

Cooperation agreement between the Economic and Social Committee and the Committee of the Regions (April-Mai 1999)

Caption: Cooperation agreement between the Economic and Social Committee (ESC) and the Committee of the Regions (COR), approved by the ESC Bureau on 27 April 1999 and by the COR Bureau on 6 May 1999. The agreement is applicable from the entry into force of the Amsterdam Treaty and replaces the Protocol on the Economic and Social Committee and the Committee of the Regions, repealed by the said treaty.

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Cooperation agreement between the Economic and Social Committee and the Committee of the Regions

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1. Introduction - General cooperation framework

1.1 With the entry into force of the Amsterdam Treaty and the abolition of Protocol 16, the two Committees will each enjoy administrative and budgetary autonomy. In the light of budgetary restraint, some new form of cooperation must be set up between the two Committees, in the context of a more general cooperation between the Community institutions. In this respect, the experience of the Common Organisational Structure (SOC) will be of great significance.

1.2 If the cooperation procedure is to succeed, the parties must show their willingness for this Cooperation Agreement to establish a clear, well-defined legal framework. Organising the framework raises technical and legal problems, as each institution retains responsibility for its own administration and management. Administration of the services which are to be run jointly (Joint Services), and management of Joint Services staff and the relevant appropriations will require an appropriate legal framework which complies with the Staff Regulations and the Financial Regulation.

1.3 Amendments to existing texts should be as minimal as possible, whilst ensuring the legal certainty of any decisions taken to meet the needs of cooperation. To this end, a future amendment to the Staff Regulations should authorise administration of the Joint Services and encourage a consistent personnel policy. The amendment should protect the institutional and administrative authority of each Committee.

1.4 The Cooperation Agreement also reflects the firm commitment of both Committees to a form of cooperation which:

- is efficient and advantageous to the two institutions;
- is stable and planned for the long-term;
- is transparent and flexible;
- takes the interests of staff into account;
- puts both institutions on an equal footing.

1.5 The two Committees undertake to carry out an annual review of the Cooperation Agreement, and to revise it if necessary, in accordance with § 6.2 of the Agreement.

2. Scope of cooperation

2.1 As opposed to the situation which prevailed before the entry into force of the Amsterdam Treaty, when the Common Organisational Structure (COS) was in operation, the new arrangement established by the two Committees is based on:

- autonomy of a certain number of departments which impact directly on the independence and efficiency of each Committee;
- joint operation of the other departments of the former COS.

2.2 In this context, the departments which will become autonomous are:

- Finances;
- Financial Control;
- Staff support services (except for medical and welfare departments);
- Staff representation secretariat.

2.3 Under the Agreement, the ESC is prepared to boost COR manpower by ten posts, in order to enable new autonomous departments to operate. While the total number of posts to be handed over is to be respected (ten) the transfer procedure should be carried out on a voluntary basis. A list of these posts can be found in Appendix I of this Agreement.

2.4 The cooperation arrangements will affect the following departments ("Joint Services"), some of which are linked to the production chain, whilst others are connected with premises:

- Planning;
- Translation;
- Print shop/document distribution;
- IT department;
- Conferences;
- Ushers (meetings and floor ushers);
- Security, reception, switchboard;
- Chauffeurs;
- Maintenance of premises;
- Medical and welfare services;
- Restaurant;
- Meetings support services;
- Office management;
- Premises management;
- Library.

The work of certain Joint Services will have to be re-examined in the light of the future needs of the two Committees.

2.5 The two Committees will examine the specific arrangements which some departments will require during the transitional period, and until both Committees move into the Belliard I and II buildings and/or the Montoyer building.

3. Management of the Joint Services

3.1 Principles

Management of the Joint Services will be guided by three principles:

- the quest for economies of scale and optimum synergy;
- unitary management of resources;

- ensuring that each Committee is able to carry out its duties, on the basis of clear work programme priorities.

