

Code of good conduct for the COS (18 October 1996)

Caption: By this Decision of 18 October 1996, the Economic and Social Committee and the Committee of the Regions adopt, by joint agreement, rules for the exercise, within the common organisational structure (COS), of the powers conferred on the appointing authority by the Regulations applicable to officials and other servants of the European Communities.

Source: Committee of the Regions, Brussels. Decision No. 145/96.

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Decision No. 407/96 A of the Economic and Social Committee and No. 145/96 of the Committee of the Regions of 18 October 1996

The Bureau of the Economic and Social Committee and the Bureau of the Committee of the Regions

The Secretary-General of the Economic and Social Committee and the Secretary-General of the Committee of the Regions

HAVING REGARD TO Protocol 16 appended to the Treaty on European Union,

HAVING REGARD TO the Regulations and Rules applicable to officials and other servants of the European Communities and, in particular, the first paragraph of Article 2 thereof,

HAVING REGARD TO the provisions of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities, as amended by Council Regulation No. 610/90 of 13 March 1990, and Council Regulation No. 1923/94 of 25 July 1994,

HAVING REGARD TO the provisions of Commission Regulation No. 3418193 of 9 December 1993 laying down detailed rules for the implementation of certain provisions of the Financial Regulation,

HAVING REGARD TO Rules 8, 9, 60, 61 and 63 of the Rules of Procedure of the Economic and Social Committee (ESC),

HAVING REGARD TO Rules 22, 29, 30, 31 and 32 of the Rules of Procedure of the Committee of the Regions (COR),

WHEREAS Protocol 16 appended to the Treaty on European Union states that “the Economic and Social Committee and the Committee of the Regions shall have a common organizational structure”, hereinafter called the COS,

WHEREAS the above-mentioned Financial Regulation provides for the creation, under the new section VI of the budget, of three separate parts: “part A” for the ESC, “part B” for the COR and “part C” for the common organizational structure of the Economic and Social Committee and the Committee of the Regions,

WHEREAS the Rules of Procedure of the Economic and Social Committee and the Rules of Procedure of the Committee of the Regions, as approved by the Council, stipulate that the two institutions shall determine by joint agreement the organizational and administrative arrangements for the Common Organizational Structure,

WHEREAS the above-mentioned Decision No. 26/95 of 9 February 1995 lays down the roles governing the exercise of the powers of the authorizing officer in respect of “part C” of the budget, which deals with the common organizational structure of the Economic and Social Committee and the Committee of the Regions,

WHEREAS it is also necessary to clarify the rules governing the exercise of the powers conferred on the appointing authority in order to guarantee compliance with the Staff Regulations and the proper functioning of the mechanism put in place by the new Financial Regulation,

WHEREAS the first paragraph of Article 1 of the Staff Regulations states that “for the purposes of these Staff Regulations, ‘official of the Communities’ means any person who has been appointed, as provided for in these Staff Regulations, to an established post on the staff of one of the institutions of the Communities by an instrument issued by the appointing authority of that institution”,

WHEREAS in accordance with Article 20 of the Financial Regulation, the staff of the ESC, the COR and their common organizational structure are listed separately according to their specific areas of activity,

WHEREAS each of these institutions enjoys autonomy in administering the posts listed in the table appended to the specific part of its budget,

WHEREAS persons assigned to the common organizational structure nevertheless work for both Committees; and whereas it is therefore important to adopt rules for the exercise of the powers conferred on the appointing authority within the common structure, thereby making it possible to administer, by joint agreement, the resources and services concerned, whilst respecting the exclusive, pre-eminent ties linking each official or other servant of the European Communities to one of the institutions of the European Union or to one of the bodies treated as an institution in accordance with the second paragraph of Article 1 of the Staff Regulations,

WHEREAS the mechanism to be introduced is based on the principle that the powers conferred on the appointing authority with regard to each official or other servant assigned to the common organizational structure are exercised by the competent authority in the institution on which that official or servant depends,

WHEREAS this principle nevertheless needs to be modified in certain cases to allow the joint services to be administered and run in accordance with the aims of achieving synergies and economies as imposed by the Treaty on European Union and the budgetary authorities; and whereas such modifications need to be reduced to a minimum, in terms of both number and content, in order to preserve the independence of the two Committees,

HAVE DECIDED THE FOLLOWING BY JOINT AGREEMENT:

1. Competence in exercising the powers of the appointing authority

1.1 The powers conferred by the Staff Regulations on the appointing authority shall be exercised, with regard to each official or servant assigned to the COS by the competent authority of the institution which appoints or engages that official or servant.

