



***INFORMAL COMMISSION EXPERT GROUP ARTICLE 64 AND 65 OF STAFF REGULATIONS***

***[E01562]***

**TERMS OF REFERENCE**

## **1. BACKGROUND**

The group was created in 1976 and has an explicit mandate linked to EU Staff Regulations. There is also reference to the group in trilateral International Memorandum of Understanding first signed 2009 with the United Nations International Civil Service Commission and the International Service for Remuneration and Pensions of the Coordinated Organisations.

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 and is reviewed at periodic intervals. The most recent major modification was introduced by Regulation (EU, Euratom) No 1023/2013<sup>1</sup>.

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 and sections of Annex X to the Staff Regulations set out rules for implementing Articles 64 and 65 of the Staff Regulations. Core elements of this approach were first set by Council Decision dated 29 June 1976.

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, reproduced below:

### 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 Articles 64 and 65 of the Staff Regulations'.*

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<sup>1</sup> Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, OJ L 287, 29.10.2013, p. 15.

*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.*

## **2. TASKS**

The group's tasks shall be:

- (a) to assist Eurostat in the preparation of legislative proposals/policy initiatives in the field of European statistics .
- (b) to assist Eurostat in the preparation of delegated acts.
- (c) to establish cooperation and coordination between the Commission and Member States or stakeholders on questions relating to the implementation of Union legislation, programmes and policies in the field of remuneration statistics for administrative purposes.
- (d) to assist Eurostat in the early preparation of implementing acts, before submission to the European Statistical System Committee (ESSC) in accordance with Regulation (EU) No 182/2011.
- (e) to bring about an exchange of experience and good practice in the field of remuneration statistics for administrative purposes.

## **3. MEMBERSHIP**

1. Members shall be Member States' authorities, namely the relevant departments of the National Statistical Institutes or other appropriate authorities of the Member States with responsibilities relevant to Article 64 and Article 65.
2. Member States' authorities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise. They shall nominate one representative for Article 64 and one for Article 65.

## **4. CHAIR**

The group shall be chaired by a representative of Eurostat.

## **5. OPERATION**

1. The group shall act at the request of Eurostat in compliance with the Commission's horizontal rules on expert groups<sup>2</sup> ('the horizontal rules').

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<sup>2</sup> C(2016) 3301.

2. Meetings of the group shall, in principle, be held on Commission premises.
3. Eurostat shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with Eurostat, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. In principle, the group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

## **6. SUB-GROUPS**

Eurostat may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by Eurostat. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.

## **7. INVITED EXPERTS**

Eurostat may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.

## **8. OBSERVERS**

1. Organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.  

This shall include partners under the trilateral Memorandum of Understanding signed between Eurostat, the United Nations International Civil Service Commission and the International Service for Remuneration and Pensions of the Co-ordinated Organisations.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers' representatives may be permitted by the Chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and its sub-groups.

## 9. RULES OF PROCEDURE

On a proposal by and in agreement with Eurostat the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules.

## 10. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443<sup>3</sup> and 2015/444<sup>4</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

## 11. TRANSPARENCY

1. The group and its sub-groups shall be registered in the Register of of Commission expert groups and other similar entities ('the Register of expert groups').
2. As concerns the group and sub-groups composition, the following data shall be published on the Register of expert groups:
  - (a) the name of Member States' authorities<sup>5</sup>;
  - (b) the name of observers;
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available on the Register of expert groups or via a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, Eurostat shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes after the meeting. Exceptions to publication shall only be possible where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001<sup>6</sup>.
  - A specific password-restricted CIRCABC archive shall be created for members of the Working Group. A public CIRCABC archive shall be created for subsequent dissemination of texts authorised for general release;

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<sup>3</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>4</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

<sup>5</sup> According to the horizontal rules, it is not mandatory to publish the name of the Member States' authorities (see Article 23.1 (b)).

<sup>6</sup> These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

- Eurostat shall publish time series of validated statistics at global level on specific indicators, the joint index and economic parities;
- Eurostat shall publish time series of detailed reports on the Dedicated Section pages of the Eurostat website.

## **12. MEETING EXPENSES**

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission<sup>7</sup>. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Done in Luxembourg, on 30 July 2021.

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<sup>7</sup> According to the horizontal rules, reimbursement of expenses is not mandatory (see Article 20).