3.2 Distribution of resources

3.2.1 Work planning

In order to enable the Joint Services to operate satisfactorily, the contribution (input) of each Committee in terms of resources, and the level of services (output) each can expect in return, will be determined annually by common agreement by the two Committees, in accordance with § 6 of the present Agreement. To this end, planning will take place annually, based on the following criteria¹ :

- cost accounting and activity-based budgeting;
- document output and number of meetings;
- assessment of the proven and foreseeable needs of both Committees (cf. § 5.1).

3.2.2 Redeployment of human resources

As regards human resources in particular, the ESC is prepared to hand over 24 posts to the COR for the Joint Services; cf. Appendix III for grades:

This one-off operation will be phased in over three years.

It will be carried out along the following lines: by taking account of any new posts, and current and future vacancies. It should be carried out on a voluntary basis, and take into account the current ESC seniority pyramid.

On the qualitative level, and to satisfy staff's legitimate career expectations, the two Administrations undertake to assess, on a yearly basis and by common consent, the applications for any upgradings and amendments to their respective staff charts, for submission to the budgetary authority.

3.2.3 Redeployment of appropriations

When the Agreement enters into force, the breakdown of appropriations shall be that listed in Appendix IV.

3.3 Administration of the Joint Services

3.3.1 The Joint Services shall be run by a Director, assisted by a Deputy Director, appointed by the competent authorities of the two Committees, acting on a joint proposal from the two Secretaries-General.

The two Secretaries-General undertake to officially delegate management authority for the Joint Services to the Director and Deputy Director.

Heads of Department shall be appointed by the respective competent authorities, after consultation with the Joint Services Director.

3.3.2 The Joint Services Director (JSD):

- reports to the Secretaries-General, and acts within the remit conferred upon him/her by this Agreement;
- is responsible for ensuring that the Joint Services can operate. This involves:

- acting as authorising officer, in line with the remit conferred upon him/her by the competent authorities, for the budget appropriations of his/her institution (cf. §3.5.1);
 - coordinating, managing, supervising and monitoring the work of the various departments;
 - liaison and relations with the various competent departments of the ESC and COR General Secretariats.
-
- drawing up an annual activity report, and a forward programme for the following year (cf. §5.1).

3.3.3 The Deputy Joint Services Director (DJSD):

- assists and reports to the JSD;
- acts within the remit conferred upon him/her by this Agreement;
- acts as authorising officer, in line with the remit conferred upon him/her by the competent authorities, for the budget appropriations of his/her institution (cf. §3.5.1);
- exercises the powers delegated to him/her by the JSD.

3.4 Personnel management

3.4.1 Organisation and structure of the Joint Services

While the Agreement remains in force, each Committee must identify in its organisation chart, those posts which have been assigned to the Joint Services. For this purpose, the organisation charts of each Committee must comprise two parts: one determining the staff chart for the institution's specific structure (part "A"), and one identifying the posts made available to the Joint Services (part "B"). The organisational structure of the Joint Services will be made up of the two parts B.

Administration and management of Joint Services staff is the responsibility of the respective competent authority.

3.4.2 Personnel policy

In keeping with the provisions laid down under the Staff Regulations and social dialogue procedures, the two Committees undertake to pursue a uniform, fair personnel policy, based on harmonised working conditions, recruitment criteria, career development and management of rights. Appendix V contains a list of issues requiring harmonisation, and a comparison of ESC and COR rules on staff policy.

With reference to staff reports and promotions - areas in which considerable differences exist - the two Committees agree to ensure fair treatment for Joint Services staff.

To this end, they agree to harmonise the staff reports procedures and criteria for assessing merit used by the different assessors of the two Committees. If necessary, a joint meeting of the assessors would be held in order to harmonise current practice.

With reference to promotion procedures, the two Committees, pending any future amendment - following staff consultation - to their individual rules and regulations, agree to explore several avenues for harmonising their respective procedure, e.g. joint meetings of the two Promotions Committees; better consultation of assessors and direct superiors by the Promotions Committees; better consultation between the two administrations before decisions on promotion - including decisions on back-dating - are taken.

