

Decision No 7 of the Management Board of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) establishing the Rules of Procedure of the Management Board Committee on Staff Matters ('Committee on Staff Matters')

THE MANAGEMENT BOARD OF THE EUROPEAN FOUNDATION FOR THE IMPROVEMENT OF LIVING AND WORKING CONDITIONS (hereinafter referred to as 'Eurofound' or 'the Agency'),

Having regard to decision N° 5 of the Management Board of Eurofound of 3 May 2019¹ on the establishment of the Committee on Staff Matters, and in particular Article 7,

Whereas:

(1) The Management Board established the Committee on Staff Matters as a subgroup to deal with staff matters and exercise certain appointing authority powers not delegated to the Executive Director of the Agency on its behalf.

(2) This subgroup consists of four members of the Management Board, i.e. one nominated by each of the three Groups and one by the Commission and is chaired by the latter.

(3) The Committee on Staff Matters must operate efficiently in order to ensure it performs the tasks assigned to it under Article 5 of Eurofound's decision on the establishment of the Committee on Staff Matters.

(4) In particular, it should be guaranteed that individual staff matters, including the adoption of decisions of the Appointing Authority or Authority Empowered to Conclude Contracts of Employment (hereinafter referred to as the 'Appointing Authority') on complaints lodged under Article 90(2) of the Staff Regulations² when the contested decision was taken at the level of the Executive Director of Eurofound, shall be treated with urgency and with the utmost confidentiality.

¹. WPR 2019-04-MB.

². 'Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p. 15

(5) Internal rules adopted by the Governing Board on the basis of Regulation (EEC) No. 1365/75³ remain in force after 20 February 2019 unless otherwise decided by the Management Board in application of Regulation (EU) 2019/127⁴.

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1 – Definitions

1. Where in the present Rules of Procedure reference is made to the ‘Board’, this reference shall cover both the Management Board and the Executive Board, unless an explicit distinction is made between the two bodies.
2. The Chairperson, other members and alternates that constitute the Committee on Staff Matters are hereinafter referred to as its ‘members’, unless otherwise indicated.
3. ‘The term ‘Groups’ refers to the three groups established by the representatives of the governments, of the employers’ organisations and of the employees’ organisations within the Management Board.
4. Where the Executive Director of Eurofound is absent or otherwise unable to perform an action required under the present rules, he or she shall be replaced by the Deputy Director.
5. Where reference is made to ‘present rules’, this shall be construed as reference to the present Rules of Procedure.
6. For the purposes of the present rules, ‘working days’ means all days other than public holidays⁵, Saturdays and Sundays.

Article 2 – Composition

1. The Committee on Staff Matters (hereinafter referred to as the ‘Committee’) shall be composed of four members of the Management Board with the right to vote.
2. The members of the Committee shall be appointed by the Management Board on the basis of one (1) candidate designated by each of the three Groups. One (1) member shall be appointed by the Commission.

³. Regulation (EEC) No 1365/75 of the Council of 26 May 1975 on the creation of a European Foundation for the improvement of living and working conditions, OJ L 139, 30.5.1975, p. 1-4.

⁴. Regulation (EU) 2019/127 of the European Parliament and of the Council of 16 January 2019 establishing the European Foundation for the improvement of living and working conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75, OJ L 30, 31.1.2019, p. 74-89.

⁵. For the calculation of the period concerned, account shall be taken of the list of public holidays established for Eurofound’s Dublin office each calendar year.

3. Each member of the Committee shall have an alternate. The alternate shall represent the member in the latter's absence. The alternates shall be appointed in accordance with paragraph 2.

Article 3 – Term of Office

1. The term of office of members, and their alternates, shall be four (4) years. The term shall be renewable.
2. The term of office of a member of the Committee, or of his or her alternate, shall automatically end on the date on which his or her membership of the Management Board ends, unless their mandate is terminated at an earlier date.
3. Upon expiry of their term of office or in the event of their resignation or termination of their mandate before the expiry of their term of office, members and alternates of the Committee shall remain in office until their appointments are renewed or until they are replaced. Any member or alternate appointed in replacement of a former member or alternate shall serve for the remainder of his or her predecessor's term.

