personal data

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001⁷.

Article 17

Review clause

1. The rules of procedure in the present document replace all previous procedural rules for the Working Group on Article 64 and Article 65 of the Staff Regulations.
2. These rules of procedure shall remain in force until amended.

⁷ Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. (OJ L 8, 12.1.2001, p. 1).