3.4.3 Greater flexibility and equal treatment for staff

In order to ensure equal treatment for the staff of both institutions and to guarantee them a uniform career structure, the two Committees agree:

- a) to maintain the "status quo" for a transitional period and until any changes are made to the Staff Regulations. This situation will be underwritten by the Cooperation Agreement. It means that staff from both institutions will have priority for Joint Services vacancies, and priority for Joint Services staff for vacancies in both Committees secretariats;
- b) to explore, in consultation with the trade unions and in a climate of stability, legal certainty and equity under the Staff Regulations, the ways and means by which the two Committees might achieve fair treatment for all staff, whilst safeguarding their individual institutional and administrative authority. "Fair treatment" means respecting the same conditions for staff career profiles in the two Committees when filling vacancies in the Joint Services as well as in the secretariat of each Committee;
- c) to incorporate fair treatment in a dynamic context of interinstitutional cooperation in the broad sense, and with the European Parliament in particular.

3.5 Management of financial resources

3.5.1 Authorisation of expenditure

The ESC and the COR delegate authorisation of expenditure for Joint Service budget items to the JSD and the DJSD respectively; each of them shall sign the documents relating to the budget of his/her own institution.

Authorisation of expenditure is to be governed by the provisions relating to the Joint Services forward programme, contained in § 5.1.

When dealing with the financial aspects of the Joint Services, the JSD shall be assisted by the relevant departments from both Committees.

3.5.2 Structure

The budgets of the two Committees must provide the Joint Services with sufficient funds to operate properly. In order to ensure transparent use of the corresponding appropriations, the two Committee budgets shall make a distinction between appropriations for their own specific secretariats and those for the Joint Services. A separate table shall be drawn up for the Joint Services appropriations, showing the contributions made by each Committee, to be appended to the JSD's annual report (cf. § 5.1).

3.5.3 Preparation

The appropriations needed to run the Joint Services shall be assessed jointly by the relevant departments of each Committee, on a proposal from the JSD. The Secretaries-General shall establish, on a proposal from the JSD, the contribution which each Committee shall make to the Joint Services.

3.5.4 Implementation

Managers for the Joint Services appropriations shall be appointed following consultation with the JSD. The two Committees may - by common agreement - re-apportion each Committee's individual contribution to the

Joint Services.

3.5.5 Financial Control

The financial controllers of the two Committees shall consult each other in connection with auditing the appropriations earmarked for the Joint Services.

4. Premises

4.1.1 The two Committees agree to occupy jointly the Belliard I and II buildings, after any asbestos has been removed and they have been completely refurbished in keeping with the rules on health and safety in force in the EU institutions. The buildings must be fitted out in such a way as to ensure each Committee retains its own identity and is treated on a par with the other.

Equal treatment for the two Committees should also be ensured during the transitional period, pending refurbishment of the Belliard buildings. For this period and following expiry of the lease on the Ardenne building, the Committees commit themselves to the Montoyer building.

4.1.2 Refurbishment of the Belliard buildings shall be the responsibility of the Joint Services, and shall be carried out under the authority of the Secretaries-General.

4.1.3 The relocation plan and any amendments thereto shall be approved by the Secretaries-General. Management of the premises shall be the responsibility of the Joint Services.

4.1.4 Management and allocation of meeting rooms shall be the responsibility of the Joint Services, in conjunction with a Meetings Coordinator appointed by each Committee.

4.2 Security

Decisions on security shall be taken by common agreement between the two Secretaries-General, including decisions on access to premises, allocation and production of badges for ESC/COR members and staff, and emergency and evacuation procedures. The JSD shall be responsible for managing security issues.

5. Joint Services work programme

5.1 The JSD shall draw up an annual activity report to be submitted to the Bureaux of the two Committees. S/he will report regularly on the activities of the Joint Services to the Secretaries-General at the meetings provided for in § 6.1 of this Agreement. The JSD shall also submit, at the beginning of each year, a forward programme for the coming year, including an income and expenditure forecast. The programme shall be based, firstly, on the activity report, and, secondly, on the forecasts which each Committee has to submit before the end of the previous year. The two Committees shall make it a priority to develop their planning methods and instruments, in order to provide for maximum efficiency in preparing the Joint Services activity plan.