Article 4 – Independence

1. The members of the Committee shall act with independence and impartiality, applying the highest professional and ethical standards, in the performance of their duties. They shall act in the best interests of Eurofound and undertake to avoid any situation liable to give rise to actual or potential conflicts of interest.
2. The members of the Committee shall make a declaration of interests which could be prejudicial to their independence. These declarations shall be signed by the Committee members in addition to those submitted by them upon their appointment as members of the Management Board of the Agency. The responsibility to ensure that declarations of interest are up-to-date on an annual basis lies with the Committee members.
3. Prior to their participation in a meeting, members of the Committee shall promptly inform the Chairperson, on their own initiative, of any interest which could be considered prejudicial to their independence in respect of any point on the agenda of the meeting. Anyone declaring such interests shall not participate in the discussion and decision(s) on the relevant agenda point. In the case of adoption of decisions by written procedure, this information should reach the Chairperson before the deadline for response expires.
4. In particular as regards decisions of the Appointing Authority on complaints submitted under Article 90(2) of the Staff Regulations or other staff matters of a similar nature, where there is reason to believe that a member of the Committee has a personal relationship with the complainant or another person affected by the complaint, or where any other potential conflict of interest could arise, he or she shall recuse himself or herself from the case and be replaced by his or her alternate.
5. A conflict of interests shall be deemed to exist in case of any situation in which the impartial and objective exercise of the duties of a member of the Committee is or might be perceived as

being compromised, directly or indirectly, by a personal interest held or entrusted to a given individual, whether of a financial nature or not⁶.

Article 5 – Chairperson

1. The Committee shall be chaired by the member representing the Commission.
2. The term of office of the Chairperson shall be two (2) years. The term shall be renewable.
3. Where the Chairperson's membership of the Management Board ends at any time during his or her term of office, the term of office automatically expires on that date.
4. In performing his or her role, the Chairperson shall act objectively and impartially. When representing the Committee, the Chairperson shall express positions that have been agreed upon by that Committee.
5. If the Chairperson is absent or otherwise prevented from attending to his or her duties, the latter shall be performed by his or her alternate on the Committee.

Article 6 – Meetings

1. The Chairperson shall convene meetings of the Committee either on his or her own initiative or at the request of at least half of the members of the Committee or at the request of the Secretariat of the Committee.
2. The Secretariat of the Committee shall, on behalf of the Chairperson, notify the members and alternates of the date of a meeting not less than fifteen (15) working days before the date of that meeting. If there is a need for the Committee to respond to a complaint submitted under Article 90(2) of the Staff Regulations or deal with other staff matters of a similar nature, the meeting shall be held preferably at least ten (10) working days before the deadline imposed by the Staff Regulations or other equivalent rules for response in the case of a complaint, or other action in any other case.
3. Meetings of the Committee shall be held at the Brussels Liaison Office of Eurofound or at its seat in Dublin.
4. Where appropriate, the Secretariat of the Committee may, after consultation with the Chairperson, arrange meetings during which some or all members of the Committee participate via teleconferencing or video-conferencing.
5. The members of the Committee shall attend all meetings of the Committee. Where this is not possible, their alternate shall attend on their stead.
6. The members of the Committee shall notify the Secretariat of the Committee of their intention to attend the meeting or be represented by their alternate at the latest ten (10) working days before the meeting. The members of the Committee who do not intend to attend the

⁶ For a definition of a 'conflict of interest' see the Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies, 10 December 2013, p. 5, available [here](#).

meeting shall inform their alternate without delay. The latter shall inform the Secretariat of the Committee of his or her intention to attend the meeting as soon as possible.

7. Besides its members, or their alternates, other persons may take part in the meetings of the Committee without being entitled to vote, upon agreement by the Chairperson, as appropriate.

Article 7 – Agenda

1. A provisional agenda shall be drawn up by the Chairperson in consultation with the Secretariat of the Committee. Where feasible, complaints submitted under Article 90(2) of the Staff Regulations or other staff matters of a similar nature shall be grouped on the basis of their statutory deadlines with a view to enabling the Committee to deal with more than one case in any given meeting.

2. The agenda shall be forwarded to the members and other participants together with the notification of the meeting referred to in paragraph 2 of Article 6. The relevant supporting material shall be made available ten (10) working days prior to the meeting. In exceptional circumstances, this time-limit may be reduced to five (5) working days. In cases where the issues to be discussed are deemed to be of a particular complexity which might require additional preparation before the meeting by the Committee members, the relevant supporting material shall be made available twenty (20) working days prior to the meeting. Where doubt arises as to the time needed for preparation in advance of a meeting, the Secretariat of the Committee shall seek the opinion of its members about the appropriate deadline for submission of the relevant supporting material.