1.2 The establishment plan adopted by joint agreement in respect of the common organizational structure (c.f. Article 8 below) shall determine the posts to be filled by the officials and servants included in the list of posts "C" appended to section VI of the budget and shall indicate, on a post-by-post basis, the Committee responsible. A budget post belonging to the ESC shall be marked "CA", a post belonging to the COR "CB".

1.3 The Secretaries-General of the ESC and the COR shall settle by joint agreement all matters concerning the assignment and career of COS personnel.

1.4 In the case of each official or servant assigned to the common organizational structure, the Rules of Procedure of the institution on which that official or servant depends shall determine the authority responsible for exercising the powers of the appointing authority.

By way of guidance the following table indicates the competent authorities:

[Competent Authority](#)

2. Consultation procedure

2.1 The powers conferred on the appointing authority by Articles 4, 7, 27 to 31, 36, 37, 38, 39, 41, 45, 49, 50 and 51 of the Staff Regulations shall be exercised by the competent authority, determined in accordance with the provisions of Article 1 above, after the authority of the other institution has been consulted.

2.2 The powers conferred on the authority empowered to conclude contracts of employment under Articles 12 to 15, 47 to 50a, 54 to 56, 74 to 78 and 82 of the Conditions of Employment applicable to other servants

shall be exercised by the competent authority, determined in accordance with the provisions of Article 1 above, after the authority of the other institution has been consulted.

2.3 This consultation procedure shall take the form of a prior notification. As proof that this procedure has been followed, the authority consulted shall put its official stamp on the document forming the subject of the consultation.

2.4 The authority consulted may, within the limits of the powers conferred upon it, accord delegations and sub-delegations which it deems appropriate for such a consultation procedure.

3. Exercise of the powers conferred on the appointing authority under the cooperation procedure

3.1 The powers conferred on the appointing authority with regard to the appointment or promotion of the head of translation, the budget coordinator and the coordinator responsible for document production shall be exercised by the competent authority, determined in accordance with the provisions of Article 1 above, after the procedure for cooperating with the authority of the other institution has been implemented.

3.2 This cooperation procedure shall take the form of a search for a consensus. The competent authority shall submit a draft decision, duly signed, to the authority of the other institution. If the draft decision is not approved by the authority of the other institution, it cannot be adopted until five working days have elapsed. This period shall be used to initiate cooperation between the authorities of the two Committees in the search for a consensus. If there is still disagreement after the cooperation procedure has been implemented, the competent authority shall adopt its decision.

4. Exercise by joint agreement of the powers conferred on the appointing authority

4.1 Notwithstanding the provisions of Articles 1 and 2, the following powers conferred on the appointing authority shall be exercised by the competent authorities¹ of the two Committees acting in joint agreement:

drawing up of the COS establishment plan and Article 5(4) of the Staff Regulations (description of functions);

drawing up of the draft estimates of revenue and expenditure in respect of part C of section VI of the budget;

drawing up of internal provisions for implementing the budget in respect of part C of section VI of the budget;

Article 21 of the Staff Regulations;

Articles 55 et. seq. of the Staff Regulations (hours of work);

Articles 57 et. seq. of the Staff Regulations (leave);

Article 61 of the Staff Regulations;

laying down of provisions for giving effect to the Staff Regulations (internal directives), and Article 110 of the Staff Regulations;

appointment of the Administrative Head of the COS;

Articles 16 to 18, 57 to 60 and 102 of the Conditions of Employment application to other servants;

laying down of provisions for giving effect to this decision.

The above list is non-exhaustive.

4.2 Decisions taken in the fields listed in the preceding paragraph shall bear the signatures of the competent authorities of each Committee.

5. Rights and obligations of officials

5.1 Officials and servants of the common organizational structure shall work for both Committees.

5.2 The powers conferred on the appointing authority shall be exercised by the competent authority of the Committee responsible, under the terms of Article 1 above, insofar as the rights and obligations of officials and servants assigned to the common organizational structure are concerned.

5.3 Officials and servants assigned to the common organizational structure shall be subject to the lines of authority fixed for the common organizational structure as a whole. These lines of authority shall be laid down in the establishment plan adopted in accordance with Article 8 below and by the decisions adopted under the provisions of the present decision (particularly Article 6 thereof).

5.4 Internal directives implementing provisions of the Staff Regulations shall be adopted by a joint decision of the two Secretaries-General on the basis of the joint proposals of the heads of personnel of each institution.

5.5 The Committee of the Regions shall undertake to adopt internal directives and other rules implementing the provisions of the current Staff Regulations, in accordance with the guidelines adopted by the meetings of heads of administration of all the institutions.

6. Administrative head of the Common organizational structure

6.1 The administrative head of the common organizational structure shall be appointed by joint agreement between the President of the Economic and Social Committee and the Bureau of the Committee of the Regions.