Both Committees will also endeavour to secure better work organisation and improved coordination within the Joint Services. In particular they undertake to define arrangements designed to regulate the work-load better, to improve the quality of work and to spread out the Joint Services' workload in order to avoid periodic overloads. These arrangements will be defined in consultation with the relevant departments.

5.2 With reference to the planning of meetings, and in close cooperation with the JSD, the two Committees agree to brief each other in order to secure a coordinated approach to scheduling plenary sessions and section/commission meetings.

As a general rule, any overlapping of ESC and COR plenary sessions, of plenary sessions and

section/commission meetings, or holding plenary sessions over two consecutive weeks should be avoided.

An agreement shall be concluded with the European Parliament to establish the timetable for plenary sessions in the Parliament buildings. The agreement shall detail the facilities needed for the sessions.

6. Implementation and revision of the Agreement

6.1 Assessment and implementation arrangements

6.1.1 All communications connected with the implementation of this Agreement shall be made in duplicate, in writing.

6.1.2 For the purposes of implementing the Agreement, the political and administrative authorities of the two Committees shall meet regularly. These meetings will involve:

- the Contact Group² (at least twice yearly)
- the Secretaries-General (monthly and as necessary)
- the Personnel Directors (at least twice monthly).

The JSD and the DJSD shall attend the meetings.

6.1.3 Moreover, regular meetings shall be held between the Secretaries-General and the JSD, assisted by the DJSD.

6.2 Revision of the Agreement

Any draft amendment to the Agreement shall be discussed jointly by the two authorities. Any decision to amend it shall be taken within three months of notification of the draft amendment.

6.3 Conflict resolution and termination of the Agreement

6.3.1 In the event of any divergence in the implementation or interpretation of this Agreement, conflicts shall be resolved as follows:

- a) conflicts arising within the remit of the Joint Services Director (cf. § 3.3.2), shall be resolved within 15 days by the JSD, assisted by the DJSD;
- b) conflicts arising over staff policy issues shall be resolved within 15 days by the Directorates for Administration and Personnel.
- c) unresolved conflicts deriving from a) and b) shall be submitted to the Secretaries-General, who will have 15 days to resolve them;
- d) after this time, they shall be referred to the Contact Group, which will then have one month to resolve them.

6.3.2 The two Committees may, by common consent and at any time, terminate the Cooperation Agreement.

After the first half of the reference period has elapsed, and subject to the procedure provided for in § 6.3.1, each Committee shall have the right to terminate the Agreement unilaterally, by giving six months written notice to the other party.

7. Reference period

This Agreement is concluded until 31 December 2006.

It can be extended by common consent between the two institutions.

8. Interinstitutional solidarity

In the event of any exceptional event which might disrupt the cooperation provided for in this Agreement, the two Committees undertake to provide mutual assistance, and to take the concrete steps required to solve any ensuing problems.

9. Transitional and final provisions

9.1 Entry into force

9.1.1 This Agreement shall come into force after it has been signed by the competent authorities of the two Committees, as soon as the Amsterdam Treaty enters into force.

9.1.2 All provisions implementing this Agreement linked to the repercussions of the abolition of the COS will enter into force on 1 January 2000.

9.2 Transitional provision

The two Committees undertake to cooperate for a transitional period following the entry into force of this Agreement, in order to:

- allocate the budget for part C
- wind up the 1999 financial year
- continue to develop administrative systems and computer applications
- split equipment inventories
- honour current contracts

9.3 Repeal clause

The Code of Good Conduct signed by the two Committees in Brussels on 18 October 1996 (ESC Decision N° 407/96A and COR Decision N° 145/96) is hereby repealed as of 1 January 2000.

(This Agreement was originally drafted in French.)

Done in Brussels,

For the Bureau of the Economic and Social Committee

The President

Beatrice Rangoni Machiavelli

The Secretary-General

Patrick Venturini

For the Bureau of the Committee of the Regions

The President

Manfred Dammeyer

The Secretary-General

Dietrich Pause

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N.B.: Appendices overleaf.

Appendices

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¹ Procedures listed in Appendix II

² The Contact Group is an agency for contact and concerted action between the representatives of the political authorities of the two Committees. Its membership shall be defined in accordance with the provisions laid down by the Bureau of each Committee.