3. At the discretion of the Chairperson, urgent matters may be raised at the beginning of a meeting by one or more members or by the Secretariat of the Committee and added to the agenda.

Article 8 – Quorum

1. The presence of the four (4) members of the Committee, or of their alternates, shall constitute the quorum necessary for a meeting to validly take place.

2. In the absence of a quorum, the Chairperson shall close the meeting and convene another as soon as possible or hold the meeting without taking any decisions.

Article 9 – Voting

1. Each member of the Committee with the right to vote shall have one vote. Delegation of vote by members of the Committee, or their alternates, who are unable to attend a meeting is not permitted.

2. Decisions of the Committee shall be adopted by consensus among the members present. If consensus cannot be reached, the Committee shall decide by simple majority of the members present.

3. In case of a tie or deadlock, the vote of the Chairperson shall be decisive.

Article 10 – Written procedures

1. The meetings of the Committee shall be scheduled with a view to ensuring that substantial decisions can be taken, to the extent possible, at meetings.

2. At the request of the Secretariat of the Committee and upon agreement by the Chairperson, decisions of the Committee may be adopted by written procedure. To this end, the Committee members shall receive in advance the proposal on which a decision is sought and requested to submit comments or reservations, if any, within a defined period.

3. The period of response to the written procedure must not be less than ten (10) working days, save in exceptional circumstances under which it can be reduced to five (5) working days. This deadline may be extended if the period of response falls within a holiday period.

4. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety. Committee members may also declare that they abstain from voting.

5. Any member of the Committee with the right to vote who fails to express his or her opposition or intention to abstain before the deadline laid down in the request for written procedure is considered to have given his or her tacit agreement to the proposal.

6. Votes shall be cast by return email sent to the Secretariat of the Committee or by online voting, if available. The content of the vote shall, as far as possible, not disclose information which is personal or confidential.

7. Comments or objections shall be brought by the Committee members to the attention of the Secretary to the Committee in writing within the time-limit specified under paragraph 3. Serious objections shall be brought to the attention of the Committee members. In this case, the Chairperson, in consultation with the Secretariat of the Committee, shall decide to take one of the following actions:

(a) extend the deadline for response;

(b) terminate the written procedure without further action;

(c) suspend the written procedure and resume it once the initial proposal has been amended;

(d) convene an extraordinary Committee meeting.

8. Any extension of the time-limit in accordance with point (a) of paragraph 2 may not go beyond ten (10) working days.

9. If no reservations have been made by the Committee members before the time-limit expires, the Secretariat of the Committee shall notify the Chairperson and record approval of the proposal on his or her behalf. If necessary, the Secretariat of the Committee shall draw up a final text taking account of drafting changes and minor textual corrections.

10. If some formal defect is found during the course of the written procedure which makes it impossible to approve the proposal, the written procedure may be suspended until further notice.

Article 11 – Decisions

1. Decisions adopted by the Committee shall be signed by its Chairperson. His or her signature shall be preceded by the following words: ‘For the Management Board Committee on Staff Matters’.

2. The Secretariat of the Committee shall give notice of the decisions adopted by the Committee, in particular those adopted by written procedure. A summary of the decisions taken at each meeting of the Committee or by written procedure shall be forwarded to its members no later than fifteen (15) working days after the end of the meeting or expiry date of the written procedure.

3. The Chairperson of the Committee shall inform the members of the Management Board of the decisions taken by the Committee during each meeting of the Management Board. In case of any subsequent or follow-up action required from the Management Board, its members will be informed without undue delay.

4. The information provided by the Chairperson of the Committee in accordance with paragraph 3 shall be limited to the number of meetings held or written procedures launched, the number of the decisions adopted by the Committee and the topic covered by each of them. Information on decisions adopted by the Committee in response to complaints submitted under Article 90(2) of the Staff Regulations or other staff matters of a similar nature shall not contain personal data related to staff or any information on the substance of the cases handled by the Committee.

5. In the case of decisions adopted in response to a complaint submitted under Article 90(2) of the Staff Regulations or other staff matters of a similar nature, the Committee shall be informed of any actions taken by the complainant or other person concerned by the staff matter in question upon expiry of the three-month period during which he or she may lodge an appeal against the Court of Justice of the European Union against this decision or upon expiry of any other statutory deadline during which the decision of the Committee may be challenged.