6.2 The administrative head shall exercise his duties under the authority of the Secretaries-General of the two Committees.

6.3 The administrative head shall be responsible directly or via other persons acting under his responsibility, for the proper functioning of the services comprising the common organizational structure. His task shall consist of:

exercising the duties of authorizing officer within the limits and conditions laid down by the two Committees,

coordinating, supervising and monitoring the work of the various services,

liaising with the relevant services of the Secretariats-General of the ESC and the COR

6.4 In exercising his duties, the administrative head shall forward to the competent services of each Committee the information necessary for the preparation and drawing up of decisions falling within the

remit of the appointing authority, depending on the particular link which each official or servant assigned to the common organizational structure has with one or the other Committee, or simultaneously with the competent authorities of both Committees, regarding the areas listed in Articles 2 and 3 above.

7. Contact group of the common organizational structure

7.1 A COS contact group shall be established.

7.2 The composition of the contact group shall be decided on the basis of procedures laid down by the Bureau of each Committee.

7.3 The contact group shall be a forum for meetings and consultations between representatives of the political authorities of both Committees. The contact group shall have no decision-making powers.

7.4 The contact group shall meet at the invitation of the President of the Economic and Social Committee or the Chairman of the Committee of the Regions, or at the joint request of the two Secretaries-General,

8. Establishment plan

The two Secretaries-General shall lay down by joint agreement the outline establishment plan for the common organizational structure. This document shall be drawn up on the basis of proposals submitted jointly by the heads of personnel of each Committee with the help of the administrative head of the common organizational structure. It shall be forwarded, for an opinion, to the staff committees of the two Committees.

The definitive version of the outline establishment plan shall then be adopted by joint agreement between the Bureau of the Economic and Social Committee and the Bureau of the Committee of the Regions.

After adoption of the outline establishment plan the heads of personnel shall lay down by joint agreement the establishment plan listing all the individual posts in the common organizational structure.

After the staff committees of the two Committees have been consulted, the definitive version of the establishment plan, listing all the individual posts in the common organizational structure, shall be adopted by a decision reached jointly by the two Secretaries-General.

9. Meeting schedules

The two Secretaries-General shall, on the basis of joint proposals from the heads of the registry of each Committee acting in liaison with the administrative head of the common organizational structure, draw up by joint agreement draft meeting schedules for the constituent bodies of both assemblies.

The drafts shall be submitted for examination to the Bureau of each assembly.

Each Bureau shall adopt the definitive schedule for meetings falling within its terms of reference before 1 October of the year preceding the year to which the schedule refers.

10. Draft estimates of revenue and expenditure relating to part “C” of section VI of the budget

The two Secretaries-General shall, on the basis of joint proposals from the competent services of each Committee working in conjunction with the accounting officer and after liaising with the COS administrative head, draw up by joint agreement the draft estimates of revenue and expenditure relating to part “C” of section VI of the budget, in accordance with the Rules of Procedure of each institution. The draft shall be submitted to the Bureau of each assembly.

The competent authorities of each Committee shall adopt the estimates of revenue and expenditure of part

“C” of section VI of the budget, in accordance with the relevant provisions of their respective Rules of Procedure.

11. Implementation of the budget

11.1 The President of the Economic and Social Committee and the Chairman of the Committee of the Regions shall exercise jointly the powers conferred by the Financial Regulation (particularly Articles 29 and 39² thereof) on the higher authority regarding the implementation of part “C” of section VI of the budget.

11.2 The President of the Economic and Social Committee and the Chairman of the Committee of the Regions shall by joint decision, draw up internal provisions for implementing part “C” of section VI of the budget, on a joint proposal from the two Secretaries-General.³

12. Arrangements for implementing the provisions of this Decision

The two Secretaries-General shall be charged with the task of implementing this Decision.

Each authority which has signed this decision shall be entitled to propose a change to all or part of these provisions. This proposal shall be discussed jointly by both authorities within one month of the date of notification of the proposed change to the other party. Any decision to amend the text will be taken within two months of the date of notification of the proposed change.

13. Entry into force

This Decision shall enter into force immediately.

Done at Brussels

For the Bureau of the ESC

President

Secretary-General of the ESC

For the Bureau of the COR

Chairman

Secretary-General of the COR

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* *

N.B.: Appendix overleaf

Appendix

[Officials](#)

[Other servants](#)

¹ As determined in accordance with the Rules of Procedure of the two institutions. By way of guidance, see the table under Article 1.5. above.

² Overruling mechanism

³ In accordance with Article 9 of Commission Regulation No. 3418/93 of 9 December 1993 laying down detailed rules for the implementation of certain provisions of the Financial Regulation of 21 December 1977.