Article 12 – Minutes of meetings

1. Minutes shall be taken of each meeting.

2. These minutes shall include:

(a) the list of attendees;

(b) a list of the decisions adopted or, in the absence of a decision, reference to the conclusions reached;

(c) a list of agreed follow-up actions.

3. The Committee shall receive the draft minutes not later than twenty-five (25) working days after the meeting. Motions to amend the draft minutes shall be submitted in writing to the Secretariat of the Committee and the Chairperson in writing not later than fifteen (15) working days after the minutes have been received by the members.
4. The minutes shall be adopted at the next meeting or by written procedure.

Article 13 – Confidentiality and protection of personal data

1. The proceedings of the Committee shall be private. Members and other persons present at the meetings of the Committee shall respect the private nature of the proceedings.
2. The Committee may determine that certain parts of a meeting shall be treated as confidential. This duty of confidentiality shall apply to the members of the Committee and to any other person present at the meeting.
3. If deemed necessary by the Chairperson, persons who are not members of the Committee may be requested to leave the room during the deliberations on a confidential matter.
4. When a matter of conflict of interest or a similar issue arises, the Committee may decide to examine during its meeting specific items on its agenda without the members or other participants concerned being present. These members or other participants shall be informed in due time of the intention of the Committee to decide whether they should be present or not. If the alternates are unable to vote in their place, the Committee shall refrain, where possible, from deciding on that specific agenda item and postpone the decision to the next meeting.
5. The final minutes of the meetings shall be published with the exception of those parts that relate to issues which need to be treated as confidential or disclosure of which could harm the interest of the public, of the EU, of Eurofound or of any individual.
6. The Management Board shall be periodically informed of the work of the Committee and shall have full access to the Committee's documents upon request, with the exception of those parts that relate to issues which need to be treated as confidential or disclosure of which could harm the interest of the public, of the EU, of Eurofound or of any individual.
7. The members of the Committee shall undertake to treat in strict confidentiality all information related to cases assigned to them for adoption of the decision of the Appointing Authority on complaints submitted under Article 90(2) of the Staff Regulations or other staff matters of a similar nature.
8. The members of the Committee shall undertake to comply with Regulation (EU) 2018/1725⁷ in the performance of their duties. The Committee shall cooperate with the Data Protection

⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

Officer (DPO) of the Agency and shall seek his or her opinion on any matter related to protection of personal data.

9. Each member of the Committee shall complete and sign a declaration of confidentiality and adhere to the data protection statement annexed to the present rules.

10. The members of the Committee shall be required, even after their duties have ceased, not to disclose information of the kind covered by the duty of professional secrecy. Other persons attending a Committee meeting or supporting Committee members, or their alternates, in their preparations for a meeting shall be bound by the same duty of confidentiality.

Article 14 – Secretariat

1. The Executive Director shall prepare and organise the work of the Committee and offer the requisite administrative and legal support, including in the form of specialised training, to its members to ensure that they can perform their tasks in an efficient manner by establishing the Secretariat of the Committee.

2. The Secretariat of the Committee shall be composed of the Secretary to the Board, the Head of Human Resources or, as appropriate, any other member of the HR staff, and the Legal Officer of the Agency.

3. The Secretariat of the Committee shall assist the Committee in preparing decisions for adoption in the meetings or via written procedure. It shall in particular explain the procedure to the members of the Committee, inform them of the applicable statutory deadlines and provide them, where necessary, with legal assessment and advice.

4. The members of the Secretariat of the Committee shall be bound by the duty of confidentiality in accordance with Article 17 of the Staff Regulations.

Article 15 – Application of the Rules of Procedure of the Management Board and Executive Board

Where a question or matter is not specifically dealt with under the present rules, the Rules of Procedure of the Management Board and Executive Board of Eurofound shall apply *mutatis mutandis* provided that they do not contradict, directly or indirectly, the present rules.

Article 16 – Amendment

The Management Board may amend the present rules if a majority of its members so decides.

Article 17 – Entry into force

The present rules shall enter into force on the day following that of their adoption by the Management Board.

Done in Dublin on 28 June 2019

For the Management Board
The Chairperson

[Aviana Bulgarelli]